

# **PORTFOLIO COMMITTEE NO. 5 - LEGAL AFFAIRS**

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

## **POLICE AND EMERGENCY SERVICES**

**UNCORRECTED**

**At Macquarie Room, Parliament House, Sydney, on Thursday, 29 August 2019**

**The Committee met at 9:30**

## **RESPONSES TO QUESTIONS ON NOTICE**

### **PRESENT**

The Hon. Robert Borsak (Chair)

The Hon. Catherine Cusack

The Hon. Anthony D'Adam

The Hon. Scott Farlow

The Hon. Rose Jackson

The Hon. Trevor Khan

The Hon. Natasha Maclaren-Jones

Mr David Shoebridge

The Hon. Mark Pearson

**The Hon. David Elliott, *Minister for Police and Emergency Services***

**The CHAIR:** Welcome to the public hearing for the inquiry into budget estimates 2019-20. Before we commence, I acknowledge the Gadigal people, who are the traditional custodians of this land. I also pay my respects to Elders past and present of the Eora nation and extend that respect to other Aboriginals present. I welcome Minister David Elliott and accompanying officials to the hearing. Today the Committee will examine the proposed expenditure for the portfolio of Police and Emergency Services. Today's hearing is open to the public and is being broadcast live via the Parliament's website. In accordance with broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. The guidelines for the broadcast of proceedings are available from the secretariat.

All witnesses in budget estimates have a right to procedural fairness, according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that witnesses could answer only if they had more time or with certain documents to hand. In these circumstances, witnesses are advised that they can take a question on notice and provide an answer within 21 days. Any answers from advisers or members seated in the public gallery should be delivered through the Committee secretariat. Minister, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers seated at the table behind you. Transcripts of this hearing will be available on the website from tomorrow morning. Finally, I ask everyone turn their mobile phones to silent for the duration of the hearing. All witnesses from departments, statutory bodies or corporations will be sworn prior to giving evidence. Minister, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament.

**LIBBY STRATFORD**, Chief Financial Officer, Department of Communities and Justice, sworn and examined

**FEARGUS O'CONNOR**, Executive Director of the Office for Emergency Management, Department of Communities and Justice, affirmed and examined

**PAUL VEVERS**, Deputy Secretary, Department of Communities and Justice, sworn and examined

**MICHAEL COUTTS-TROTTER**, Secretary, Department of Communities and Justice, sworn and examined

**MICHAEL FULLER**, Commissioner of the NSW Police Force, NSW Police Force, sworn and examined

**PAUL BAXTER**, Commissioner of Fire and Rescue NSW, Department of Communities and Justice, affirmed and examined

**KYLE STEWART**, Acting Commissioner of the State Emergency Service, Department of Communities and Justice, sworn and examined

**SHANE FITZSIMMONS**, Commissioner of NSW Rural Fire Service, Department of Communities and Justice, sworn and examined

**The CHAIR:** I declare the proposed expenditure for the portfolio of Police and Emergency Services open for examination. Questions about this portfolio will now begin. All witnesses, including the Minister, will be questioned in the morning session. After the lunch break, we will continue questioning Government witnesses; the Minister will not be questioned in the afternoon and evening sessions. As there is no provision for any witnesses to make an opening statement before the Committee commences questioning, I begin with questions from the Opposition.

**Acting Commissioner STEWART:** Mr Chair, administratively, Rob Rogers is an apology.

**The CHAIR:** I have noted that. Thank you.

**The Hon. ANTHONY D'ADAM:** My first question is to the Commissioner of Police. Last estimates, there was a discussion about the savings made from re-engineering and you stated that \$14.4 million had been realised. Does that remain correct?

**Commissioner FULLER:** Yes.

**The Hon. ANTHONY D'ADAM:** You stated that just over 100 commissioned officer positions had been downgraded but they were still getting paid at their effective pay rate of the previous positions they were in. Is that correct as well?

**Commissioner FULLER:** There were, as it turned out, 98 to 99 commissioned officer positions that were downgraded to constable positions as per the direction from Cabinet in terms of the 50 recommendations coming into the role as Commissioner of Police. Certainly, as part of re-engineering, we realised those savings. Those positions that were not all occupied at the time over the next 18 months were vacated, officers moved to other positions and some retired. But at the end of the day, as we sit here, the next budget estimates for 2019, there are no commissioned officer positions who are not gainfully employed in full-time positions.

**The Hon. ANTHONY D'ADAM:** What have been the total employee-related savings that have been achieved from the NSW Police Force re-engineering?

**Commissioner FULLER:** The savings were \$14.4 million but as we went into the Expenditure Review Committee [ERC] for, I think, 2018, those savings were returned back to New South Wales police as part of a realignment on efficiency savings that we had been under pressure to achieve since 2012. I think it is on record over that period from 2012 to 2017 we realised some \$550 million savings through efficiency savings dividends. Coming into the role post-re-engineering, it was a realignment of \$141 million in terms of efficiency savings dividends. That was not sought by Treasury. On top of that, there was \$100 million additional into the New South Wales police budget that included, in part, the \$14.4 million savings.

**The Hon. ANTHONY D'ADAM:** Do the savings include the additional stage two business improvement stage elements that have continued well into 2019, including the most recent merged command for South Sydney Police Area Command [PAC]?

**Commissioner FULLER:** Sorry, I did not understand the question.

**The Hon. ANTHONY D'ADAM:** Sorry. Do the savings include the additional stage two—that is, the business improvement stage—elements that have continued well into 2019, including the most recent merged command for South Sydney?

**Commissioner FULLER:** Post-re-engineering in terms of local area commands [LAC] and district changes, the only merger that there has been was a three-way merger between Eastern Beaches, then Botany Bay and Redfern. They have been merged three into two. There have been savings in relation to commissioned officer positions. But I have taken the same ethos as Cabinet did, any positions that are made redundant are put back into a pool and redistributed as either sergeants or constables in frontline positions.

**The Hon. ANTHONY D'ADAM:** What are the total number of commissioned officer positions that have been deleted and replaced with non-commissioned officer positions?

**Commissioner FULLER:** I will take it on notice. I actually read it last night: It was about 98 or 99, but I will take it on notice just to be sure. That will not include the positions that we realised out of the Redfern, Botany Bay, Eastern Beaches merger. I could take that on notice. It will be somewhere between 98 and probably 108.

I am advised:

As at 30 September 2018 (post-reengineering), a total of 104 commissioned officers positions were deleted and replaced with 112 non-commissioned officer positions.

**The Hon. ANTHONY D'ADAM:** Minister, the *Report on Government Services 2019*, chapter 6, Police Services, produced by the Productivity Commission, shows that the real recurrent expenditure per person has significantly dropped from 2016-17 to 2017-18. Why was there a drop in real recurrent expenditure?

**Mr DAVID ELLIOTT:** Probably there could be any number of reasons for that so I will take that on notice.

I am advised:

This information is available in the Report on Government Services available at [www.pc.gov.au](http://www.pc.gov.au).

**The Hon. ANTHONY D'ADAM:** Commissioner, how does New South Wales compare with other jurisdictions for real recurrent expenditure?

**Commissioner FULLER:** In terms of broad growth around recurrent expenditure, there has been an increase in the budget since my time as commissioner and there has been a boost in capital expenditure from \$286 million by \$100 million, which is about building new police stations and that is certainly exciting. When you look at—and we did leading into the ERC in 2017 and 2018—there are studies done in relation to population of 100,000 people. Now whether that is accepted as the appropriate benchmark for funding for like States and Territories, I do not know the answer to that. But with the 2018 ERC decision to remove efficiency savings dividends—\$141 million—and then the increase in the police budget by \$100 million, which is a \$241 million turnaround, it put us in a much stronger position in relation to the per 100,000-person Australian average, which is looked at by the Federal Government broadly in terms of the statistical outcome.

**The Hon. ANTHONY D'ADAM:** Minister, why in the 2019 budget were the NSW Police Force operating expenses cut by \$93.1 million, representing an 18 per cent reduction in funding on items such as uniforms, vehicles, maintenance and operational supplies?

**Mr DAVID ELLIOTT:** Sorry, what was the second half of the question?

**The Hon. ANTHONY D'ADAM:** It is an 18 per cent reduction in operating expenses that impacts on things like uniforms, vehicles, maintenance and operating supplies. Why?

**Mr DAVID ELLIOTT:** We have got a record \$4 billion budget for the NSW Police Force, including \$100 million in upgrade capital as well. So I do not understand the line of questioning. At the end of the day we have got to have an increase in the amount of money being spent on the police force. Of course, we have had an efficiency dividend like everybody else has.



**The Hon. ANTHONY D'ADAM:** So you cut the operating expenses but last year there was an underspend of \$93.1 million in the same line items. Can you identify where this figure was underspent?

**Mr DAVID ELLIOTT:** Underspends occur for a whole range of reasons, as you are probably well aware. There could be capital works that have been deferred, there could have been contingencies there that were never realised.

**Commissioner FULLER:** In terms of the global budget, at the end of the 2018 financial year we were \$13 million underspent globally.

**The Hon. ANTHONY D'ADAM:** What kind of things would this kind of underspend potentially have impacted on, what kind of items?

**Commissioner FULLER:** I guess if you looked at our key performance indicator, which is the 17 crime types, they are stable and still falling whilst you have a growing community and a growing economy. So I suppose in that sense this has not had an impact from a State perspective on our performance. In terms of uniforms, we are continually rolling out new uniforms, new capabilities like body armour, right through our tactical units, our surveillance vans. So there are certainly spends in terms of capability, in terms of our uniform or in the process of a modernisation of our uniform, and sometimes in these changes you do realise savings.

If you look at the way that we are training police now, we are running five and six classes a year rather than three classes and we still have high-quality recruits coming out, but we are realising savings out of that. So not everything that we do is about finding efficiency savings, but sometimes in the modernisation of the workforce you do find savings. But you talk about a \$96 million savings in a particular line item that I would have to take on notice. But I would say at the end of the day we only made \$13 million savings out of our budget at the end of the year and if I spent that ethically then I would be happy with that as well.

I am advised:

Information on operating expenses is available in the NSW Budget Papers.

**The Hon. ANTHONY D'ADAM:** How is it that the NSW Police Force needs less funding for those operating expenses when there will be an increase of 1,500 police officers over the next four years?

**Commissioner FULLER:** Fifteen hundred police is all up to \$583.6 million funding from Treasury, from government, in relation to those positions. The NSW Police Force invested an enormous amount of time in working out and trying to predict how many sergeants will we need and how many supervisors will we need. What are we looking at? But I think one of the most important things is that we have not been pressured to allocate the fourth year yet, we have not been pressured to allocate the third or even the second year because we do not know what the environment is going to look like in four years' time.

So we did put an enormous amount of funding in. There is a basic principle, it is around \$140,000 per officer and that includes things like how many vehicles will we need in addition to uniforms, training and a whole range of other things. So when government funds additional police it is not just salary; there is a ratio in terms of the sort of resources that—

**The Hon. ANTHONY D'ADAM:** You are increasing the number of police officers so how do the operational expenses need to increase consistent with that?

**Mr DAVID ELLIOTT:** I think it is important for the committee to understand, particularly under the line of questioning you are offering, that those 1,500 are not coming this financial year. So if you are assuming that this financial year's budget needs to cater for 1,500 new officers—

**The Hon. ANTHONY D'ADAM:** And how many are coming this financial year?

**Commissioner FULLER:** Four hundred and fifty new funded positions this year, 250 the next year, 250 the year after that and 550 in the last year.

**The Hon. ANTHONY D'ADAM:** But the logic still applies, does it not, that if there is an increase in police officers then presumably that has to drive an increase in operational expenses?

**Commissioner FULLER:** But again, I would just say to you—

**The Hon. ANTHONY D'ADAM:** Why would you be cutting the budget then?

**Commissioner FULLER:** If a probationary constable costs approximately \$70,000 for year one and we have funded approximately \$140,000 for that position to account for training, to account for uniform, to account for other sorts of resources that they will need—their firearms, their vests and replacement of those as well—so in terms of what Treasury funds for an individual police officer, it is more than fair. At the same time, every year I go back to the ERC and I never argue for less, I promise you that; I always argue for more money for New South Wales police to continue to provide the highest level of service for the people of New South Wales. In saying that, whilst the \$583.6 million is fixed for the 1,500 officers over the four years, I will still go back doggedly every year and argue why we need more money—to look at cybercrime and other sorts of environmental changes, whether it is more police in the bush, rural crime, whatever that may be.

**The Hon. ANTHONY D'ADAM:** Minister, given the growth in sworn officers on the operational side, why have the people who help them do this work been reduced? Is this a result of the efficiency dividend and re-engineering?

**Mr DAVID ELLIOTT:** Re-engineering was separate to the efficiency dividend. Were you referring to the unsworn officers?

**The Hon. ANTHONY D'ADAM:** That is right.

**Mr DAVID ELLIOTT:** Obviously the Government's commitment is to frontline services, and they are obviously quarantined—the Premier has made that very, very clear; frontline services will be quarantined from any efficiency dividend. That does not mean the police force, like every other government department, should not be finding efficiency dividends within the back office. We have made it very, very clear that if the growth of the public sector in New South Wales is going to continue to service the growth of the private sector in New South Wales, which is what is happening, we want to make sure that that is sustainable, and to be sustainable we have got to make sure that we have a lean, efficient government sector.

**The Hon. ANTHONY D'ADAM:** In 2016-17, non-operational staff were 561 sworn officers and 826 civilians, and in 2017-18, 390 sworn officers and 927 civilians. Why has there been an increase in non-operational civilian staff? Have any of these staff personnel been moved from operational status and, if so, why?

**Commissioner FULLER:** From a police perspective we have around 4,000 administrative officers. So I am not sure of the line item that you may be talking about—or I apologise if I have not understood the question. We have around 4,000 public servants doing amazing work for police. Around 3,000 of those are engaged in what were classically roles that police used to take, and that is all about forensics and front counter and rosters, putting police back in the front line. There were around, the last time we reviewed, 1,000 public servants or just less working in those corporate service-type roles that are really about budget and administrative roles. So I am not sure about those numbers you are talking about. If you are happy to explain or I can take it on notice.

**The Hon. ANTHONY D'ADAM:** I am happy for you to take it on notice. Commissioner, last year you stated that from your perspective you were going to go back, next March, asking for more money. "So no matter how we cap the pie, NSW Police Force again needs more money to pay for the cost of services." Did you receive that increase and was the entire NSW Police Force, or all police officers and civilians included, exempt from the efficiency dividend?

**Commissioner FULLER:** Certainly police were exempt and we are currently in the process of negotiating with Treasury around what public servants will be in and will be out. I am certainly arguing that if a public servant is doing a police role then they should be exempt, and that would get us back to probably around about the high-900 mark for our hardcore administrative officers who are doing administrative work and not doing the role of the police. We are still in the midst of negotiating that, but I will doggedly—

**The Hon. ANTHONY D'ADAM:** So that has not been established?

**Commissioner FULLER:** No, that is right.

**The Hon. ANTHONY D'ADAM:** The exemptions have not been established?

**Commissioner FULLER:** Not for New South Wales police.

I am advised:

Information of police officer strength, including administrative officers, is available in the NSW Police Force Annual Report in the [www.police.nsw.gov.au](http://www.police.nsw.gov.au).

**The Hon. ANTHONY D'ADAM:** Minister, was the Police Prosecutions Command exempt from the efficiency dividend?

**Mr DAVID ELLIOTT:** I would have to take that on notice.

**Commissioner FULLER:** In terms of police prosecutors, they are all police positions and they would have a very small back-of-house for an area like prosecutions. I am happy to take on notice the amount of administrative staff who support our State prosecutors, who do an outstanding job.

I am advised:

Information of police officer strength, including administrative officers, is available in the NSW Police Force Annual Report in the [www.police.nsw.gov.au](http://www.police.nsw.gov.au).

**The Hon. ANTHONY D'ADAM:** Minister, what about the Firearms Registry? Was it exempt from the efficiency dividend?

**Mr DAVID ELLIOTT:** As the commissioner just said, we have immunity of force for sworn officers and the Firearms Registry has sworn officers. In relation to the registry as a unit, I am under the impression that there has actually been an increase in resources sent to the registry. But, having said that, let me just confirm. Yes, there will be an addition to resources to the registry and that includes an increase in funding for IT as well.

**The Hon. ANTHONY D'ADAM:** Minister, at the last estimates hearing Mr Cappie-Wood stated the exemption for the efficiency dividend applied to all uniformed police officers. That is correct, is it not?

**Mr DAVID ELLIOTT:** Yes.

**The Hon. ANTHONY D'ADAM:** Does the exemption also apply to special constables?

**Mr DAVID ELLIOTT:** Special constables I would have to take on notice.

**The Hon. ANTHONY D'ADAM:** Okay.

**Mr DAVID ELLIOTT:** Because they are under a different Act, obviously.

I am advised:

Information about efficiency savings is available in the NSW Budget Papers.

**The Hon. ANTHONY D'ADAM:** Have unsworn positions on the front counter of police stations been replaced with uniformed officers?

**Mr DAVID ELLIOTT:** That would depend on the unit.

**Commissioner FULLER:** In terms of the re-engineering in my time as commissioner, we have not bluntly deleted any public servant positions. I will take on notice but I would be confident in saying that we would have very similar numbers of public servants pre and post the re-engineering. Everything that we have done is about putting police back on the front line and not at the front desk.

I am advised:

Effective 31 March 2017 (Pre-reengineering):

There were 452 General Administrative Support Officer positions.

Effective 30 September 2018 (Post-reengineering):

There were 449 General Administrative Support Officer positions.

**The Hon. ANTHONY D'ADAM:** Where is the efficiency dividend going to achieve its savings?

**Commissioner FULLER:** I would argue that there is around 900 public servants who are doing classic public servant roles around money and correspondence et cetera that would probably be liable to the efficiency savings. I will continue to argue that there is about 3,000 public servants who do jobs that police used to do that should not be connected to the efficiency savings dividends. That would be my argument.

**Mr DAVID ELLIOTT:** I think it is important to note though that policing in the twenty-first century is becoming very, very tech savvy. It is like any other industry, any other profession where there is a lot of the work being done, particularly by investigators, which makes it more efficient to come to a conclusion and to resolve the matter.

**The Hon. ANTHONY D'ADAM:** Given the sophistication, surely the cuts to public service workers is going to have an impact on the effectiveness of the police operation.

**Mr DAVID ELLIOTT:** I am very confident from the work that the commissioner has done, both under this budget and the previous budget, that we are actually getting excellent value for money from the police force. If you look at the crime rates across the State, they have come down in many of the key categories and certainly, if you go out into the field and you see the work being done by the police in a whole range of areas, we are getting a fantastic service.

**Commissioner FULLER:** Can I go on record also in saying that as the crime environment changes globally, law enforcement will look closer and closer to civilians and their skill set to continue to protect the people of New South Wales.

**The Hon. ANTHONY D'ADAM:** Is that not an argument for exempting that element of the police operations from the efficiency dividend as well?

**Commissioner FULLER:** No. I am talking about future employment. I think that anyone who is employed to do a job that would have been done by a police officer, I agree with you, should be exempt. I will continue to argue that.

**The Hon. ANTHONY D'ADAM:** When will that get resolved?

**Commissioner FULLER:** It is an ongoing discussion with Treasury and at this stage we have not paid money for 4,000 public servants, so I would say—

**The Hon. ANTHONY D'ADAM:** How can you know your budget if you do not actually know what the extent of the efficiency dividend is?

**Commissioner FULLER:** Sorry, I missed the first part of that.

**The Hon. ANTHONY D'ADAM:** How will you be able to know your budget if the efficiency dividend has not been settled?

**Commissioner FULLER:** Because, at the end of the day, these decisions are made when the budget is loaded and obviously discussions with Treasury are ongoing.

**The Hon. ANTHONY D'ADAM:** So the decision has been made?

**Commissioner FULLER:** Not in terms of New South Wales police, but I did say I will take it on notice. I said there are 1,000 that would likely be eligible to be part of the efficiency savings and there are around 3,000 that we are still discussing with Treasury. I ask to take that on notice in coming back to you for an update on where that is at.

**The Hon. ANTHONY D'ADAM:** What is that 300 worth?

**Commissioner FULLER:** The 3,000? It would be less than \$10 million in a \$4 billion budget.

I am advised:

This information is available in the NSW Budget Papers.

**The Hon. ANTHONY D'ADAM:** According to the 2017-18 annual report, table 9, there were 1,434 customer service complaints. Yet, in appendix 9: Complaints Against Police Officers, there were 1,942 customer service complaints. Why are the figures so different? Is this because IAPro is recording each single incident?

**Commissioner FULLER:** Could you just give me the two sources of the data, sorry?

**The Hon. ANTHONY D'ADAM:** One was the annual report.

**The Hon. ROSE JACKSON:** They are on different pages of the annual report.

**The Hon. ANTHONY D'ADAM:** It is on different pages. There are two figures. They are both from the annual report, I am told.

**Commissioner FULLER:** I wondered the source of the data because one could be around part 8A complaints, which is obviously—

**The CHAIR:** You have 30 seconds left.

**Commissioner FULLER:** I can take that on notice if you would like, but I can only assume that if something is under part 8A then it will be assessed differently to someone calling in.

I am advised:

The 2017-18 NSW Police Force Annual Report references 1,434 complaints made against police officers in 2017-18 (at Table 9) where at least one allegation within that complaint relates to customer service. 1,942 separate allegations in the customer service classification were made in complaints against police officers in 2017/18 (at Appendix 9) (i.e in some cases there may be more than one allegation about customer service in the single complaint matter).

All complaints recorded here fall within Part 8A.

**The Hon. ANTHONY D'ADAM:** What is the basis of the different assessment?

**Commissioner FULLER:** I would have to take it on notice and look at where the information came from, in fairness. But I would assume one is under part 8A, which is a complaint that has been accepted and it has been worked through the complaints process. The customer service—we do run our own customer service programs where we will ring and test people, officers in terms of the way that they answer the phone. That is very different to a complaint. But again, if I could take on notice the sources of that information, in terms of the different data sets, and try to explain that for you.

I am advised:

The figures in Table 9 and Appendix 9 all relate to Part 8A complaints.

**Mr DAVID SHOEBRIDGE:** Minister and commissioners—plural. Lovely to see you all again. Minister, can you explain why, in the absence of any legislative change, we have had a twentyfold increase in the number of strip searches happening in the field between 2006 and last year?

**Mr DAVID ELLIOTT:** Between 2006? I do not know where you got the twentyfold increase because

**Mr DAVID SHOEBRIDGE:** I did ask you through Parliament the number of strip searches in the last financial year and you said that was found somewhere on the New South Wales police website, which it is not. Perhaps you could tell us now the number of strip searches in the last financial year.

**Mr DAVID ELLIOTT:** I am telling you now that there in the last financial year there has been a decline in strip searches.

**Mr DAVID SHOEBRIDGE:** How many in the last financial year?

**Mr DAVID ELLIOTT:** A 1.9 per cent—

**Mr DAVID SHOEBRIDGE:** No. How many strip searches in the field in the last financial year?

**Mr DAVID ELLIOTT:** The advice I have got is 5,376.

**Mr DAVID SHOEBRIDGE:** Alright. Compared to 5,483 in 2017-18?

**Mr DAVID ELLIOTT:** That sounds about right because of the 1.9 per cent decrease.

**Mr DAVID SHOEBRIDGE:** There were 277 strip searches in the field in 2006 and there were 5,376 in the last financial year. How do you explain that almost twentyfold increase in just a bit over a decade?

**Mr DAVID ELLIOTT:** The commissioner will take this but those figures are incorrect.

**Mr DAVID SHOEBRIDGE:** You just gave me one of the figures so you are probably right.

**Commissioner FULLER:** Unfortunately, the twentyfold is incorrect and the Redfern Legal Centre or the University of New South Wales are incorrect. I would expect a little more from someone funded by State and Federal Governments to do more work on their statistics. The first statistic that they were given was two months of the year, not 12 months of the year. They need to go back and do more homework before they put out these reports, then talk about twentyfold and then put pressure on people like you to mention those stats in Parliament that are clearly wrong. I think the fact that they are funded by Federal and State Governments they should have more responsibility put on them in terms of providing data that is wrong.

**Mr DAVID SHOEBRIDGE:** Now is your chance. How many strip searches were done in 2006?

**Commissioner FULLER:** It was around 800 to a thousand. Now you have to understand that around the same time the Law Enforcement (Powers and Responsibilities) Act 2002 [LEPRA] codified what a search was. Police training increased dramatically and, of course, over that period supervision and recording standards improved. In reality, you would say that it is very difficult when the law changes to use that on its own to look at an increase but you would say, as the Minister did, the fact that it has decreased in the last 12 months clearly shows that it is not a police power that is being overused. The only thing that is being overused are statistics that are wrong.

**Mr DAVID SHOEBRIDGE:** Commissioner, on your figures, taking the highest number of 1,000 strip searches in 2006 and according to the Minister 5,376 in the last financial year—that is, a fivefold increase. How do you explain that fivefold increase?

**Commissioner FULLER:** As I explained, the LEPRA codified the way we search, our reporting standards improved, our supervision improved and at the end of the day our training improved. The amount of training that we give police, both police recruits and police in the field, in relation to police powers has never been stronger. When you take a point in time when LEPRA codified a certain activity that was not well codified before, you are likely to get an increase.

**Mr DAVID SHOEBRIDGE:** Is that the training that has seen a police officer say to a young woman that "this search is going to be nice and slow"? Is that that training, Commissioner?

**Commissioner FULLER:** If that is anything out of the Redfern Legal Centre than it is in the bin.

**Mr DAVID SHOEBRIDGE:** No, it is out of evidence in the Coroner's Court.

**Commissioner FULLER:** By a lady who turns up, who the police were given—the counsel assisting the police were given no warning of. She turns up, no name, no address, nothing to us. It was a secret witness and why did they keep this person secret?

**Mr DAVID SHOEBRIDGE:** So you are denying that happened, commissioner?

**Commissioner FULLER:** This idea of bringing witnesses into coronial matters—

**Mr DAVID SHOEBRIDGE:** Have you investigated it?

**Commissioner FULLER:** Let us test it.

**The Hon. TREVOR KHAN:** Point of order—

**Commissioner FULLER:** Let the individual give their name if they are so concerned. Go to oversight, have the matter properly tested, rather than go into a judicial process—

**Mr DAVID SHOEBRIDGE:** The individual has already had their rights abused in the strip search—

**The Hon. TREVOR KHAN:** Point of order—

**The CHAIR:** Order!

**Mr DAVID SHOEBRIDGE:** That is the one you want to give the name, commissioner. Shameful.

**The CHAIR:** Order!

**The Hon. TREVOR KHAN:** Point of order—

**The CHAIR:** I heard you say that once. That is enough.

**The Hon. TREVOR KHAN:** He continues to talk over the top, Chair.

**Mr DAVID SHOEBRIDGE:** So did the commissioner.

**The CHAIR:** I heard you. The commissioner is continuing to answer the question. When he stops I will listen to you.

**The Hon. TREVOR KHAN:** My point of order is that the commissioner is actually allowed to answer the question without being interfered with by Mr Shoebridge.

**Mr DAVID SHOEBRIDGE:** I did not interfere with him.

**The CHAIR:** Order!

**The Hon. TREVOR KHAN:** That is precisely a demonstration.

**The CHAIR:** I have heard your point of order. The questioner will not interfere with the answers to the questions.

**Mr DAVID ELLIOTT:** Can I just clarify? First of all, once again we have had to come to a situation where witnesses in this estimates committee are being interrupted during their answer. As I said to you in the past when I have been before estimates committees, if that continues we will just put every single one of the questions on notice, and the member responsible can leave, as far as I am concerned, because we will not be engaging. Secondly, as I have said in previous estimates committees, it is not only unjust but also completely unfair and distracting for the proceedings when we have a member of the Committee, like Mr David Shoebridge, who keeps wanting to cite evidence and witnesses and the like over which we do not have any oversight. From now I will not be responding, and I will ask my commissioners not to respond, to any questions or badgering which relates to comments, evidence, or research data that they cannot cite here and now. My view is do not bother bringing it if you cannot table it.

**The CHAIR:** Minister, I am the Chair of this Committee and you can make up your mind in due course whether you answer the questions or not and let the public judge that. It is up to you to take questions on notice if you desire—it is purely up to you, as you know. If you want to sit there and take everything notice and be made to look stupid, that is up to you. I take the point and accept that no witness should be badgered in this Committee. But if you want to take everything on notice it is purely up to you. What you are arguing now, quite successfully, is wasting the time of the questioner and I will allocate more time to continue that process. I am not here to argue with you, all we are here to do is to talk, ask questions and try to get answers and witnesses are not to be badgered.

**Mr DAVID ELLIOTT:** Mr Chairman, we are in heated agreement. Thank you.

**The Hon. CATHERINE CUSACK:** Mr Chairman, the Committee has formally allocated its time. Are you saying, as Chairman, you are going to start reallocating the time?

**The CHAIR:** No, I will allocate some of my time to whoever I like. We are on crossbench time right now. We have an agreement that the Government will ask questions and it will get its time.

**The Hon. CATHERINE CUSACK:** But you indicated you would be allocating more time.

**The CHAIR:** No, my time—more time to him.

**The Hon. CATHERINE CUSACK:** Thank you for clarifying that.

**The CHAIR:** Are you continuing to waste time?

**The Hon. CATHERINE CUSACK:** No, I am seeking a clarification when the Chair just said he was going to reallocate the time that the Committee has already resolved.

**The CHAIR:** You have got the clarification, thank you. Now Mr David Shoebridge can continue using my time.

**Mr DAVID SHOEBRIDGE:** Commissioner, you said that it was as a result of increased training on



**Commissioner FULLER:** No, what I said to you is the starting point that at around that time there was codification of police powers in LEPRA, which means that that codified the way we did our business. All of our powers were codified at once. What came with that was ensuring that we were appropriately training police. So there was a codification of our activities, person searches, move-on et cetera. And from that time we saw a general increase because police were trained specifically in regulation to the codification of LEPRA. As a result of that training and the ongoing training with New South Wales police recruits and mandatory training, you will likely see an increase in recording, which is entirely appropriate. At the same time, the fact that it is down in the past 12 months shows that it is a police power that is being used appropriately.

**Mr DAVID SHOEBRIDGE:** Commissioner, on figures provided by the Government in answer to questions on notice there was a 46 per cent increase in strip searches between 2014-15 and 2017-18. You are celebrating a 1.9 per cent reduction in the past financial year. How do you explain—and you could not the last time on notice—the 46 per cent increase in strip searches?

**Commissioner FULLER:** From what years?

**Mr DAVID SHOEBRIDGE:** From 2014-15 to 2017-18, on figures provided by the Minister.

**Commissioner FULLER:** What increase are you saying?

**Mr DAVID SHOEBRIDGE:** From 3,735 to 5,483.

**Commissioner FULLER:** From 3,734 in 2014-15 to 5,376 in 2017-18?

**Mr DAVID SHOEBRIDGE:** Yes.

**Commissioner FULLER:** That would not be—

**Mr DAVID SHOEBRIDGE:** It is; it is probably a 44 per cent increase.

**Commissioner FULLER:** What is it?

**Mr DAVID SHOEBRIDGE:** I have told you the figures.

**Commissioner FULLER:** No, you told me the percentage.

**Mr DAVID SHOEBRIDGE:** From 2014-15 to 2017-18 it is a 46 per cent increase. You are celebrating this 1.9 per cent reduction last year. We are at near record highs. How do you explain that massive increase in strip searches without any changes in the law?

**Commissioner FULLER:** At the end of the day, all those searches for supervisors to check, we administer those. From our perspective, we do millions of activities over the course of the year and we try to get those right. Certainly in terms of our police powers, again, we have effective training and education packages. We review those every year to make sure the police are using their powers effectively and from time to time you will have crime go up and crime go down, and powers go up in terms of use and they go down. It is my job to make sure that that is appropriate. I review the training, I review the activities. I work with oversight and I am satisfied the police are using those powers appropriately. Do we get some things wrong? Yes, we do. I am trying to minimise that obviously in all my actions.

**Mr DAVID SHOEBRIDGE:** Have you investigated the evidence that was given in the coronial court that you complained of earlier where a woman said that a police officer said to her that this strip search will be nice and slow? Have you investigated that? What is your conclusion?

**Commissioner FULLER:** I would love for that young lady to come forward and make a complaint. I would love the Coroner to make a complaint. I would love to elect to take that matter on. Please do.

**Mr DAVID SHOEBRIDGE:** You have not investigated it at all. Is that how I am meant to understand your evidence? You have not looked at it at all?

**Commissioner FULLER:** We have a witness that turns up. We are not given the person's name. We are not given any information about this witness—I think it is poor practice if this is going to be the way forward in coronials that mystery witnesses turn up and they are hidden behind the veil of anonymity and then I am held to account for that. I think it is a disgrace in a democracy to be honest with you, particularly when in New South Wales there is very effective oversight when this matter could have been appropriately dealt with.

**Mr DAVID SHOEBRIDGE:** Can you point to anything in the police handbook or an official policy that points out how stripsearching, particularly a young woman who might have had a history of sexual assault or other vulnerable people, could lead to an aggravation of their previous condition or their mental concerns? Is there any point in the handbook that points out the damage that can be done to somebody from a strip search?

**Commissioner FULLER:** Clearly, in terms of every specific person we search you cannot codify how to do it. But LEPR is clear about dignity. I certainly reinforce the importance of dignity when we use any of our powers.

**Mr DAVID SHOEBRIDGE:** Is there any point in the police handbook or any official policy that says police should be particularly concerned before they stripsearch a young woman or a vulnerable person because that may aggravate or lead to a very negative response if the person has a history of sexual assault or the like?

**Commissioner FULLER:** There are certainly safeguards for vulnerable people. There are safeguards for people who are under the age of 18, and again it reinforces the whole issue around being respectful of this idea that I can train and shape every small issue that is out there that we may face. It is very difficult.

**Mr DAVID SHOEBRIDGE:** Do you accept that, in reality, forcing a young woman, in particular, or anybody to be stripsearched—to be stripped naked in front of strangers—

**Commissioner FULLER:** They are not stripped naked—

**Mr DAVID SHOEBRIDGE:** is similar to a form of sexual assault but codified, in this case, by law?

**The Hon. CATHERINE CUSACK:** Point of order—

**Mr DAVID ELLIOTT:** Can I just raise, I think it is important for the Committee—

**The CHAIR:** Minister, you cannot take points of order. You are here to answer questions. If you are going to answer the question, please do so.

**Mr DAVID ELLIOTT:** I am not taking a point of order.

**The CHAIR:** Okay. Does the Hon. Catherine Cusack have a point of order?

**The Hon. CATHERINE CUSACK:** Yes, simply the insinuation and the irony that he is accusing our police of sexual assault. It ought to be withdrawn.

**The CHAIR:** There is no point of order.

**The Hon. CATHERINE CUSACK:** It is outrageous.

**The CHAIR:** He is not doing that.

**Mr DAVID ELLIOTT:** I do not know if Mr David Shoebridge is aware of the definition of "strip search", but it does not always involve the removal of any clothing. In fact, I think you would find that the reference from the commissioner that strip searches are heavily governed is actually quite correct. I would highlight to the Committee, particularly Mr David Shoebridge, the fact that they are not just done unilaterally but there actually some obligations the police have to test before they strip search. As I said, sometimes they do not include any removal of any clothing whatsoever. If you are referring to a young lady, unless there are extenuating circumstances, a young person actually has to have an independent adult guardian or parent with them at the time. I would highlight to the Committee and Mr David Shoebridge that this has proven to be a very successful way to deal with a drug problem because more than 50 per cent of strip searches have resulted in either criminal proceedings or searchers finding marijuana and a warning or court attendance notices being issued.

**Mr DAVID SHOEBRIDGE:** You must have a different set of stats than the ones that were provided on notice to Parliament. It is about one-third or less—

**Mr DAVID ELLIOTT:** No, no. A 30 per cent result—

**Mr DAVID SHOEBRIDGE:** —of field strip searches.

**Mr DAVID ELLIOTT:** If I can finish. Thirty per cent result in criminal charges and then another 20 per cent—which is not what you asked for in that question—result in court attendance notices or cannabis warnings.

**Mr DAVID SHOEBRIDGE:** Minister, do you accept that it is an abuse of police powers to have somebody stripsearched and then be told to squat and cough? Do you accept that that is an abuse of police powers?

**Mr DAVID ELLIOTT:** Mr Shoebridge, if you believe that any citizen of this State has been subject to

**Mr DAVID SHOEBRIDGE:** Which they have.

**Mr DAVID ELLIOTT:** —they can go to the Law Enforcement Conduct Commission, they can go to the Ombudsman, they can go to the Coroner, they can go to the Professional Standards Command—

**Mr DAVID SHOEBRIDGE:** But I am asking you, Minister.

**Mr DAVID ELLIOTT:** —they can go to the Administrative Appeals Tribunal, they can go to the courts, they can go to their local member of Parliament.

**Mr DAVID SHOEBRIDGE:** But not to you?

**Mr DAVID ELLIOTT:** They can go to me—

**Mr DAVID SHOEBRIDGE:** I am asking you now—

**Mr DAVID ELLIOTT:** Through their local member of Parliament, they can come to me—

**Mr DAVID SHOEBRIDGE:** —squat and cough, naked; squat and cough—

**The Hon. CATHERINE CUSACK:** Point of order: Can the member please table evidence of what he is alleging. These are unsupported claims.

**The CHAIR:** That is not a point of order.

**The Hon. CATHERINE CUSACK:** It is, because every member is required to attest to the information he is giving the Committee.

**The CHAIR:** The questioning Mr Shoebridge is—

**The Hon. CATHERINE CUSACK:** This is all just anonymous smear.

**The CHAIR:** Order! That is not a point of order, and you know it is not. You are running interference.

**The Hon. MARK PEARSON:** Thank you very much for coming, Minister and commissioners. Approximately around 2005—it was actually due to police making a recommendation—there was a section put in the Crimes Act, section 530, which is serious animal cruelty. Basically, it involves a person who tortures, beats or commits any serious act of cruelty upon an animal or seriously injures or causes prolonged suffering to the animal. Why is there an exemption for any charges or any action under this particular very serious legislation for any conduct that occurs in the course of the purposes of routine agricultural or animal husbandry activities or the extermination of pest animals? Why would it be acceptable to torture an animal to death or torture an animal in those practices?

**Mr DAVID ELLIOTT:** Personally, as a dog lover, I would like to think that it is not acceptable anywhere. But, with reference to the Crimes Act, I would refer you to the Attorney General because the Commissioner of Police and I do not have jurisdiction over the Crimes Act.

**The Hon. MARK PEARSON:** The other question is that, as you are aware, there are considerable research and studies that have gone into what is termed the "cycle of violence", which is where there is harm to an animal in a family situation or in even any other work situations and that perpetrator might go on to commit offences against human beings. In fact, with very serious serial killers, it is shown that about 90 per cent of them or more have started with animals. Does the police service acknowledge that and that it is a very serious matter to take into consideration when investigating crimes against animals or domestic violence situations?

**Mr DAVID ELLIOTT:** I might refer that to the commissioner. But before I ask him to make comment, I am not aware of that being in any standard operating procedure for police—although I am not a sworn police officer. I am aware, however, that a lot of mentoring programs and a lot of the youth diversion programs do make reference to the fact that if a young person has a tendency to violence towards animals or cruelty towards animals then that can reflect in their psychological wellbeing and their mental health. I can also highlight the fact that police have acted alongside the RSPCA on cruelty against animals. I think you and I are in heated agreement over the concerns expressed by people in your party and the broader community about cruelty to animals.

As I said, I do not know if there is anything specific in, say, the Police Citizens Youth Clubs' mantra that suggests they have to specifically look out for that. But, as I said, I can tell you that some of the mentoring programs that I have been exposed to and some of the anti-bullying programs, for example, that I have been exposed to in my electorate do make specific reference to the fact that, if somebody has a tendency to cruelty towards animals, it can often point to other concerns that they may have about their mental health.

**Commissioner FULLER:** Our Fixated Persons Investigation Unit, which I set up in 2017, is a unit that looks at those who are not terrorists but certainly are capable of the types of crimes that would concern communities. They profile and look at all sorts of activities that probably would not be considered the norm, and animal cruelty is one of those. People who light fires is one of those. There are certainly psychological links back to people who commit certain types of offences that would not be seen as obviously bad as homicide, et cetera, but nevertheless there is certainly a common link to people who maybe we served and may be capable of more serious offences. So we certainly do look at that.

**The Hon. MARK PEARSON:** Would you not pitch it higher than that—"are likely to move on to"? The evidence is actually pointing in that direction.

**Commissioner FULLER:** Certainly, and part of their role is to pre-empt and target people who we think are capable of terrible crimes. They are some of the indicators that we look at in people for who we best target to protect the community and animals.

**The Hon. MARK PEARSON:** Are you aware that the Prevention of Cruelty to Animals Act is the only criminal Act that is mainly administered, prosecuted and policed, in a sense, by charitable organisations as opposed to the police? The police have power, but the primary responsibility is given to a charitable organisation. Yet it is actually a criminal Act. Are you aware of that?

**Mr DAVID ELLIOTT:** You are referring to the RSPCA having the powers of arrest and powers of prosecution?

**The Hon. MARK PEARSON:** Or the Animal Welfare League, and there could be any other charitable organisations to which it would apply.

**Mr DAVID ELLIOTT:** Yes, I was familiar with that.

**The Hon. MARK PEARSON:** Are you concerned at all that that would be the only criminal Act that is actually mainly administered by a charitable organisation?

**Mr DAVID ELLIOTT:** I think the RSPCA do a fantastic job, from my exposure to them. I think they do a more than adequate job when it comes to preventing cruelty to animals.

**The Hon. MARK PEARSON:** But would you acknowledge that they would have hardly anywhere near the resources of the police service?

**Mr DAVID ELLIOTT:** I will defer to the commissioner, but I would be very surprised if the RSPCA do not work in lockstep with the police over prosecuting people who are guilty of cruelty to animals.

**Commissioner FULLER:** We certainly have a good working relationship, unless you have heard something to the contrary. But I can also add, every time we investigate a domestic family violence incident—we have about 150,000 a year—one of the mandatory questions we ask is around animal cruelty, just so you get some sense of how seriously we take that. Again, from my perspective, I feel that we have a very good working relationship with the RSPCA. I am happy to take information otherwise.

**The Hon. NATASHA MACLAREN-JONES:** Minister, can you outline what you are doing to ensure our emergency services are best prepared to serve the community?

**Mr DAVID ELLIOTT:** Thank you, but I might actually defer to some of the commissioners to add to that. We have obviously in this financial year given emergency services a \$1.7 billion budget, which is an increase of \$105 million year on year. I can confirm to the Committee that that money has been well spent, as far as I am concerned. I am very comfortable with, and in fact I am very proud of, the work that is done by the commissioners that are here today and the other two commissioners that run non-government emergency services—namely, Marine Rescue and the Volunteer Rescue Association.

Only last month, the member for Hawkesbury and I joined former Governor Dame Marie Bashir to launch the very first permanently based 737 large air tanker, which can drop 15,000 litres of water and fire retardant at

any location across the State within an hour. If you look at what is happening in the Amazon and if you take into consideration the fact that we are in drought, that is going to be a fantastic asset for our bushfire-fighting capabilities. In the State Emergency Service we have some fantastic work being done, particularly state-of-the-art work which not even Defence has been exposed to in communications, which, in the event of a natural disaster—a flood or a tsunami—is essential. We have communications capabilities out of the SES at the moment that the other emergency services are working with.

We have 6,820 firefighters in New South Wales. We are perpetually training them and they are improving their capabilities. That includes particularly the capital infrastructure they have available to them. We will be upgrading a few of those fire stations across regional New South Wales, which I am sure the member to your right will be happy to see. Fire and Rescue will probably have four classes graduate this year. Only last Thursday we had 15 new firefighters graduate in New South Wales. I could go on but I might actually invite Commissioner Fitzsimmons to talk further about some of the capabilities that he is embracing.

**Commissioner FITZSIMMONS:** Thank you, Minister. The RFS has had some outstanding achievements in 2018-19 as it continues to deliver on commitments to save lives and better protect the community. Of course, as the Minister mentioned, there was the opening of the brand-new State headquarters facility at Sydney Olympic Park; the purchase of a 737 Fireliner, a Large Air Tanker [LAT], the first Government-owned asset of its type in the country; and we are expecting the support planes, the lead planes—the Bird Dogs—to be acquired and arriving throughout this current financial year.

**The CHAIR:** Excuse me, commissioner, what is a Bird Dog?

**Commissioner FITZSIMMONS:** A Bird Dog is like a lead plane. Our machines will be incorporated with some very advanced technologies, some sensing equipment, some cameras, and ability. They do a number of things. They play a utility role. They take very specific and precise imagery of fires or burn scars in the landscape so we can get really good indications of fire intensity and behaviour, but also, particularly, the spread and the length to which fire might be progressing through the landscape, whether it has crossed creek lines, control lines and that sort of thing. But they also work in conjunction with the large water bombers.

They take flight ahead of the water bomber. They do the surveillance and the reconnoitre of the deployment of the bomber. They communicate with the air attack supervisors and the fire control personnel on scene. They can then target the drop pattern and then they guide and instruct the water bomber as it comes in to deliver the most targeted and required delivery pattern and arrangement for that fire operation. Obviously we have got other things like normal observation and what have you out of that machine. We use a variety of contractor machines at the moment, but as part of the package to have a dedicated, permanent asset year-round, we have been able to secure two of those planes or we are in the process of securing two of those planes.

**The CHAIR:** Two Bird Dog planes?

**Commissioner FITZSIMMONS:** Two Bird Dog planes, which will support not only the 737 but also give us a much more enhanced and year-round capability for active surveillance and the monitoring and imagery capture of fires. Indeed, we are working with other agencies about how that technology might be further enhanced.

**The CHAIR:** I saw a red 737 parked up at Coffs Harbour on the weekend. Is that plane now ready for service?

**Commissioner FITZSIMMONS:** Yes, correct. The 737 did arrive in New South Wales only in the last couple of months and, given that we have had a fairly early start to the fire season, it has been quite active across New South Wales. It has been operational across New South Wales. A good thing about the 737 and our consideration for the procurement of that particular asset is that it was based on a trial. The Government invested in two years of trialling and it has been deployed 18 times already this season. The benefit of the 737—and we have worked, looking at strategic airstrips around New South Wales and adjacent to our borders—is that it will land and operate out of places like Dubbo, Coffs Harbour, which is where you probably would have seen it.

**The CHAIR:** That is where I saw it, yes

**Commissioner FITZSIMMONS:** And down south in places like Albury.

**The CHAIR:** Is that functionally better on the ground than the helicopters that you have been renting?

**Mr DAVID ELLIOTT:** I might actually answer that, Chair, because there are a few other statistics that the Commissioner may or may not want to have public, but the answer to your question is yes because it can go

to anywhere in the State within an hour. The next question most people ask is how quickly can the 15,000 litres of water and air retardant be refuelled.

**The CHAIR:** I was just going to ask that.

**Mr DAVID ELLIOTT:** Nine minutes. It is refuelled in nine minutes because that has multi-entries for its refuelling. It can also take something like 70 firefighters or emergency services workers, so if there was a fire in a remote part of New South Wales where the LAT can actually land after it has maybe dropped its 15,000 litres, it could have 50 RFS volunteers and another dozen police officers and maybe some SES or Rural Fire Service officers. What we are talking about is a very, very new form of capability for us, and it highlights the fact that RFS, particularly, but SES and Fire and Rescue NSW and, indeed, the police, have really embraced new technology. It is not all information technology. Some of it is quite expensive bits of kit, but when you consider the dangers that we are going to be facing this summer, when you consider the location of some of those bushfires, when you consider the risk to farmland that some of those bushfires can pose, I think most of us should be sleeping a little bit more soundly knowing that that is physically located at the Royal Australian Air Force base at Richmond.

To the Hon. Natasha Maclaren-Jones's question, I know that the tone of her question was about what are we doing. The SES has done something last month. It had quite a significant emergency exercise at Homebush Bay. The SES is the lead agency, obviously. It was to reflect a flood that may occur in metropolitan Sydney. They brought in a number of other agencies. Before I ask Acting Commissioner Stewart to comment on that particular exercise and the success of that exercise and how the SES were very effective in bringing in a whole lot of other agencies, it may be of interest to Mr Pearson that part of that exercise actually included bringing pets from north-western Sydney and other animals—farm animals—and how they would be dealt with in the event of a flood. In fact, it was quite a unique part of the exercise that I had never even considered. Acting Commissioner, you may want to make a few remarks on that, particularly, too.

**Acting Commissioner STEWART:** Thank you, Minister. Perhaps for some scale and scope here, the agency itself, for those of you who do not know, currently has about 9½ thousand volunteers extending towards about 10,000 volunteers, so, critically importantly, this agency drives its capability through the medium of our volunteers. Over the course of the last year we received around about 102,000 calls from the public, of which about 36,000 materialised into specific requests for assistance and help from those 9½ thousand volunteers in the community.

As the Minister said, we are the primary agency for flood, storm and tsunami, but we are so much more than that. There is, without doubt, an ability for our agency to work with the fire agencies in support of their activities. We provide the second-largest rescue support into the State of New South Wales. To that end, we are currently through a program of fleet replacement which will see, this year, about 140 vehicles replaced across our fleet which will extend from medium storm rescues through to general-purpose vehicles and to snowmobiles.

Such is the scale and scope of what we do at the SES, last June we conducted Exercise Deerubbin which was, indeed, a multi-agency exercise that was examining our capability to respond to a large-scale flood exercise. It was built around the Hawkesbury-Nepean Valley. To the point that the Minister made, it was a three-phase exercise, phase two of which was about activating the temporary accommodation centres built around the Homebush Sydney Olympic Park precinct. That component of that particular exercise saw that we were assessing our ability to accommodate many tens of thousands of displaced people across the Sydney Metropolitan area. It extended to our ability to cater for companion animals right through to anyone who had any element of vulnerability about them within the community. It was very proudly something that saw the State test its ability to the maximum of events, and it was really quite pleasing to see that as the multi-agency exercise test went on we were able to produce a significant response to the betterment of the community.

**The Hon. CATHERINE CUSACK:** Minister, what has the Government done to improve water safety ahead of the summer season?

**The CHAIR:** What a great question.

**Mr DAVID ELLIOTT:** To improve?

**The Hon. CATHERINE CUSACK:** Water safety.

**Mr DAVID ELLIOTT:** We obviously have a very strong water culture in this State. I do not think it would be surprising to any member of the Committee, particularly those who live on the eastern seaboard, that swimming and surfing are part of the national lifestyle—

**The Hon. TREVOR KHAN:** And fishing.

**Mr DAVID ELLIOTT:** And fishing. Unfortunately, we have had in recent years a number of increases in the amount of drownings. I have had a look at the statistics on drownings since I have been made the Minister, and of course I note that my predecessor quite wisely ensured that surf life saving became an emergency service organisation so that it was considered a little bit differently than it had been in the past. We have now worked very closely with Royal Life Saving, not only on governance—because they have had their own issues recently—but on making sure that the Government gives them the level of support that I think they need to have.

Their drowning report for the last financial year concluded that, unfortunately, 42 people had died in the last financial year, obviously mostly in the summer months. I am uncomfortable with all of those; I note, however, the number of them that were, I think, unnecessary, because of the demographic they have come from. You are from the north coast of New South Wales and you would be familiar with the fact that a number of these tragedies have occurred with people from a non-English speaking background who probably do not have an appreciation of the risks.

**The Hon. CATHERINE CUSACK:** Often Koreans.

**Mr DAVID ELLIOTT:** I think we need to make sure that, as a nation inviting tourists and of course a nation inviting people to come and visit and study here, that is a priority—and I think it has done that. I have worked with Steve Pearce, the incumbent CEO of Surf Life Saving New South Wales, to make sure that we identify people who may be at risk, particularly people from a non-English speaking background. But I think we also have to encourage people to take responsibility. Royal Life Saving has actually done that. They have to take responsibility for their own actions. We cannot go to every beach from Bega to Tweed Heads and tell people that they are not allowed to swim under any circumstances unless it is within the flags, although that would be the message—and I think I can speak safely for all the commissioners before you today—that they would have. But we have to make sure that they all know that.

I think we have some record funding in the Emergency Services space. We are investing in swimming lessons and we are investing in CPR training. It was only this financial year that the Government provided \$16 million to Surf Life Saving. Surf Life Saving New South Wales has shown a lot of initiative and will be introducing new emergency beacons for coastal blackspots. They have a lot of support coming to their 129 clubs from funding from this Government, which will include extra jet skis and vehicles and equipment. I am very excited that in the next month or two I will be making some announcements alongside Surf Life Saving, about making beaches even safer via the use of technology and better communications skills. I will probably leave it there because I do not want to gazump any future announcement that may or may not be made.

**The Hon. CATHERINE CUSACK:** Can I add that the drones have been amazing.

**Mr DAVID ELLIOTT:** Yes, the use of drones—and, again, when I talk about technology being used to support emergency services workers, Surf Life Saving has done that not just to detect sharks, which obviously put surfers in danger, but to detect currents. All of the commissioners before you are using that sort of resource. The drones being used by Fire and Rescue are just extraordinary. The size of the drones being used by Fire and Rescue is quite large, and I think if you have a loved one who is working as a firefighter, whether for the RFS or Fire and Rescue, knowing that they have access to that sort of information and data probably makes you a little bit more comfortable, knowing that they are facing the dangers of nature.

**The Hon. ANTHONY D'ADAM:** Minister, I want to ask you whether you support the 3,000 public service non-sworn staff being exempt from the efficiency dividend?

**Mr DAVID ELLIOTT:** Would I support them being exempt from the dividend? That is a matter for the Commissioner. My job as the Minister is not to instruct any of the commissioners before you how to run their operation.

**The Hon. ANTHONY D'ADAM:** You must have a view on it, surely.

**Mr DAVID ELLIOTT:** My view is to make sure that the Commissioner provides us with the most efficient and best-resourced police force that we possibly can get. That is my job.

**The Hon. TREVOR KHAN:** Tony Kelly used to answer every question with, "It's an operational matter".

**The Hon. ROSE JACKSON:** He is not a reference point for us.

**Mr DAVID SHOEBRIDGE:** Whenever it is going badly, it is an operational matter.

**Mr DAVID ELLIOTT:** He is not at ICAC this week.



**The Hon. ANTHONY D'ADAM:** Commissioner, I want to ask you about psychological discharges. How many psychological discharges have there been in the last financial year?

**Commissioner FULLER:** I guess there are three pathways for an officer to resign, to disengage medically unfit, and that will be a mix of solely physical injuries, solely psychological injuries, and some are a mix of both. I could take it on notice and get you the data, but you would have to accept that some would be a mix of physical and psychological injury.

I am advised:

In 2018/19, 196 officers. It is important to note that this figure comprises both discharges from solely psychological injuries and a mix of both physical and psychological injuries.

**The Hon. ANTHONY D'ADAM:** Have psychological discharges been increasing, do you think?

**Commissioner FULLER:** Certainly psychological injuries as a reporting, as in there are more officers reporting psychological injury, in the last 18 months is on the increase again. It is not just New South Wales police; it is a global epidemic, I guess, for law enforcement around the world. And Emergency Services are seeing the same issues.

**The Hon. ANTHONY D'ADAM:** What is driving that, do you think?

**Commissioner FULLER:** I guess if you take a step back, I walked into an organisation that had a strong focus on mental wellbeing, with significant funding in the Work Improvement Program—when Minister Elliott started that was another rollover of \$17.1 million in terms of programs to support police, particularly around returning to full operational duties—and we saw a decline through the initial phases of the Work Improvement Program.

**The Hon. ANTHONY D'ADAM:** Could you explain the Work Improvement Program?

**Commissioner FULLER:** The Work Improvement Program was trying to look at more innovative ways of managing police injuries, and at the same time part of that was also making sure we have the appropriate support services in place—whether that is a 24/7 call set-up, information for individual officers so that they know what to do if they face an injury, right through to our recon centres where we have full-time physios working for New South Wales police, working with officers to get back to hopefully full-time duties. We know that there are links to being unhealthy—bad diets, not enough sleep, not enough annual leave taken and workload. There are lots of indicators, including workplace conflict, that seem to have an impact on workplace injuries that are psychological.

The Minister and I talk about it at every meeting, the police association and I talk about it at every meeting, and I have given a promise to everyone that if there is something more I can do, I will do it. But I have not seen something yet other than the early indicators from the Australian Defence Force, which has a program coming out of Brisbane that is realising 70 per cent of people who come forward with a psychological injury are returning to full operational duties—which is an amazing statistic. So we are looking at that closely. That is very much about having your own in-house psychologist or psychiatrist. They are not judging people but making sure they get the best help they can. I am open to any suggestions in this space because it is not just New South Wales police, it is all the agencies sitting here today that are facing this problem around particularly post-traumatic stress and anxiety-type issues.

**Mr DAVID ELLIOTT:** Can I make some further observations on this matter? The welfare of officers when I was made the Minister four months ago was identified as one of the top three priorities of mine. It had come on the back of four years as the Minister for Veterans Affairs and as a returned peacekeeper and former army officer, so this is something that I have a significant amount of interest in.

I tell you what—a hundred years ago we were telling our veterans and indeed our police officers, our firefighters and everybody who had an occupation that put them at risk above and beyond the call of duty, "Ignore it. Get on with your life." And then 50 years ago we were all told, "Listen, a carton of beer will probably sort out all of your problems." Now we actually say to people who are suffering post-traumatic stress, particularly those who have been in combat-related roles—whether it be the Volunteer Rescue Association attending a road trauma where they have had to pull out a dead baby from a car or they are a police officer, we now proactively talk about these things. My view as a former army officer is that I do not think anybody will get better support for

post-traumatic stress than the support offered by a peer. That is my personal view and that is my personal experience. I do not think that all the psychologists in the world are going to provide as much support as somebody who has served alongside you. And that is why the peer support—

**The Hon. ANTHONY D'ADAM:** Do you think that is more effective than professional support?

**Mr DAVID ELLIOTT:** No—I think it can be. I genuinely think it can be. As is my experience as a returned serviceman, it can be. Having said that, not all of your peers are going to have the PhD in psychology and be able to pick out the individual problems that people face and predict the problems that may come down the track. And that is half the problem. I have met firefighters and police officers who will self-identify as having post-traumatic stress 10 years after an incident. That is why I am so thrilled that the commissioner has referred to the Workforce Improvement Program. That does address everything from physical wellbeing to families.

It was only about two hours ago that I spoke to a constable who was assaulted in the line of duty on the weekend. He is back at work and that is because of the support that he has received. I probably would not be back at work if I was assaulted in the line of duty on the weekend; he is back at work. It happens all the time when I speak to the emergency services workers. There is no silver bullet. There is no easy way of addressing wellbeing when it comes to emergency services workers or veterans. That is why the police particularly do not just start and finish the improvement program. We have chaplains, we have peer support, they have Police Legacy and they have the entire Police Association. Officers have a number of options available to them.

But the main message—and it is the message I gave when I was the Minister for Veterans Affairs—is that people should not feel ashamed to come forward. People should not feel that their careers will be in jeopardy if they come forward. We as a society cannot talk this up as something that is automatically going to happen. "If you put your foot in a police boot, you are automatically in 30 years' time going to have post-traumatic stress syndrome." That just does not happen. Unfortunately, what happens is that we as a community talk about this in circles to the extent that everybody just presumes it is going to be a matter that everybody has to face when they discharge from an agency.

**The Hon. ANTHONY D'ADAM:** Do you support increasing the budget for the Workforce Improvement Program?

**Mr DAVID ELLIOTT:** That is a matter for the commissioner. For me, it was one of the top three priorities that I took when I was sworn into this role. It was a priority I had when I was the corrections Minister. It was certainly the main priority I had as the veterans affairs Minister. The Workplace Improvement Program is absolutely fantastic. But do not assume—

**The Hon. ANTHONY D'ADAM:** So you support increasing the budget?

**Mr DAVID ELLIOTT:** That is a matter for the commissioner. As he has already said, he is looking at other—this is not an issue that you just throw money at, let me tell you. It does not cost money for you to go to a police chaplain and sit down and have a chat, and that is what people need to realise. This is not something that will be solved because we throw money at it. In fact, quite the contrary. When people say, "We have to throw money at this issue because somebody is suffering PTSD," sometimes that means that they will take a big bag of money and they will walk away from the organisation when the reality is that they should be getting a wrap-around service from the organisation.

As I have said, for some of the officers that I speak to who have been injured in the line of duty, half the psychological battle they have is because they have gone back to work. I applaud that. I do not want to burden the commissioner's sick leave bill by telling them to take six months off. I always make it very, very clear, nobody is going to think worse of you if you walk away and take a couple of weeks with your family. No-one is going to think the worse of you. I saw it in the military. The reality is that most of those people just want to spend time with their peers who have gone through the same experience.

**Commissioner FULLER:** I have that data, sir, if you wanted to hear it. I have just found the data on your earlier question.

**The Hon. ANTHONY D'ADAM:** Yes. That would be fine.

**Commissioner FULLER:** From the reportable workers compensation statistics from 1 July 2016 to 31 May 2019, which is a slightly broader period than you had asked about, there were 1,790 reportable psychological claims notified. That is over three financial years. They were for a range of things. Work pressure, work-related harassment and traumatic events were certainly the top three incidents. During this same period, 449 officers were

medically retired with a psychological injury and 19 to 25 of those were a mix of injuries. I know that is over a broader period—apologies—but that gives you a three-year snapshot of workers compensation psych injuries.

**The Hon. ANTHONY D'ADAM:** One of the officers who was involved in the incident on 2 October 2015 has an ongoing workers compensation situation. Are you aware of that case?

**Commissioner FULLER:** I am not sure of the date. I am trying to reflect back on it.

**The Hon. ANTHONY D'ADAM:** This is the shooting at the Parramatta centre. Are you aware that one of the special constables is—

**Commissioner FULLER:** Okay. The shooting of Curtis.

**The Hon. ANTHONY D'ADAM:** Are you aware of that case?

**Commissioner FULLER:** Yes, I am.

**The Hon. ANTHONY D'ADAM:** Okay. I understand one of the details of the case is that the officer was subject to a limitation on workers compensation payments and that they were due to cease. This is a consequence of the special constables being on a different workers compensation arrangement to sworn officers. Is this something that you have raised with the Minister, the inequity around the treatment of special constables relative to sworn police?

**Commissioner FULLER:** We certainly have discussed special constables and the important role that they play, but in terms of that matter it has not crossed my desk in relation to his workers compensation issue. Certainly the courage he showed—

**The Hon. ANTHONY D'ADAM:** It goes to the broader issue, though. The special constables are in the line of fire, as demonstrated by the incident at Parramatta. Should they not be subject to the same workers compensation arrangements as police? Have you raised that with the Minister?

**Commissioner FULLER:** No, I have not. I am certainly happy to discuss it and I am happy to take on notice what their entitlements are versus NSW Police. They are on a different award, which does make it challenging. Nevertheless, I am not questioning the work that they do or the courage that they show.

I am advised:

Special Constables are covered by the standard Workers Compensation arrangements that apply to all workers in NSW (with the exception of those that are exempt, ie Police and Emergency Service workers). Workers compensation pays a statutory amount to workers for injuries that occur while in the workplace or in the course of their duties.

**Mr DAVID SHOEBRIDGE:** Including a review of that case?

**The Hon. ANTHONY D'ADAM:** Minister, do you think the special constables should be subject to the same workers compensation arrangement?

**Mr DAVID ELLIOTT:** As I understand it, their award is before the Industrial Relations Commission at the moment, so it would probably be inappropriate for me to provide any ongoing—

**The Hon. ANTHONY D'ADAM:** It is a broader question, is it not, about whether it is fair?

**Mr DAVID ELLIOTT:** It does not matter whether it is broad or narrow. The matter is before the commission.

**The Hon. ANTHONY D'ADAM:** Is it fair that special constables, given they are in the line of fire, should be provided with the same workers compensation arrangements as police?

**Mr DAVID ELLIOTT:** Let me provide you with some guidance about my view. I am very conscious of the fact that special constables, because they provide vital asset protection to so many institutions—whether that be Parliament, Government House or police headquarters—do a sterling job. It was only two months ago that I presented an award for a commendation to one of the special constables whose face would probably be familiar to many of us in this room. And I can—

**The Hon. ANTHONY D'ADAM:** It is a simple question, though. Do you support—

**Mr DAVID ELLIOTT:** You have got to let me finish. Let me get to the conclusion.

**The Hon. ANTHONY D'ADAM:** You are taking a long time.

**Mr DAVID ELLIOTT:** I think it is important. If you are calling into question my attitude towards special constables. Let me tell you, I think they do a fantastic job. Let me tell you, I am very proud—there are about three of them who have actually discharged from the Australian Defence Force after they have done operational service overseas. So do I like them? Yes. I think they are fantastic.

**The Hon. ANTHONY D'ADAM:** Are they not deserving of equal treatment?

**Mr DAVID ELLIOTT:** I will not provide any running commentary on a matter that is before the Industrial Relations Commission. You should know that the minute I provide some sort of editorial comment on a matter that is before the commission, it gets used in the commission. I do not think that is fair for either party.

**Mr DAVID SHOEBRIDGE:** It would be fair for special constables if you supported them.

**Mr DAVID ELLIOTT:** I will take that as a comment.

**The Hon. ROSE JACKSON:** Minister, in July the Minister for Transport and Roads stated that digital identity verification will eventually be integrated with biometric recognition in public transport. Have you had any discussions with the Minister for Transport and Roads regarding biometric facial recognition?

**Mr DAVID ELLIOTT:** I have a lot of discussions with the Minister for Transport and Roads—

**The Hon. ROSE JACKSON:** About biometric facial recognition?

**Mr DAVID ELLIOTT:** Let me finish—about biometric recognition, because he is not the only Minister who is part of those discussions. As I have said probably three times already today this Government is embracing technology. We understand that technology is something a good government would use to improve the efficiency of the public sector. We will obviously embrace the use of facial-matching services to prevent any further crime, whether it be in transport or in the streets.

**The Hon. ROSE JACKSON:** Are you aware that a number of jurisdictions in the United States [US], such as the city of San Francisco, Somerville near Boston, Oakland and California have banned police from using biometric facial recognition during the course of their duties?

**Mr DAVID ELLIOTT:** No, I am not an expert on those jurisdictions. I am sorry.

**The Hon. ROSE JACKSON:** So you will not rule out—

**The Hon. CATHERINE CUSACK:** When did they do that?

**The Hon. ROSE JACKSON:** In May this year San Francisco banned the use of facial recognition; Somerville just north of Boston followed suit in June and Oakland is under consideration.

**Mr DAVID ELLIOTT:** Okay. If you would like to table that, I will have a look at the reasons why they have banned it but I can also tell you that a number of US governments and, indeed, private companies use facial recognition matching services.

**The Hon. ROSE JACKSON:** But you will not rule out the Government using biometric facial recognition integrated, for example, in the payment of government services or use of government services?

**Mr DAVID ELLIOTT:** That is not a matter in my jurisdiction so I am probably not competent to answer that. That is something that you would probably have to ask the Minister for Customer Service or the Treasurer.

**The Hon. ROSE JACKSON:** Sure. Minister, are you aware that due to proposed budget cuts of rostered officer positions, crime squads in the State Crime Command are being asked to nominate fully operational police officers to back up administrative roster units to cover periods of leave?

**Mr DAVID ELLIOTT:** That would be an operational matter, which the commissioner may—

**The Hon. ROSE JACKSON:** So you are not aware of that?

**Mr DAVID ELLIOTT:** Well, we do not discuss every operational decision.

**Commissioner FULLER:** It certainly is all news to me. I do not want operational police doing rosters. However, in saying that, and we talk about physical and psychological injuries, the reality is that I will need to find different rules and responsibilities for police officers who cannot be fully operational; rosters may be one of that. We need to try to work out those who want to stay within the police family and cannot be on the front line, then the reality is that things like managing exhibits, rosters and front counter may be work that is still dignified to them and that keeps them connected with the organisation. If those are the officers that you are talking about then I think it is entirely appropriate. There is no holding on any recruiting for administrative positions or filling of police positions so why that is happening, as a local practice, is certainly news to me. I am happy to find out if it is true or not.

I am advised:

There are no sworn officers undertaking rosters duties within State Crime Command, with the exception of the Squad Coordinators who provide the draft roster to the roster team for processing.

**The Hon. ROSE JACKSON:** That would be great. Minister, are you aware that due to budget cuts the professional standards executive officer role in the State Crime Command is being downgraded to more basic competencies?

**Mr DAVID ELLIOTT:** Again, that is a matter that the commissioner would have jurisdiction over.

**The Hon. ROSE JACKSON:** Would you be concerned if that were occurring, potentially undermining complaint management and oversight?

**Mr DAVID ELLIOTT:** Have you got evidence that that has occurred?

**The Hon. ROSE JACKSON:** Yes, we do.

**Mr DAVID ELLIOTT:** Can I have a look at it?

**The Hon. ROSE JACKSON:** I will find it and give it to you in a moment.

**Mr DAVID ELLIOTT:** So, you do not have it.

I am advised:

As part of the administrative restructure review, there is a proposal to reduce the Executive Officer position in Professional Standards from Grade 7 /8 to a comparable grade of other Commands including Counter Terrorism, Traffic & Highway Patrol Command, Police Transport Command and FETS.

**The Hon. ROSE JACKSON:** Whilst I am doing that, would you like to answer a question about your office? As of 31 December, 2018, the total number of staff in your office was eight. What are the total staff numbers in your office as of today?

**Mr DAVID ELLIOTT:** I will take that on notice. I do not think that it is terribly much different to that.

I have ten staff in my ministerial office, including two departmental staff.

**The Hon. ROSE JACKSON:** Is your office supported by personnel from government agencies such as police or others?

**Mr DAVID ELLIOTT:** I do not have any sworn officers in my office, no.

**The Hon. ROSE JACKSON:** There are no staff from other agencies who support your office?

**Mr DAVID ELLIOTT:** I do not have a police officer in my office, no, but like every Minister, I have two departmental liaison officers [DLOs]—one from Emergency Services and one from the police. But I think you will find that since time immemorial, ministerial offices have had DLOs to provide us with a smooth transition of information and requests. But I do not have a sworn police officer in my office and I would be reluctant to

**The Hon. ROSE JACKSON:** In relation to the Firearms Registry, Minister, in estimates—

**Mr DAVID ELLIOTT:** Sorry, I will correct that. Apparently, I do have—I think, a plainclothes DLO is actually a sworn officer.

**The Hon. ROSE JACKSON:** In estimates last year that then Minister for Police stated that he had been attempting to arrange a meeting with the Federal Attorney General, Christian Porter, to improve information-sharing between the Family Court of Australia and the Firearms Registry. Can you inform the Committee if you have met the Federal Attorney General in relation to this matter?

**Mr DAVID ELLIOTT:** I certainly have. The commissioner and I are waiting to go to Melbourne to meet with the Chief Justice of the Family Court at Attorney General Christian Porter's request.

**The Hon. ROSE JACKSON:** Have you put this matter on the agenda of COAG?

**Mr DAVID ELLIOTT:** I do not sit on COAG.

**The Hon. ROSE JACKSON:** Have you asked that it be put on the agenda of COAG?

**Mr DAVID ELLIOTT:** Let me have the chat with the Chief Justice first.

**The Hon. ROSE JACKSON:** I would like to ask you, Minister, about a matter—if I can just find my notes.

**The CHAIR:** The Hon. Rose Jackson's time is up. Minister, in your inaugural speech in Parliament in

I want all businesses in this State to now know that they have an advocate against bureaucratic bullying. We need to return the word "service" to the public service and return confidence in our government agencies through transparency and simplicity.

**Mr DAVID ELLIOTT:** I remember it well.

**The CHAIR:** Do you still stand by these comments?

**Mr DAVID ELLIOTT:** Absolutely. Not only do I stand by it, we are living it. I think you will find that what Victor Dominello has done with Service NSW as the Minister for Customer Service has certainly improved on what we saw for 16 years under Labor. I have made a number of representations on behalf of businesses in my electorate about bureaucratic bullying and I am certainly very comfortable with the outcomes that I have achieved in that regard.

**The CHAIR:** Thank you. I am very happy to hear that. Do you include the Firearms Registry under agencies that should cease bureaucratic bullying and return the word "service" to public service?

**Mr DAVID ELLIOTT:** The Firearms Registry is one within my government department that we have not only sought to improve efficiency from but also, I think, we are actually doing it. As you probably recall, the commissioner made some commitments to the estimates Committee last year under my predecessor, which would see a number of changes to the Firearms Registry. I have only recently gone to visit it myself. I am thrilled that Superintendent Bell has been placed there as the commander. I think if there is a job in the NSW Police Force that leads itself for a senior sworn officer to take, that is certainly one of them. I note that we are spending a significant amount of money, literally millions of dollars, in using information technology to improve the efficiencies of the Firearms Registry.

**The CHAIR:** Thank you, Minister, but actually you have not answered the question. My question was: Do you believe that agencies, including the firearms agency, should cease—

**Mr DAVID ELLIOTT:** I think you will find that—

**The CHAIR:** —bureaucratic bullying and provide services to their customers?

**Mr DAVID ELLIOTT:** I am pretty sure that that just answered the question.

**The CHAIR:** No, it has not actually answered the question. Can you answer yes or no to bureaucratic bullying?

**Mr DAVID ELLIOTT:** I do not walk away from my commitment to making sure that the Government is not guilty of bureaucratic bullying.

**The CHAIR:** You are also on the record of saying that community safety is the foremost priority of the New South Wales Government. Do you still stand by that?

**Mr DAVID ELLIOTT:** Absolutely.

**The CHAIR:** Can you outline the major programs implemented by the Firearms Registry that aim to keep the community safe?

**Mr DAVID ELLIOTT:** I certainly can, and I will give you a few examples of how the Firearms Registry has had some successes. We had a man who wanted a firearms licence who had actually had his licence suspended after he shot a member of his family. I received representations about that matter but luckily the Firearms Registry had made sure that that did not occur. We had a member of Parliament advocating on behalf of a person who are actually gone to jail twice because of armed robbery and drug crimes. Luckily, the Firearms Registry was efficient enough to walk away from providing that person with a weapon.

We have had a member of Parliament make representations to the registry, advocating on behalf of a man who had a firearms licence revoked because he had a lengthy criminal history. I make those three examples because they are representations that I received from you in relation to the Firearms Registry. I think that what you will find is that the Firearms Registry—through the efficiencies that have come in the last 12 months and the interference that they have run in making sure only the appropriate people get a firearms licence—has actually achieved its objective.

**The CHAIR:** You announced a couple of weeks ago a number of programs that you were talking about improving and continuing to—

**Mr DAVID ELLIOTT:** Yes, we are increasing the number of police officers at the registry. We have elevated the registry to the portfolio responsibility of Deputy Commissioner Dave Hudson. As I said, a significant amount of money is going to be spent on ensuring that they use information technology better and, in fact,





**The CHAIR:** Safe storage inspections was one you talked about. What about the firearms life cycle management system?

**Mr DAVID ELLIOTT:** I would have to take that particular question on notice. What about it?

**The CHAIR:** I am just asking in terms of a project that is ongoing—Project Falcon, computers for clubs for interface with the registry.

**Mr DAVID ELLIOTT:** I will take that on notice, but I think you will find that that would probably be covered by the millions of dollars we will be spending to improve the use of information technology.

I am advised:

The recently launched Firearms Licencing Information Management System (FLIMS) provides the community with the capability to submit online applications for:

- Permits to Acquire a longarm or prohibited firearm
- Permits to Acquire a handgun
- Individual firearms licence including all genuine reasons
- Adding or deleting a genuine reason or category from an existing individual licence
- Individual licence renewals
- Business, club or government agency firearms licence
- Adding or deleting a genuine reason or category from an existing business, club or government agency licence.

The online platform in which customers can apply for a Permit to Acquire (PTA) and renew their firearms licence is provided by Service NSW and there are links to this service via the NSW Police Force Firearms Registry webpage. The launch of these online services reduces the time taken to post paper-based forms and provides an effective and efficient way customers can deal with these matters. The design and concept of this system has been subject to extensive consultation with stakeholders and customers.

Customers of the Firearms Registry without access to the internet at their home or workplace can complete the online forms at a Service NSW centre. Other community facilities with internet access may also be prepared to assist customers to progress their application. For example, firearms dealers, firearms clubs, post offices, local council officers or libraries may be able to assist in accessing the online services. Customers with no viable option for completing the forms online should contact the Firearms Registry directly on 1300 362 562 and request advice on the options available in respect of their applications.

**The CHAIR:** How much money is the Government spending on improving IT at the registry?

**Mr DAVID ELLIOTT:** It is in the millions, but I will take that on notice to make sure that I do not give you an inaccurate number.

I am advised:

Financial information is available in the NSW Budget Papers.

**The CHAIR:** The recording of ammunition purchases, for example—that project. Programs for the improvement of range inspection processes, the online portal for permit to acquire a firearm [PTA], licence renewals and new applications.

**Mr DAVID ELLIOTT:** What is your question?

**The CHAIR:** How are those programs proceeding?

**Mr DAVID ELLIOTT:** I would have to take them on notice and give you a specific update on individual programs.

I am advised:

To ensure the appropriate regulation of ammunition, the Government introduced laws via the *Firearms Amendment (Ammunition Control) Act 2012* which required the details of all ammunition sales to be recorded, and for dealers to sight firearms registration papers when selling handgun ammunition.

There is no ‘program’ per se about the recording of ammunition purchases.

### **Online Portal for Permits to Acquire**

The Firearms Licencing Information Management System (FLIMS) launched two major digitised forms (PTAs and Reapplications) on 22 October 2018 and two additional forms (New licence applications for individuals and new licence applications for businesses/government) on 6 December 2018 and provides the community with the capability to submit online applications for:

- Permits to Acquire a longarm or prohibited firearm
- Permits to Acquire a handgun
- Individual firearms licence including all genuine reasons
- Adding or deleting a genuine reason or category from an existing individual licence
- Individual licence renewals
- Business, club or government agency firearms licence
- Adding or deleting a genuine reason or category from an existing business, club or government agency licence.

As with any online solution, there continue to be opportunities identified to enhance the customer experience and these are being pursued. However, as a project or program this has been finalised.

The NSW Police continues to be committed to enhancing the Firearms Registry's IT infrastructure and service delivery offerings. The Firearms Registry Transformation Board, chaired by a Deputy Commissioner, has been established to oversee a complete rework of the digital systems and processes used at the registry.

Digital technology contractors have already mapped the Registry's processes and are currently developing a Digital Information Technology solution that will improve outcomes for licence holders, gun owners, clubs and dealers.

**The CHAIR:** And the final effect in relation to the 2018 New South Wales Firearms Amnesty, what was the result of all of that?

**Mr DAVID ELLIOTT:** I will take that on notice.

I am advised:

The amnesty results as at 18/10/18 include:

- 256 firearm dealers/club armourers participated in the Amnesty.
- 765 calls answered by Firearms Amnesty Hotline.
- Number of firearms subject to registration application was 5550.
- Number of firearms surrendered to Dealers and subject to acquisition was 814.
- Number of firearms surrendered to Police for destruction was 1980.
- Total Number of firearms captured during the Firearms Amnesty was 8344.
- Total rounds of ammunition surrendered was 74,154 units with additional 2257 KG.
- Number of prohibited weapons surrendered to Police for destruction was 56.

**The CHAIR:** Minister, are you aware of the NSW Treasury circular TC1803 on program evaluation?

I will just hand a Treasury document to you.

**Mr DAVID ELLIOTT:** Am I aware of it? No, I have not seen this document before.

**The CHAIR:** It states, "This circular requires all government agencies to undertake in-depth periodic evaluations of their new and existing programs to assess the continued relevance, efficiency and effectiveness in delivering outcomes." Do you agree with that?

**Mr DAVID ELLIOTT:** That is what it says in front of me, correct.

**The CHAIR:** Why is it that the New South Wales Firearms Registry has not submitted one program evaluation report to Treasury between March 2011 and today?

**Mr DAVID ELLIOTT:** I would have to take that on notice. I am only going to take that as a given because you have stated it, but I cannot prove that that is correct.

**The CHAIR:** I actually have the result of a request and a GIPAA that confirms that. I can show that to you too.

**Mr DAVID ELLIOTT:** If you can that would be great. What is your question?

**The CHAIR:** The question is: Why has the Government not insisted on the Firearms Registry or the commissioner producing any reports under the Treasury requirements between March 2011 and today on all these programs?

**Mr DAVID ELLIOTT:** I will take that on notice.

I am advised:

The Firearms Registry is not considered a discrete program of work as it is a Command of the NSWPF. As such, it is subject to the usual performance evaluation in accordance with the NSWPF COMPASS system.

**The CHAIR:** We are continually being told that they are all very successful and they are all great, et cetera, et cetera.

**Mr DAVID ELLIOTT:** No, you have misunderstood me. I accept the fact that there have been some deficiencies in the Firearms Registry and that is why I am thrilled that we have been able to make a number of changes, starting with the leadership of the registry. There has been a Deloitte investigation into the efficiency of the Firearms Registry—

**The CHAIR:** Prompted by me.

**Mr DAVID ELLIOTT:** Congratulations. There has been an Auditor-General review into the Firearms

Registry. One of my first action items when I was sworn in as the Minister was to go to Murwillumbah and visit the registry. I had a full and frank discussion with Superintendent Bell, the new commander of the registry. I met with staff at the registry. I am being regularly briefed on the changes to the registry. Not only have I read the Auditor-General's report, I have been personally briefed by the Auditor-General on that report and as somebody who has been, like the commissioner, trained to use firearms in anger, nobody has a more personal interest in making sure that firearms are used appropriately in this State than me. That is why I consider the registry a very, very important part of the work of the NSW Police Force.

**The CHAIR:** Minister, do you consider that people who use licensed firearms for recreational purposes or for sporting purposes are using them in anger? Do I interpret what you have said correctly?

**Mr DAVID ELLIOTT:** No, you have completely misinterpreted it. What I said is the commissioner and I have actually been trained to use firearms in anger, which I think anybody who has been in that scenario—

**The CHAIR:** Minister, I do not believe any police officer uses a firearm in anger.

**Mr DAVID SHOEBRIDGE:** Or should not.

**Mr DAVID ELLIOTT:** Trained to use a firearm in anger. I think when you have been trained to use a firearm in anger you probably have a slightly different appreciation about the need to secure firearms.

**The CHAIR:** I do not see how the word "anger" is appropriate. But anyway, I would have thought a police officer would be drawing his firearm as a last resort—

**Mr DAVID ELLIOTT:** That is right.

**The CHAIR:** —not getting angry and using it.

**Mr DAVID ELLIOTT:** He is not using it for any other reason than to deflect danger from himself.

**Mr DAVID SHOEBRIDGE:** No-one should be using a firearm in anger.

**The Hon. CATHERINE CUSACK:** I think it is just a term.

**Mr DAVID ELLIOTT:** It is a term for the profession of arms.

**Mr DAVID SHOEBRIDGE:** It is a very unfortunate term for the police, Minister.

**Mr DAVID ELLIOTT:** I am sorry you find it so offensive, but that is the term that they use in the military.

**The CHAIR:** The commissioner can speak for himself but I do not believe he would actually endorse that. Anyhow, we will move on. Minister, is it your intention to continue funding the Safe Shooting Program for the term of this Government?

**Mr DAVID ELLIOTT:** I would have to take that on notice. I am not familiar with whether that is actually in my portfolio.

**The CHAIR:** It is.

**Mr DAVID ELLIOTT:** I will take that on notice.

**The CHAIR:** The money comes out of the Police budget and is administered by Sport and Recreation.

**Mr DAVID ELLIOTT:** If it is administered by Sport and Recreation I will take it on notice and I will find out from the Office of Sport.

I am advised:

I am reviewing the benefits of this program before I make a decision for its continuation into 2019-20.

**The CHAIR:** It is a funny hybrid sort of thing and the majority of that money ends up being spent on improvements to firearms ranges, which have been mandated by the Firearms Registry.

**Mr DAVID ELLIOTT:** Sorry, what is your question?

**The CHAIR:** Is it going to be continued for the next four years? There have been no announcements made so far this year in relation to it.

**Mr DAVID ELLIOTT:** I note that the program held \$600,000 each year for a four-year cycle and

**The CHAIR:** Minister, you mentioned earlier in evidence that the number of staff at the Firearms Registry has actually increased. Information I have shows that the Firearms Registry numbers decreased from 95 to 83—a decrease of 12 per cent to 14 per cent.

**Mr DAVID ELLIOTT:** Can you table that information that you have received?

**The CHAIR:** I will be happy to table it.

**Mr DAVID ELLIOTT:** When you have tabled it, we will respond to it.

**The CHAIR:** It has been a decrease of 14 per cent.

**Mr DAVID ELLIOTT:** That is not the advice that I have got.

**The CHAIR:** Is the Minister aware that those 12 jobs were transferred elsewhere in the police?

**The Hon. CATHERINE CUSACK:** Point of order: Mr Chair, have you tabled the document?

**The CHAIR:** I do not have to table it. I said I will table it, but I do not have to table it for him to answer questions. He can make his own decision whether he wants to answer the question or not.

**The Hon. CATHERINE CUSACK:** He has just answered you by saying that he will answer when you table it—

**The CHAIR:** I am asking another question.

**The Hon. CATHERINE CUSACK:** —and that is why I am asking you: As Chair, will you table the document because it would help the Committee.

**The CHAIR:** The answer is no and I will later on. Is that sufficient for you? I will ask the question again—

**The Hon. CATHERINE CUSACK:** He has indicated he will answer it when you table the document. We are in a chicken-and-egg situation.

**The CHAIR:** Minister, are you aware of the fact that those 12 jobs have been transferred elsewhere?

**Mr DAVID ELLIOTT:** What jobs?

**The CHAIR:** Twelve jobs that were reduced from the registry from 95 to 83.

**Mr DAVID ELLIOTT:** What jobs?

**The Hon. CATHERINE CUSACK:** Mr Chair, to assist the Committee can I ask you to table the document?

**The CHAIR:** Those jobs related to call centre jobs that were available and were being handled for customer service at the registry in Murwillumbah and have been transferred elsewhere.

**Mr DAVID ELLIOTT:** I will take that on notice because the advice that we have is that there has been an increase in the headcount at the registry. I specifically need to know what jobs you are referring to—

**The CHAIR:** I will table that later on.

**Mr DAVID ELLIOTT:** —because obviously, like any unit commander, Superintendent Bell may have changed roles and responsibilities without reducing the headcount.

**The CHAIR:** I will table the document.

**Document tabled.**

**The CHAIR:** That is for later. You have taken the question on notice.

**Mr DAVID ELLIOTT:** I will take it on notice. The commissioner just highlighted to me, quite rightly, that what you have just given me is an approved temporary structure from last year. Given that we are in the second half of 2019 and that even the positions that you have given me here no longer exist, I can tell you that from observation.

**The CHAIR:** Thank you, you have confirmed they do not exist. So where did they go?

**Mr DAVID ELLIOTT:** Sorry, some of the position titles are different from what I understand are there. We will take this on notice and we will respond accordingly.

I am advised:

As at 12 August 2019, there were 83 staff based at the Firearms Registry, with a further 10 attached to PoliceLink Command performing Call Centre duties dedicated to Firearms Registry Customers, totalling 93 staff dedicated to servicing the licensed firearms community and industry.

**The CHAIR:** I will start with some unfinished business from last year. Commissioner, last year in budget estimates you gave this committee an undertaking to provide two reports and an answer to a question. We still have not received your responses on these outstanding items nearly 12 months later.

**Commissioner FULLER:** You are talking to me, I assume? Commissioner Fuller? Which reports are they?

**The CHAIR:** Firstly, there is a report following superintendent Tony Bell's review on the structure and performance of the firearms registry.

**Commissioner FULLER:** And the second one?

**The CHAIR:** Last year you said, "He is making extremely good headway and the review is progressing quickly." I specifically asked you, "When he does produce that report will you table it?" And you said, "Absolutely."

**Commissioner FULLER:** As you would be aware I table everything back through my Minister. What arrives on your desk, I am not sure. If you want to take that on notice again and if you can just clarify clearly what you want and they can be provided then I will. I can say that since last budget estimates I made some undertakings that we would put a new full-time commander in place, that we would review the restructure to make sure that the firearm registry was delivering the highest level of service. We are reducing the backlog, which I thought was the biggest problem, to be honest, in terms of service to those who are firearm owners and/or dealers, and I think there has been lots of positive progress made since then.

I am advised:

An appreciation of a number of the Registry's functions have been conducted by Superintendent Tony Bell and other specialist units within the NSWPF (OGC, SLED etc) which involved assessments / dip-samples of various units across the business. The results of these assessments have shaped the new structure and recently introduced Risk-Based Workflow Process.

**The CHAIR:** Thank you, commissioner, but I really would like to see Tony Bell's report, as was promised last year. The second report the committee is waiting on is the independent unemotional review of the genuine reason test applied to firearms suppressor applications for recreational and sporting purposes—genuine reason. Again, you have not provided the review for the committee.

**Commissioner FULLER:** Again, I will provide that through the ministerial chains and what arrives on your desk, sir, I cannot impact on that. What I can say is over the past three years, in terms of those for a purpose around employment, the silencers have increased. In terms of sporting and shooting, I do not think that statistic is the same. But again, over the past three years, if you need a silencer for the reason of employment that has increased, which shows that we are applying, in my books, a reasonable test.

**The CHAIR:** If I could see those reports, Minister, if they have been tabled with your office.

**Mr DAVID ELLIOTT:** I will take that on notice.



I am advised:

Advice has been obtained from the Crown Solicitors' Office (CSO) as to the meaning of "Genuine Reason". The advice of the CSO has been reviewed by OGC and a position has been provided for the consideration of the Commander, Firearms Registry.

**The CHAIR:** Thank you. Finally, I asked you if there had been any staff reductions at the Firearms Registry to which you replied, "It is my understanding that we have not deleted any positions. I will triple check that on notice to you." Again, no answer was provided to this committee.

**Commissioner FULLER:** The information I provided on 18 March 2017, there are 92 positions. And as of 27 August this year there are 93 positions. There has been an increase in two police positions and a decrease in one administrative position, but within that there have been a number of positions increased in grade to make sure there is appropriate supervision and adjudication of the applications that are coming in.

**The CHAIR:** Thank you. Commissioner, the Firearms Registry seems to take some perverse delight in closing down shooting ranges on the basis of supposed non-compliance with the registry's Range Users Guide. Commissioner, do you know that the Range Users Guide is not a statutory instrument?

**Commissioner FULLER:** No, I did not know that it was not a statutory instrument, but at the end of the day I think I think the Firearms Registry does a very good job. It has to deal with a large volume, over one million firearms, over 250,000 registered shooters. I think in most that they are doing a very good job and they certainly have my support. When you think about the oversight for the Firearm Registry decisions, which is the NSW Civil and Administrative Tribunal [NCAT], and 75 per cent of those are confirmed correct, I think in most that we are getting things right. But I am happy to take on notice any observations or criticisms about specific activities and review those for you.

**The CHAIR:** Okay. Thank you, commissioner. The registry has been closing ranges down and forcing clubs to spend large amounts of money on structural changes on the basis of a mere guide, which has no legislative authority. And yet still no confirmation on the Safe Shooting Program money that is available. That money is always being used to upgrade and change requirements as they are being specified by Mr Oakley at the registry. He seems to wander around the State arbitrarily lording it over ranges—

**The Hon. CATHERINE CUSACK:** Is this a speech, Mr Chair, or a question?

**The CHAIR:** You will find out if you are quiet enough for long enough.

**The Hon. CATHERINE CUSACK:** The role of the committee is to ask questions and we have invited all these witnesses to give answers.

I am advised:

Information on shooting range governance and legislation is available at [www.police.nsw.gov.au](http://www.police.nsw.gov.au).

**The CHAIR:** I will keep going. And there is no basis in safety or good management for many of these expensive modifications and requirements. Minister would you, or commissioner would you, undertake to change the basis upon which range assessment are done to, not just from physical facts based on someone who is not qualified to make those judgements, a document that has no force in law and actually goes to a proper risk-management process of evaluating range safety?

**Mr DAVID ELLIOTT:** Given your preamble there was highly emotive and editorial, I will take your question on notice.

I am advised:

Information on shooting range governance and legislation is available at [www.police.nsw.gov.au](http://www.police.nsw.gov.au).

**The CHAIR:** Of course it was. Thank you. Do you want to address that issue, Mr Coutts-Trotter?

**Mr COUTTS-TROTTER:** No, sorry Mr Chair.

**The Hon. NATASHA MACLAREN-JONES:** How is the New South Wales police and emergency services using technology to keep the community safe?

**Mr DAVID ELLIOTT:** Thank you very much for this question.

**The CHAIR:** What a great question.

**The Hon. NATASHA MACLAREN-JONES:** We have very important issues to cover.

**Mr DAVID ELLIOTT:** It is a very important issue and I think what you will find across all of the agencies that I have the pleasure of administering, technology has been embraced. I must say, in the two-year hiatus between emergency services Minister mark one and emergency services Minister mark two, I am quite surprised, in fact thrilled, at how all three commissioners have been able to embrace technology to make the community safer. We have already heard from Commissioner Fitzsimmons about the use of the large air tanker. I might ask all three of them to talk about how they are using applications, particularly Commissioner Fitzsimmons and Commissioner Baxter may make some remarks about the Fires Near Me NSW app and how the take-up of that has been used.

I would be very keen to defer to Commissioner Stuart to provide some information to the committee on the way that he is using new technology in relation to providing communications in the field. Last month he hosted me at Wollongong, at the SES headquarters, where, as I said in my previous answer, we were talking military-grade plus comms equipment that was being able to ensure that SES volunteers in the field did not have the burden that maybe other individuals might have when it comes to getting access to emails, and mobile reception and text messages.

We have already made some comments about the use of drones across all of the agencies, but also I think it is important—maybe Commissioner Baxter might want to comment on—the training that is provided to the next generation of firefighters and when you have a look at what a firefighter maybe had to use 50 years ago to fight a fire and what they have got available to them today, it is not only reassuring and comforting, but I think it is also a testament to the fact why it is so difficult to get into Fire and Rescue NSW. Fifty years ago they essentially did not have any communications from the fire line and the next generation of helmets that are being used by firefighters is something that I read about in a Dick Tracy comic and they are able to communicate from—

**The CHAIR:** Minister, have you got a Dick Tracy watch on?

**Mr DAVID ELLIOTT:** No, I would not mind one though. Particularly during estimates committees. Commissioner Fitzsimmons, would you like to talk about the use of technology in the RFS? And then we will provide the other two commissioners an opportunity.

**Commissioner FITZSIMMONS:** Technology can be defined in so many ways. As you say, everything from large assets such as water-bombing aircraft, which can be the large air tankers right through to—

**The CHAIR:** Commissioner, do you have a Dick Tracy watch on?

**Commissioner FITZSIMMONS:** I do not. I have got one of these smart watches that is new to the system.

**The CHAIR:** Very similar. Thank you.

**Commissioner FITZSIMMONS:** Basically, right from large water-bombing aircraft through to



technologies like trail bikes with compressed air firefighting type technologies on the back of trail bikes to get out into remote areas and assist with delivering firefighting operations, right through to ICT communications and technologies we, as part of the public safety family, police and emergency services and others work in very closely with the Government through the telco authority, record investment in statewide radio infrastructure, something like \$600 million or \$700 million in the first couple of phases, that is providing new and enhanced capabilities and technologies that have not been available under previous radio platforms. We are going to be incorporating things like vehicle location technologies—ABL.

We are also looking at ICT platforms that provide better intelligence and communication between multiple agencies on the front line through to State command control centres, which then furnish information out through to the public via our websites or via technologies and smart tools like applications. The "Fires Near Me" app only in recent months was upgraded to include a number of enhancements where people can set watch zones and get automatic push notifications. If they live or work or have family or loved ones in particular areas around New South Wales, they can establish an area and if fires pop up in that area or start to threaten that area they will automatically be triggered with warnings.

We are working in partnership too with the State Emergency Service. We are in the final stages of a very wide tender process to look at what we are calling a "Member Availability" app, which will be a corporatised solution to provide access to and information concerning the location and availability of volunteers. That will also ultimately end up tying in neatly with a vehicle and human personnel tracking system, allowing brigades to manage their activities, manage access to members and those sorts of things. So there is technology in that space.

**Mr DAVID ELLIOTT:** I will invite Commissioner Baxter to make some commentary on the use of technology in Fire and Rescue NSW. I think probably what we are finding with Fire and Rescue at the moment is that it is seen as a world leader when it comes to the use of technology. Commissioner Baxter has been able to provide advice to international agencies as well.

**Commissioner BAXTER:** The Minister touched earlier on the use of drones or RPAS—or remotely piloted aircraft systems—as they are now referred to. There is a significant advancement in our technology in that area that has proven very worthy in the field. We are able to utilise that equipment now on fires in the urban environment and certainly in the rural environment as well. As technology and sensory abilities increase we are able to utilise those on hazardous materials, which means we do not have to commit our firefighter people until we understand the dangers that are present. We have been able to work very closely with the Rural Fire Service in incidents like the Tathra fires where we can map areas of damage and provide estimates against the amount of damaged materials that need to be moved, for example, and landfill requirements.

We are deploying these teams now in ever increasing areas both within the State and internationally. We have now, through the Federal Government, provided support internationally through the United Nations International Search and Rescue Group to a number of nations. In the Greek fires, for example, we sent a team over there to support with damage assessment materials. We also sent troops to the Solomon Islands to assist with damage on a ship grounding. We use the technology also in incidents now like the ship fire that was suffered in Port Kembla last year. We are also using this now in mobile forms. All of our fire trucks are equipped with mobile data devices where they can quickly access information on buildings and the hazards within the buildings, building plans et cetera, which provides a far higher level of intelligence that we have previously had.

We use the dispatching methods with automatic vehicle locations, which means we are able to quickly identify the closest and most appropriate resources to incidents as they come in. We are also now utilising a wide range of information on easy-to-use applications on mobile phones to assist firefighters to interact with members of the community who are at risk of fires and provide advice to home owners about their risk, the use of smoke alarms et cetera to try to reduce the amount of fatalities and moderate injuries that are occurring. We are also, for our staff, making information available around mental health issues. As late as yesterday we won an industry award for an application that was developed in consultation with the University of New South Wales for firefighters to be able to access to become more resilient or to find coping strategies to deal with post-traumatic stress disorder type of issues as well.

We have also invested in new aerial appliances, known in the public as cherry pickers or Brontos, and that will bring in a bunch of new capability that we have not previously had in terms of its reach but also the electronic safety mechanisms on board. And also communication tools to try to improve the level of engagement with our staff so that we can interact with our staff more readily, particularly in rural and remote locations, which we find very difficult to do. We had a recent release of that, and 4,000 of our staff members have downloaded and are using it on a day-to-day basis. All in all we are very open to the use of technology. Being a newcomer into the State and into this department, I am very proud of what Fire and Rescue NSW has achieved. I think it is at the leading edge of technology.

**Mr DAVID ELLIOTT:** I invite Commissioner Stewart to comment on the comms equipment that is being used at the moment.

**Acting Commissioner STEWART:** A critical component of our capability maintenance is always communication. Whenever we are in the operational arena there is always a need for those of us who shepherd our agencies through whatever it is that we are confronting to ensure that we have got the ability to talk to our people in the field and make sure that they have got the means with which they can transfer information into the centre. As Commissioner Fitzsimmons and Commissioner Baxter said, we are in partnership with the Telco Authority through the Critical Communications Enhancement Program in terms of the broad holistic State's network for our public safety program of comms. What we know in the operational arena is that there are times when flood or fire will impact and compromise the standard comms network that we have got. We need an ability as an emergency service agency to ensure that we have got a way to put a piece of kit into the field that enables our operators to talk to the centre and to one another to keep them safe.

As a part of the StaySafe and Keep Operational program within the Telco Authority, the State Emergency Service has designed and prototyped a cell on wheels, affectionately known as our COW, which provides an ability for us to go into remote areas where comms infrastructure has been compromised or where, indeed, it does not exist and to put into that particular area a sophisticated element of communications infrastructure, the like of which you probably would not get in a refined 5G environment. The cell on wheels has been activated over the course of the last probably 12 months with great fanfare in support of not only the State Emergency Service but also the other emergency services to the point where the pilot that we have done, and the prototype that we have built, is now going to be replicated across five other platforms and will be available for police and emergency services to use.

Importantly, it is a critical means of support to some of our specialist capabilities. For example, we have a really sophisticated bush search and rescue team that deploys in support of the police and those who are lost in the bush. They deploy in areas where you will not find any form of comms infrastructure as a stock-standard piece of infrastructure. The cell on wheels enables those men and women who have got some amazing skills to be kept safe, to be able to talk to the centre and, importantly, to be able to talk to one another as they go about their business. As I said, the cell on wheels provides an ability for not only the usual radio comms to be transmitted across the operating arena but also importantly for us to use what is the more sophisticated elements of comms that we now rely upon—the mobile phones, the 3G through to 4G or 5G, or whatever it might happen to be. As the Minister said, you think of it and the cell on wheels will provide it for our operational people in the field.

**Mr DAVID ELLIOTT:** It is important to know that the cell on wheels [COW] is not a real cow, Mr Pearson.

**The Hon. MARK PEARSON:** COW?

**Mr DAVID ELLIOTT:** Yes, it is just its pretend name and we are looking after it.

**The Hon. NATASHA MACLAREN-JONES:** Leading on from some of the comments you made, I am interested to know a little more about how the State is being prepared ahead of the potential bushfire season that could come up.

**Mr DAVID ELLIOTT:** Thanks for that question. Hazard reduction is one of many tools that the Rural Fire Service uses to mitigate the risk of bushfire. Before I hand over to Commissioner Fitzsimmons, I can say that the 73,000 Rural Fire Service volunteers across New South Wales, supported by the 800-odd salaried staff, are doing a fantastic job when it comes to preparing the State. The drought, as all members of this Committee would no doubt be aware, is going to increase the risk of bushfire. As Commissioner Fitzsimmons has already said, we have already seen the large air tanker [LAT] *Marie Bashir* deployed. On one of its first operational days, we saw it deployed something like four times. Our Chairman has already identified the fact that it did work out of the mid North Coast and was stationed at Coffs Harbour.

What the commissioner will also probably expand on is the fact that hazard reduction is just one thing that the RFS does. There are mechanical fire lines utilised over the course of the off-season. We unfortunately have had to bring forward the bushfire season in a couple of local government areas, particularly in the north of the State. Of course, the training that has been done for our volunteers over the course of the winter break, in my mind, has been second to none. I think it is fair to say that, even though we have the largest volunteer firefighting service in the world—and I think the Committee needs to acknowledge that Commissioner Fitzsimmons presides over the largest volunteer firefighting service in the world—it is important for us all to identify the fact that there is an element out there that will want to start bushfires, which makes the job more dangerous.

That is why, only last week the Attorney General and I announced tough penalties for those that are caught lighting bushfires, from a mandatory sentencing point of view. I think that sends the right message to the

community, as those members of the Committee who are from regional New South Wales are no doubt well aware. We in the city look at bushfires as something that threatens the back patio. In regional New South Wales a bushfire, particularly during drought, has a devastating effect on agriculture, has a devastating effect on flora and fauna, has a devastating effect on things like tourism, has a devastating effect on cattle and stock. There are some parts around New South Wales where, if a bushfire goes through them this summer, I am not convinced that the communities will ever recover.

All of the insurance payments in the world, all of the government subsidies in the world, all of the goodwill in the world will not bring back some of these communities if they are affected by a bushfire this season. That is why I think all of the agencies represented before you today will be working in lockstep with Commissioner Fitzsimmons to make sure that we provide our volunteer firefighters with everything they possibly need. I know that the Police Force are very conscious of the fact that arson is used by any number of people for any number of reasons. It needs to be taken very, very seriously. I think there are already people incarcerated at the moment for that offence. Commissioner Fitzsimmons, would you like to provide any further commentary on that?

**Commissioner FITZSIMMONS:** Thank you, Minister. As we know, this State is profoundly affected by this prolonged drought situation, so the lead-up to this season is very much being influenced by the moisture deficit across the landscape. Unfortunately, the outlook over the coming months is for no meaningful rain to alleviate the situation. We are heading over the coming months for more warmer and drier-than-normal conditions, which is particularly challenging. As the lead agency for bushfire in New South Wales, it is a coordinated and collaborative effort. The principal fire agencies—being RFS, Fire and Rescue, National Parks and Forestry Corporation—along with our emergency services and land management partners across the State have been undertaking a range of necessary preparatory planning, seasonal briefing and seasonal outlook forums right around regional parts of New South Wales. Our investment, as has already been touched on, is in recognition of where we are with prolonged fire seasons.

We have seen quite a number of local government areas, as the Minister mentioned, commence their bushfire danger period early—officially on 1 August 21 local government areas, and we are expecting a further 53 local government areas to start their bushfire danger period on 1 September. Given that the statutory period is typically 1 October through to 31 March, we have seen already a busy start to the season. So far in this reporting period, since 1 July, we have had over 1,300 fires.

**The CHAIR:** Commissioner, can I ask you to put the rest of your answer on notice as we are running a little bit late.

**Commissioner FITZSIMMONS:** No problem.

The NSW RFS contracted two Large Air Tankers for the 2019/20 fire season. This is in addition to their own Large Air Tanker 737 Fireliner 'Marie Bashir' and two medium utility helicopters used for Rapid Aerial Response Teams and one single engine squirrel helicopter which is equipped to provide 'real time' video footage of incidents. Fire fighters will be further supported by over 150 tactical aircraft, 30 aviation fuel trucks, specialist aircrew and aerial intelligence capability available through the Call When Needed (CWN) arrangements.

For the 2018/19 financial year, the NSW RFS and partner agencies successfully treated more than 199,248 hectares, and protected more than 113,130 properties (as at 2 September 2019). Hazard reduction is one of the most effective measures to prevent, mitigate and suppress bush fires. State and Regional pre-season briefings have been conducted throughout July 2019 ending in a State Exercise.

The NSW RFS has 15 accredited Fire Behaviour Analysts (FBAs) that work with an embedded meteorologist from the Bureau of Meteorology (BoM) to assist in planning and understanding fire weather and predictions. Throughout 2018/19, the NSW RFS continued to enhance this capability and commenced training an additional 52 NSW RFS personnel in becoming accredited FBAs.

Additionally, the NSW RFS continues to be the only jurisdiction that deploys weather balloons and Portable Automatic Weather Station units into the field, which directly assist

with fire spread calculations and operational readiness preparations.

The NSW RFS expanded its Remote Area Firefighters capability by training 84 additional volunteers in 2018/19, bring the total number of remote area firefighters to over 600. These firefighters can form Rapid Aerial Response Teams who are transported by helicopter to remote fires which are inaccessible by vehicles

The NSW RFS also has Trail Bike Units (TBU) which assist with remote area operations. TBUs gain in gain access to rugged bushland and undertake rapid response, fire trail inspections, dry firefighting and arson deterrence.

A number of Rural Fire District Incident Response Plans particularly in regional areas have been adjusted to include actions for increased vehicle responses and/or bulk water carriers for initial response to mitigate the limited water availability. Where practical, dry firefighting strategies and heavy plant engagement may be used to further limit the amount of water used. However, the NSW RFS continues to work with NSW Department of Primary Industries and Local Land Services to replace water for livestock and agricultural purposes where it is taken for firefighting purposes.

**The Hon. TREVOR KHAN:** We might have a chance to ask him some further questions later.

**The CHAIR:** You will get some more question time, I guarantee that. I always stick by the rules.

**The Hon. TREVOR KHAN:** Absolutely, I know that.

**The Hon. ANTHONY D'ADAM:** Minister, I just want to take you back to your answer in response to my line of questioning about the special constables. You said that you were not prepared to comment because the matter is subject to negotiations and consideration by the Industrial Relations Commission. Are you aware that workers compensation is not within award negotiations?

**Mr DAVID ELLIOTT:** Yes, I am aware of that, but I am not going to provide any running commentary on their award per se whilst it is before the Industrial Relations Commission.

**The Hon. ANTHONY D'ADAM:** It is not an award matter—

**Mr DAVID ELLIOTT:** I understand that—

**The Hon. ANTHONY D'ADAM:** —so would you like to reconsider your explanation for not providing a response?

**Mr DAVID ELLIOTT:** I understand that it is not an award matter, but anything that I say may or may not be used by parties before the Industrial Relations Commission as to whether or not they deserve the—

**The Hon. ANTHONY D'ADAM:** But it is a separate matter, Minister.

**Mr DAVID ELLIOTT:** I understand that, yes. I will refer you to my last answer.

**The Hon. ANTHONY D'ADAM:** But it is not relevant to the Industrial Relations Commission proceedings.

**Mr DAVID ELLIOTT:** I have said that I believe that it could be.

**The Hon. ANTHONY D'ADAM:** In what way?

**Mr DAVID ELLIOTT:** I will refer you to my last answer. Next question.

**The Hon. ANTHONY D'ADAM:** Minister, \$12.9 million is proposed to be cut from recurrent funding to Fire and Rescue NSW, representing 2 per cent of the operational budget of the agency. How will this be accommodated without cutting frontline staff?

**Mr DAVID ELLIOTT:** The Premier and the Government have committed to making frontline staff immune from any of these efficiency dividends.

**The Hon. ANTHONY D'ADAM:** They are exempt, are they?

**Mr DAVID ELLIOTT:** Yes—

**The Hon. ANTHONY D'ADAM:** Fire and Rescue—

**Mr DAVID ELLIOTT:** —frontline staff.

**The Hon. ANTHONY D'ADAM:** —frontline staff are exempt from the efficiency dividend?

**Mr DAVID ELLIOTT:** Yes, that is correct.

**The Hon. ANTHONY D'ADAM:** That is correct?

**Mr DAVID ELLIOTT:** Yes. It is important to note that they have a record total expenses budget this year of \$77.3 million.

**The Hon. ANTHONY D'ADAM:** What would be the establishment numbers for Fire and Rescue had the Government not applied previous budget cuts to this organisation? From 2011 through to now, given the cuts, had those cuts not applied, what would the establishment of Fire and Rescue have been?

**Mr DAVID ELLIOTT:** I think it would be nearly impossible to give you an accurate answer to that one. Are you talking about an eight-year period?

**The Hon. ANTHONY D'ADAM:** Yes, over an eight-year period?

**Mr DAVID ELLIOTT:** I will have to take that one on notice.

I am advised:

The number of authorised establishment positions across the organisation has remained stable since 2011.

**The Hon. ROSE JACKSON:** Minister, \$28.5 million has been cut from the capital budget of Fire and Rescue New South Wales—that is, 35 per cent of the last allocation. What procurement or construction projects are not being moved ahead with because of this?

**Mr DAVID ELLIOTT:** I do not think that the question you are asking should be "what is not being done"—

**The Hon. ROSE JACKSON:** That is the question, Minister.

**Mr DAVID ELLIOTT:** Let me assist you. Last year we built a brand-new Fire and Rescue Academy—

**The Hon. ROSE JACKSON:** I am interested in the budget for this year.

**Mr DAVID ELLIOTT:** Can you let me finish? It is like buying a house; you only buy it one year. So when you buy a million-dollar house last year, you do not buy another million-dollar house this year.

**The Hon. TREVOR KHAN:** Unless you are very lucky.

**Mr DAVID ELLIOTT:** You will find that unless the commissioner wants to provide—

**The Hon. ROSE JACKSON:** This is very foreign to me—the idea of buying million-dollar houses.

**Mr DAVID ELLIOTT:** Is it? Okay.

**The Hon. CATHERINE CUSACK:** You will have to ask some of your donors.

**Mr DAVID ELLIOTT:** What you will find is that the reason why it is down is because last year we actually had a significant construction bill with the new Fire and Rescue Academy. The commissioner may expand on that.

**Commissioner BAXTER:** There was a number of reasons why the budget changed or appeared to reduce this year, but the question is with regard to what are we building and not building. We always have a substantial list that is on our program, so dependent on the funding available we always move things up the schedule.

**The Hon. ROSE JACKSON:** So there are no capital construction projects that have been slated that are not going ahead because of the 35 per cent reduction in the capital budget?

**Commissioner BAXTER:** Not as far as I am aware, but the \$28.5 million that you speak of was due to enhanced capital budgets last year; in particular, an additional \$17.5 million for a critical communications enhancement project which was distributed amongst all of the agencies. We also had an additional amount of money in last year's budget for a boost to our aerial fleet of around \$7 million and the additional \$9.8 million that went into funding requirements for training props and equipment at the new academy in Orchard Hills.

**Mr DAVID ELLIOTT:** Can I just clarify? That is obviously the answer to the question. Last year we built something big and this year we do not have to build that. But you said it was a 2 per cent reduction?

**The Hon. ROSE JACKSON:** I said it was a 35 per cent reduction from the last allocation—\$28.5 million. If you look on page 6-7 of the budget estimates, that is what I am referring to.

**Mr DAVID ELLIOTT:** All right.

**The Hon. ROSE JACKSON:** Minister, I am assuming from the previous answers you gave to questions from the Government, that you have been briefed on the upcoming bushfire season.

**Mr DAVID ELLIOTT:** The Rural Fire Service Commissioner and I speak every week, obviously, but I have a formal meeting with him at least once a fortnight.

**The Hon. ROSE JACKSON:** Is it fair to say that you would agree with Commissioner Fitzsimmons' comments about the impact of, for example, drought and other weather patterns on the bushfire season and that you are quite concerned that this year we could be looking at a relatively serious and heightened bushfire risk?

**Mr DAVID ELLIOTT:** Yes.

**The Hon. ROSE JACKSON:** Considering that, do you not think there is a need for still more budget allocation for Fire and Rescue NSW to address the increased risk?

**Mr DAVID ELLIOTT:** Where would you suggest that money go?

**The Hon. ROSE JACKSON:** Well, I am not the Minister, but you are the one saying that there is a serious and potentially increased risk, and yet money has been cut.

**Mr DAVID ELLIOTT:** I am sorry, that is incorrect. It is a record increase. In three questions already this morning we have talked to you about the improved aviation assets, so do not underestimate what a 737 carrying 15,000 litres of fire retardant can do to a bushfire. I am very confident that not only will this increase be well utilised but also, as we have always said as a Government, in times of natural disaster there are other resources that we draw on as well.

**The Hon. ANTHONY D'ADAM:** Minister, given your previous answer about the firefighting staff, the frontline employees being exempt, how do you propose that Fire and Rescue NSW will actually meet the budget cut?

**Mr DAVID ELLIOTT:** That is a matter for the commissioner. As I said before, as a Government we have been re-elected for a third time because of our economic credentials. We believe that the public service should be exactly that—a service.

**The Hon. ANTHONY D'ADAM:** Have you made any suggestions to the commissioner about it?

**Mr DAVID ELLIOTT:** If I can finish—because I do not want to have to put all your questions on notice—we have to make sure that the Government is in a position so that the increases in public sector spending in frontline services is sustainable. Like every single organisation that has to prepare for sustainable growth, we have to make sure that efficiencies are forever looked at.

**The Hon. ANTHONY D'ADAM:** Have you made any suggestions?

**Mr DAVID ELLIOTT:** That is not my job. I am not a firefighter.

**The Hon. ANTHONY D'ADAM:** So you did not suggest that they perhaps cancel the staff Christmas party? That was not a suggestion that you made? Do you have any recollection of that?

**Mr DAVID ELLIOTT:** I have only been Minister since Easter so that would be pretty impossible for me.

**Mr DAVID SHOEBRIDGE:** You did not cancel the bunny?

**The Hon. ANTHONY D'ADAM:** You did not make that comment?

**Mr DAVID ELLIOTT:** No.

**The Hon. ROSE JACKSON:** What is the cost of the Fire and Rescue NSW Christmas party?

**Mr DAVID ELLIOTT:** I reckon I am pretty well briefed by the fire commissioner but he has not discussed that with me. I tell you what, it would not be \$100,000.

**The Hon. ROSE JACKSON:** As Minister, how are you going to ensure that there is no diminished service to the community because of the Fire and Rescue NSW budget cut?

**Mr DAVID ELLIOTT:** I have just told you that there will not be a reduction in services to the community because operational capabilities are immune. We have been saying that since we were elected in 2011. Frontline services are immune. Unless you have got evidence to suggest to me that that has not occurred, we will continue with that mantra.

**The Hon. ROSE JACKSON:** Will there be longer response times from firefighters to arrive at fires or rescue incidents, hazardous incidents, storm events, et cetera, if stations drop below the safe and effective crewing limit or are taken offline?

**Mr DAVID ELLIOTT:** Have you got any evidence that that has occurred?

**The Hon. ROSE JACKSON:** That is not the question. If that does occur, will there be longer response times?

**Mr DAVID ELLIOTT:** At the moment I think the average response time to a fire around the State is

**Commissioner BAXTER:** Our targeted response times to all incidents is 10 minutes, and at the moment we are around 9½ minutes, and that has remained consistent for at least the last four or five years.

**The Hon. ANTHONY D'ADAM:** Minister, you just said that all frontline staff are exempt. Earlier in our questioning, you were asked about special constables and you were not able to give an unequivocal answer on that. Are you now saying that special constables are not frontline or, if they are frontline, that they are exempt? Which is it?

**Mr DAVID ELLIOTT:** I refer you to my last answer on that.

**The Hon. ROSE JACKSON:** Minister, did Fire and Rescue NSW put forward any request for extra firefighting staff in this year's budget?

**Mr DAVID ELLIOTT:** This budget started in October last year before I was sworn in as the Minister, but I might ask the commissioner.

**The Hon. ROSE JACKSON:** Commissioner, did you put in a request for additional firefighting staff?

**Commissioner BAXTER:** No. There has been no request for additional full-time equivalent staff.

**The Hon. ROSE JACKSON:** Did you put in a request for any extra funding to fund technical support teams?

**Commissioner BAXTER:** There is a current proposal around technical support that will only proceed



**The Hon. ROSE JACKSON:** Did you put in any request for additional funding for services to protect communities in New South Wales from fire in this year's budget?

**Commissioner BAXTER:** We have had a number of various requests. Probably the most substantial one would be a proposal that was put to Treasury for protective clothing replacement.

**The Hon. ROSE JACKSON:** And what was the response to that?

**Commissioner BAXTER:** The proposal went to the Expenditure Review Committee [ERC]. It has been approved by the ERC to be funded within existing resources.

**The Hon. ROSE JACKSON:** Is that feasible from your point of view, that it is funded within existing resources?

**Commissioner BAXTER:** Not within our current budget, but we are continuing to work with Treasury and the department to identify where that funding will come from.

**The Hon. ROSE JACKSON:** Minister, are you aware of a situation in which breathing mask apparatuses have begun failing in a systemic way across the State in Fire and Rescue NSW?

**Mr DAVID ELLIOTT:** If you have got any examples of that occurring I would be very keen to see them.

**The Hon. ROSE JACKSON:** That was not the question. Are you aware of a situation in which breathing mask apparatuses have been failing?

**Mr DAVID ELLIOTT:** No, I am not. That is why I am asking if you have got evidence of it occurring, please refer that to me.

**Commissioner BAXTER:** Minister, could I assist with that? Last year we had an issue with a particular brand of breathing apparatus that was in complete, wide use across the State. We withdrew that from service. Fortunately, we were in a position to be able to reissue another type of breathing apparatus which retained the capability across the State. We are still in some litigation and negotiations with the company responsible.

**The Hon. ROSE JACKSON:** Did you brief the Minister when that situation occurred?

**Commissioner BAXTER:** The situation occurred with the Minister's predecessor and there has been ongoing updates on the progress of that case.

**The Hon. ROSE JACKSON:** And you are able to fund the replacement of those breathing apparatuses from within your budget without cuts having to be made to other areas? You said it was a widespread problem, so presumably it might have cost a bit of money to replace them in a widespread way.

**Commissioner BAXTER:** I would probably take some of this question on notice because we have ongoing litigation with the company concerned and we have been able to fund the situation internally at this stage. I would expect that because the backup breathing apparatus sets that were put into place were older they will still need to be replaced at some stage, so there will be some funding attached to that, dependent on the outcome of the current case.

I am advised:

The matter is currently under litigation, and includes the cost of replacing the breathing apparatus sets.

Back to a previous answer in relation to the capital budget, is the new Kingscliff Fire Station budgeted for under the capital budget that has been cut by 35 per cent?

**Commissioner BAXTER:** No, it is not.

**The Hon. ROSE JACKSON:** Why is that? Is there no need for a new station there? Did you request funding for that station?

**The Hon. TREVOR KHAN:** One question at a time.

**The Hon. ROSE JACKSON:** Apologies, commissioner.

**Commissioner BAXTER:** The approval to proceed with that came after the budget round. I think our

best advice is around \$5.8 million to do that. Currently, we do not even have any land available in that area so we are looking at the options available for us to move forward with that. We would need to identify and acquire land before we could even proceed with the build.

**The Hon. ROSE JACKSON:** Minister, it is true, is it not, that Fire and Rescue NSW has new goals? I am hesitant to use the word "quotas", but they have recruitment targets for women's participation in Fire and Rescue NSW. That is correct, is it not?

**Mr DAVID ELLIOTT:** Yes, there is an aspirational target, because our view is that in the past firefighting, like a lot of professions, was something that women were not encouraged to join, and I can tell you from my experience in the military that when we removed gender barriers for a lot of jobs in the military we saw women actively considering those jobs, and they made a significant contribution. It makes good business sense for us to be able to go to 50 per cent of the population and say, "Listen, there is nothing stopping you from taking this role". Of course, because for hundreds of years they never considered taking that role, we have to be proactive in embracing women's involvement.

**The Hon. ROSE JACKSON:** For that to occur presumably there may need to be some upgrade to existing fire stations to provide, and in some cases create, better or improved women's toilets and change facilities?

**Mr DAVID ELLIOTT:** Yes, there will be a requirement. The South Broken Hill Fire Station, if I remember correctly, might already be 100 per cent women, so I do not think that they need to have that matter addressed, but there will be an obligation on behalf of Government to dip into its \$14.4 million renovations budget to make sure that women are catered for where there are deficient women's toilets and change rooms.

**The Hon. ROSE JACKSON:** Has Fire and Rescue NSW briefed you on the cost of upgrading fire stations in New South Wales to that standard?

**Mr DAVID ELLIOTT:** They have briefed me that there will be a cost in some fire stations for women's amenities to be either renovated or introduced.

**The Hon. ROSE JACKSON:** Despite that briefing, you still cut their capital budget by 35 per cent.

**Mr DAVID ELLIOTT:** As I explained in my first answer, you are talking about the base year of last year, which saw a brand-spanking-new fire training academy built, so you are not comparing apples with apples. The year 2018-19 saw a significant investment in a brand-new facility at Orchard Hills. This year we do not need to buy that facility.

**The Hon. ROSE JACKSON:** But you do need to upgrade fire stations in order to provide women's change facilities.

**Mr DAVID ELLIOTT:** We have been doing that for a hundred years. It is a nice problem for me to have to say that we are now seeing more and more women join fire and rescue, like it was a nice problem to have when defence—

**The Hon. ROSE JACKSON:** It might be a nice problem, but it would be good if there was a nice solution.

**The Hon. TREVOR KHAN:** You just don't like good news; that is your problem.

**Mr DAVID ELLIOTT:** I will take that as an editorial comment, but if I am to understand your line of questioning correctly I would say that no woman should feel that they cannot join Fire and Rescue NSW because they do not think there are going to be amenities there. They will have no bigger champion than me. I can tell you from my experience as emergency services Minister last time, and my experience in other combat agencies, women reduce the level of bullying on some occasions when they are introduced; they have fantastic appreciation of command and control; and we have seen women in the military, for example, taking star command roles—

**The Hon. ROSE JACKSON:** I don't need a lecture on the value of women.

**Mr DAVID ELLIOTT:** It is the line of questioning that you have had.

**The Hon. ANTHONY D'ADAM:** I would like to ask a question about safety standards for fire stations. Are all the facilities up to the requisite safety standard, particularly in relation to decontamination after fire?

**Mr DAVID ELLIOTT:** I might defer to the Commissioner to answer that question.

**Commissioner BAXTER:** Actually, to be fair, there are not many published standards about how fire stations should operate or be designed with regard to contamination.

**The Hon. ANTHONY D'ADAM:** You must have an expectation; there must be a benchmark.

**Commissioner BAXTER:** Yes, absolutely.

**The Hon. ANTHONY D'ADAM:** Are they all up to standard?

**Commissioner BAXTER:** Well, not to the standard—

**The Hon. ANTHONY D'ADAM:** Yes or no?

**Commissioner BAXTER:** There is not a standard.

**The Hon. ANTHONY D'ADAM:** Your standard.

**Commissioner BAXTER:** Our desired standard, no, there is not. But, having said that—

**The Hon. ANTHONY D'ADAM:** Have you briefed the Minister about the capital—

**The Hon. TREVOR KHAN:** Point of order: The witness is entitled to complete his answer.

**The CHAIR:** The bell is ringing now, so we are okay.

**The Hon. MARK PEARSON:** In the last term of Government we passed legislation in relation to lethal force. I think it was as a consequence of the incident at the Lindt cafe.

**Mr DAVID ELLIOTT:** Yes.

**The Hon. MARK PEARSON:** Are you concerned, or have officers been concerned, that it is possible to either injure or kill a person who is not the person responsible for the terrorism, or whatever is of concern, in order to kill the person who is? It is called "lethal force" and it gives the capacity for an officer to harm a person in their duty of killing a person who is a serious risk, and that officer does not have to answer to a coronial inquiry into that incident.

**Mr DAVID SHOEBRIDGE:** Or criminal proceedings. I think there is protection from criminal proceedings.

**The Hon. MARK PEARSON:** Are police officers concerned about that, or are you, as Minister, or commissioners concerned about that?

**Mr DAVID ELLIOTT:** I am concerned every time a life is taken by a police officer in the undertaking of their duties, but the authority on this matter, of course, is the commissioner, so I might invite him to make some remarks.

**Commissioner FULLER:** This will be tough to do in two minutes, but I will certainly do my best.

**The CHAIR:** I will give you whatever time you need, commissioner.

**Commissioner FULLER:** Part 2AAA of the Terrorism (Police Powers) Act came about as a result of the finalisation of the Lindt cafe coronial inquest. Much of the inquest in terms of the phase around the Lindt cafe and the police operation was around police powers and whether contain and negotiate and/or a more aggressive deliberate action was applicable. In fact the community feeling around that was that police should have perhaps used force, potentially lethal force, a lot earlier than we did. The test around lethal force is whether a person will lose their life or sustain serious injury and the term "imminence" is a big part of that. What we all thought from a police, community and government perspective is that you cannot have police in a situation of a terrorist attack double-guessing their powers, knowing that strategies of terrorists around the world, tried and tested, are about how do you delay police tactics to maximise the loss of life.

So the safeguards that have been put in place in relation to Part 2AAA are that, as the Commissioner of Police, I have to determine that the incident is a terrorist incident, and that process is one that would be fully discoverable through a coronial or other process, so I am taking the responsibility of making that call. That call is then the next step in potentially turning on the powers of Part 2AAA and I, as the commissioner, have to justify why those powers are turned on. There are significant safeguards around the use of Part 2AAA and, if they are ever used, the first person in the box will be me.

**Mr DAVID SHOEBRIDGE:** Commissioner, speaking about concerns about terrorism, were you aware that the number of staff in the Bias Crime Unit was reduced from four to one in 2017 and, if so, when did you become aware of that?

**Commissioner FULLER:** It is not the case. There was a small Bias Crime Unit when I commenced duty as the Commissioner of Police. If my memory serves me correctly, none of those were fully funded positions, meaning that they were temporary positions. What I did within a week of becoming the Commissioner of Police was set up the Fixated Persons Unit, which has a Bias Crime Unit to it. There are now 30 full-time positions looking at those types of people that do not profile as terrorists but are capable of terrorist activities, and they have made a number of arrests and work closely with Health in putting people into the sort of help they need, so we do not see the sort of cases like we did in Sydney a few weeks ago.

**Mr DAVID SHOEBRIDGE:** Commissioner, are you aware of the critique in the report from Professor Gail Mason on bias crime policing, the series of critiques from former police, that there was a lack of focus on bias crime in the Fixated Persons Unit? Are you aware of those critiques?

**Commissioner FULLER:** No, I am not, and she certainly did not speak to me.

**Mr DAVID SHOEBRIDGE:** Is it true, though, that when you took over there was just one person attached to the Bias Crime Unit?

**Commissioner FULLER:** I think it is true that when I took over there were no fully-funded positions in the Bias Crime Unit and we have strengthened that by making bias crime a permanent and ongoing fixture as part of the Fixated Persons Unit sitting under the broader envelope of counter-terrorism command.

**Mr DAVID SHOEBRIDGE:** How many persons are specifically attached to biased crime in the fixated persons unit?

**Commissioner FULLER:** I will take that on notice.

**Mr DAVID SHOEBRIDGE:** Have you directed resources to address what I think all of us would consider disturbing: the increased reports, especially from white nationalists, which have even affected political parties?

**Commissioner FULLER:** Absolutely. To run you through the process of whether a matter is a terrorist incident, whether it is right wing or otherwise, we have the strongest and the largest counterterrorism response in the State. And that includes right-wing extremism. We have a threat panel that looks at and environmentally scans for threats of any type, whether they be right wing, centre or left wing. The panel then profiles those individuals and groups. We have close working relationships with the Australian Federal Police, the ASIO and other intelligence agencies. We have arrested right-wing extremists in the past and certainly whenever a job comes in that is about someone threatening a politician or someone who profiles in this way, it is appropriately assessed and actioned, and they are arrested quickly.

**Mr DAVID SHOEBRIDGE:** So you will give us on notice the number of persons in the fixated persons unit who are addressing biased crime?

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** Are you aware of the concerns, though, that were included in Professor Mason's report of members of faith communities about the lack of response from NSW Police when hate crimes have been referred?

**Commissioner FULLER:** I meet with members of those communities on a regular basis, particularly when there are incidents like that at Christchurch. To be honest with you, I get positive feedback about the relationships between police and the entire community. We do take those concerns seriously and we have made arrests, so to suggest that we are not in front of that crime issue is just wrong. Now, is there always more work to do? Absolutely. One of the exciting parts of this as a commissioner is that there are still 1,250 positions left to

allocate going forward. That is the important part, not knowing—next year do I need more people working in biased crime? Do I need more people working in the fixated persons unit? Or do I need more police for frontline services to minimise the number of officers who are suffering, for instance?

**Mr DAVID SHOEBRIDGE:** But we will get the numbers on notice?

**Commissioner FULLER:** Yes.

I am advised:

Following re-engineering, the Bias Crimes Unit now sits within the Engagement & Intervention Unit (EIU), Anti-Terrorism & Intelligence Group (ATIG), Counter Terrorism & Special Tactics Command.

Three positions of 1 Sergeant, 1 Senior Constable and 1 Analyst (unsworn) were transferred to the CTST Command to perform Bias Crime functions exclusively, and they are supported by and have access to an additional nine resources within the EIU, as operationally required.

**Mr DAVID SHOEBRIDGE:** To either the Minister or the commissioner, when it comes to drug-driving would you accept that our laws should be well targeted to address the safety issues regardless of whether or not a drug is legal or illegal? Do you agree with that?

**Mr DAVID ELLIOTT:** Yes.

**Mr DAVID SHOEBRIDGE:** Are you aware of the data for the proportion of crashes involving benzodiazepines from the Centre for Road Safety?

**Mr DAVID ELLIOTT:** I cannot cite them right now. If you would like to either table them or quote them to me. Yes.

**Mr DAVID SHOEBRIDGE:** I will quote you some that arose from a request made under the Government Information (Public Access) Act. In 2017, 194 of 720 drug test results or 27 per cent of drug test results from crashes showed the presence of benzodiazepines. In 2018, 152 of 656 tests showed the presence of benzodiazepines.

**Mr DAVID ELLIOTT:** Right.

**Mr DAVID SHOEBRIDGE:** So that is about 27 per cent in 2017 and 23 per cent in 2018.

**Mr DAVID ELLIOTT:** Yes.

**Mr DAVID SHOEBRIDGE:** Were you aware it was at that scale, Minister?

**Mr DAVID ELLIOTT:** What is noteworthy is that in the last financial year NSW Police conducted 138 mobile drug tests.

**Commissioner FULLER:** Thousand.

**Mr DAVID ELLIOTT:** Sorry, 138,000 mobile drug tests. Sorry, commissioner. And it commenced legal action against 8,400 drivers. So I would have suggested they had a presence of prescribed illicit drugs. So I would have thought that figure is healthy. But I do not know if I misunderstood your question.

**Mr DAVID SHOEBRIDGE:** I think you did, Minister, because my question was about benzodiazepines and you probably are aware that not a single one of the 138,000 tests that the police force administered looked at benzodiazepines. Were you not aware of that?

**Mr DAVID ELLIOTT:** No, I was not aware of that.

**Commissioner FULLER:** There is a schedule of drugs that we are allowed to test for, and I pushed hard to have cocaine included in that list.

**Mr DAVID SHOEBRIDGE:** I did, too. It was a team effort, commissioner.

**Commissioner FULLER:** Strike that as a win.

**Mr DAVID SHOEBRIDGE:** We will call that a win. Working together. That is wonderful.

**Mr DAVID ELLIOTT:** I feel a little bit uncomfortable about that.

**Mr DAVID SHOEBRIDGE:** So now let us do it on benzodiazepines, because benzodiazepines are now showing up in 27 per cent of the blood tests taken from the 720 crashes in 2017 and in 23 per cent of those in 2018. Do you agree that the test should be expanded to benzodiazepines, given the data?

**Commissioner FULLER:** I think we do. As a philosophy, if you look globally at North America and Europe, the use of prescription medication to replace illegal medications is certainly a challenge for us as a community. Most of these types of drugs—let us assume they are gained legally through prescriptions and doctors—come with pretty strict warnings that you should not drive, not use heavy machinery and probably not go to work, but as the data shows—and you do need time for data; just 12 months' worth of data—it is very dangerous, taking that.

**Mr DAVID SHOEBRIDGE:** I have given you 24 months and it has been consistent for years.

**Mr DAVID ELLIOTT:** Two years.

**Commissioner FULLER:** This is something that law enforcement and the Government and Health need to look at seriously—whether there is another offence in terms of driving with a prescribed restricted substance in your blood. Because there is an issue with, then, the investigative part of whether that was prescribed legally or illegally.

**Mr DAVID SHOEBRIDGE:** But from a road safety aspect whether it was prescribed legally or illegally is not the test. The test should be whether or not someone is impaired. Surely that should be the test, commissioner?

**Commissioner FULLER:** If we accept alcohol as legal if someone is 18 and over then we have set a benchmark in terms of what is acceptable. It took years and years and years for us to arrive at 0.05. You might argue that it should be less, and it is less for learners and green P plates, but the challenge will be in this: It is not about whether I agree or disagree with you, but about what amount you could have in your system and safely drive. You might say zero, and that is okay. I can enforce to that. But I think if we can accept that this has been gained legally through a doctor and a prescribed prescription then at what point does a person's impairment become unlawful, like at 0.05 blood alcohol concentration?

**Mr DAVID SHOEBRIDGE:** I think we can agree that on a question of road safety the test should be on what level somebody is impaired and we should be testing for that. Do you agree, commissioner?

**Commissioner FULLER:** I agree, but there needs to be science behind that. The police commissioner should not be setting that type of rule. Someone should be informing government in terms of that.

**Mr DAVID SHOEBRIDGE:** Which is why I will come back to the Minister. Minister, are you aware that of the 138,000 roadside drug tests that were delivered, on any one of those occasions a driver could have been zonked to the eyeballs on benzodiazepines and passed the test and been waved through? Are you aware of that?

**Mr DAVID ELLIOTT:** I will take that as a true and correct statement from you. As the commissioner has just said, if this has proven to be a concern for Government, we will have to address it. But as the commissioner has said, historically over the past 100 years governments have had to address impaired driving, the use of alcohol and drugs and even the eating of food or the use of mobile phones while people are driving as a reason to further regulate driver safety.

**Mr DAVID SHOEBRIDGE:** But Minister, that data which has come from the NSW Centre for Road Safety shows this is not a theoretical or emerging threat. The concerns about impaired driving on benzodiazepines have been around for years. What is your Government doing?

**Mr DAVID ELLIOTT:** I will take that on notice and I will see what evidence we have to suggest that it is causing danger on the roads.

**Mr DAVID SHOEBRIDGE:** One further piece of evidence you might want to take on board is that that same data shows that in 2017 there were 43 fatal crashes involving benzodiazepines and in 2018 there were 33 fatal crashes involving benzodiazepines. There is a matter of urgency here, Minister. Do you agree?

**Mr DAVID ELLIOTT:** That is a fair point. I am advised, though, that that particular drug is a prescribed drug, as the commissioner has just said. So we have to make sure that those who are abusing it are aware of that and we have got to make sure that there are laws to ensure that those who are abusing it are not behind the wheel.

**Mr DAVID SHOEBRIDGE:** It is not effective at the moment because the swab tests that you are doing, the 138,000, do not even test for it.



**Mr DAVID ELLIOTT:** Then that is something which I will take on notice and I will get back to you. But remember that we have only just introduced a lot of the drug testing, so of course it is something that—it is like when we introduced drink-driving laws. The limit was originally at 0.08, and we realised that did not have the preferred outcome for us.

**Commissioner FULLER:** Yes.

I am advised:

NSW drug driving offences and testing powers are set out in the Road Transport Act 2013, which is administered by the Minister for Transport and Roads.

In NSW, there are two different drug driving offences enforced by police. These are: (1) Driving with the presence of a prescribed illicit drug in a driver's oral fluid ('the drug presence offence'); and (2) Driving under the influence of a drug ('the DUI offence').

Police enforce the drug presence offence via its successful Mobile Drug Testing (MDT) program. MDT is conducted by police at the roadside to screen for the presence of cannabis, ecstasy, cocaine or ice in a driver's oral fluid. These substances are prescribed in the Road Transport Act 2013.

Benzodiazapines are not prescribed in the Act for the MDT program. They are, however, captured by the DUI offence. Drivers can be charged with the DUI offence if they are driving under the influence of a substance that meets the definition of a drug in the Road Transport Act 2013. The Act's definition of a 'drug' covers both legal and illegal drugs. That means it includes prescription drugs such as Benzodiazapines, over-the-counter medications, and illicit drugs.

The drug definition in the Act was amended in 2018 following some reviews by the Government of drug driving laws and prescription medications. Prior to the 2018 amendment, many prescription medications were not captured by definition of 'drug' and so drivers could not be charged with the DUI drug driving offence.

**Mr DAVID SHOEBRIDGE:** The question here is getting the level based upon what the impairment is. Where someone is impaired, and if they have drugs in their system that impair them, that is what we should be testing for.

**Mr DAVID ELLIOTT:** I think we are in heated agreement on this, Mr Shoebridge. I think I have to take advice from the medical profession. They may have it in their system but that does not mean that they are necessarily impaired in their driving, like the commissioner said. If you are a driver of 20 years and you have had one glass of wine, yes, you have alcohol in your system but it does mean it impairs your driving. We have to make sure that the medical profession provides us with the appropriate level of drug there.

**Mr DAVID SHOEBRIDGE:** When it comes to the question of impairment, do you agree that it is unfair that people are currently losing their licence from the mere presence of cannabis if they may have smoked a joint a week before getting behind the wheel of a vehicle? Do you agree that that is an unfair and inappropriate operation of the law?

**Mr DAVID ELLIOTT:** I am comfortable with that.

**Mr DAVID SHOEBRIDGE:** I think we are going to have to disagree on that.

**Mr DAVID ELLIOTT:** I am pretty sure we are going to disagree on that.

**Mr DAVID SHOEBRIDGE:** Commissioner, does the newish Command Performance Accountability System, or COMPASS, put in place targets for police area commands?

**Commissioner FULLER:** There is a business plan process that commanders would have targets—financial targets and crime targets. COMPASS tracks those but the reality is that it is more of a performance tracking system. The performance agreements would be the indicator of a command's success or otherwise.

**Mr DAVID SHOEBRIDGE:** What about targets for police in activities such as fines or the use of discretionary police powers such as move-on powers or searches? Are any of those included as targets in COMPASS?

**Commissioner FULLER:** There are no benchmarks for fines. For, say, random breath checking, we will record our performance on the previous year to benchmark an expectation for the next year. But in terms of having a target for writing tickets, we certainly do not have that. I do not realise any money from that anyway so it would be an irrelevant process to put in place.

**Mr DAVID SHOEBRIDGE:** Commissioner, can you provide us on notice what those targets or benchmarks or key performance indicators [KPIs] are—however they are best described in COMPASS?

**Commissioner FULLER:** Will you let me know which ones?

**Mr DAVID SHOEBRIDGE:** I am asking you what kinds of police activities have KPIs or benchmarks or targets—or however you describe them—and how they are set.

**Commissioner FULLER:** Yes. Targets and benchmarking are two very different things, you would agree.

**Mr DAVID SHOEBRIDGE:** I agree.

**Commissioner FULLER:** Okay.

**Mr DAVID SHOEBRIDGE:** But obviously if you have a target it is probably set on a benchmark, so they are related.

**Commissioner FULLER:** But I accept that if we had a target that we did not want more than 2,500 robberies in the State of New South Wales, then I would police that hard. But if I have a benchmark for random breath testing as a philosophical target then that is very different.

**Mr DAVID SHOEBRIDGE:** We will come back maybe later to some of those issues that can be targeted.

I am advised:

Information is available at [www.police.nsw.gov.au](http://www.police.nsw.gov.au).

**Commissioner FULLER:** We have plenty of time.

**Mr DAVID SHOEBRIDGE:** We do.

**The Hon. NATASHA MACLAREN-JONES:** Going back to my last question in relation to bushfires, Minister, I am interested to know how we are supporting our volunteer firefighters.

**Mr DAVID ELLIOTT:** Thank you. That is a great question. It would be remiss of me not to put on the record my appreciation for the work of all the commissioners whom we have before us. Commissioner Fuller has volunteers working in his organisation for the Volunteers In Policing program. Commissioner Baxter has volunteers working in his organisation as well as retained firefighters and the fact that his leadership has been strong in this regard means that it has been a very effective process. Commissioner Stewart has 9,000-odd volunteers—and growing—working for him. As I have already said today, Commissioner Fitzsimmons presides over the largest volunteer firefighting service in the world. I would love to make a habit of making that statement every day of my term as Minister for Police and Emergency Services because if the State Government—the taxpayers—had to fund those individual jobs, we would be in a serious amount of trouble; in fact, it would be impossible. I know from the conversations I have had with the various commissioners when they travel overseas and talk about emergency services in New South Wales, other jurisdictions—in the United States, for example—are absolutely dumbfounded at the number of volunteer firefighters we have in this State.

Unless I am mistaken, in California, the equivalent organisation to fight bushfires is a salaried organisation. A volunteer firefighter is not only providing his or her time without cost to the taxpayer but also in the course of their duties it is quite often the case that they are putting their lives at risk, whether on a fire line or, indeed, when Rural Fire Service are called along, like the State Emergency Service are. Unfortunately, one of the very unfortunate and regular parts of their job is to attend road trauma. When you consider that they put their lives at risk as volunteers, it is quite a remarkable but very Australian way of doing business. When I go and provide commendations and medals to these various volunteers and they look down and scruff their feet because they are embarrassed about accepting a commendation—as a politician, I have never been burdened by humility—it appears that we have thousands and thousands of these volunteers who do not seem to think that they are doing anything extraordinary.

It leads me to another point: One of the most tragic things I have had to do as Minister responsible for



emergency services in the State is attend, alongside Commissioner Fitzsimmons, the funeral of a volunteer firefighter; in fact, I have had to do more than one. The pride that comes from the family, albeit the tragedy that they have to face, suggests to me that we have to treat these people in a very special way. I often say to the police, fireys or the SES, "I do not think as a government we should be treating you as simply public servants in uniform. You are not simply public servants in uniform; what you do is you get called out in the middle of your Christmas dinner, you have to forfeit your child's birthday party, you have to say goodbye to your loved ones in the middle of the night and go do your duties." That is why anything that I can provide to the rank-and-file members of any of the agencies that will improve their livelihoods and the livelihoods of their families we will do.

We do it formally: through St Florian's Day celebrations for the fireys, they got commendations and that is when they are presented the national service medals; through the Order of Australia, when firefighters get the Australian Fire Service Medal; SES get the Emergency Services Medal; we celebrate the police when they get their Australian Police Medal. That is great but we cannot give them to everybody, so the important part of leadership in these organisations is to make sure that local commanders provide the best support that they can. As a government, what can I do? I can make sure that they are well funded. I can make sure that the quality of the equipment is first class. I can make sure that when they go to a disaster—whether it be a flood, a police operation or a fire—they have confidence that the kit they have available to them is first class. I can tell you that in the Rural Fire Service they have that with the rollout of a whole lot of new vehicles that now have the capacity for us to identify where exactly they are.

That was a recommendation out of the Keely review, which I am delighted Commissioner Fitzsimmons has embraced. Commissioner Stewart has already talked about the comms equipment that he has got but what he did not talk about is that volunteers in the SES now have access to iPads, which means that they can improve their efficiencies when they are responding to storms and disaster. It amazed me that up until five years ago an SES truck had to go back to its headquarters to pick up its next job. The police force have not done that for many years—you could go on a 12-hour shift in a patrol car and never go back to the police station because they have the capabilities of being able to go from one job to the next. The SES now have those iPads. When I talk to the SES volunteers about productivity, they will say to me that the best thing that ever happened to them was the Government giving them the iPads because they can finish their jobs: They go on the iPad, they log one out, log the next one in and off they go. I go back to the comment I made to one of the questions from one of the Opposition MPs that we do not undersell welfare anymore; we did in the past, as I said.

I could tell you stories that I have heard from experienced firefighters and retired police officers that I am very close to, who will tell you that after a major incident their whole approach was simply to go and have a beer. As much as I would encourage that, I would also say that you have got to make sure that you look for the signs. If Commissioner Fitzsimmons or Commissioner Baxter, or any of the commissioners really spend upwards of \$140,000—I think it might be—for a police officer to be trained and we lose them 18 months into their career because we have not managed their personal life correctly, then that is bad for business. But if we mismanage it and they walk away not being ambassadors for the organisation, or worse, then that is a community tragedy.

I think we have got it about right. I think the four years as Minister for Veterans Affairs has given me the opportunity to come to this new role and put welfare first and foremost. But I want to pay tribute to Commissioner Fuller for the way that he has embraced the welfare of his officers in a way that I do not think any commissioner has ever done before. I not only get that from my weekly meetings with him but I certainly get that from my regular discussions with rank and file police officers and it would be remiss of me not to acknowledge the fact that commissioners Stewart, Fitzsimmons and Baxter have also got the same level of respect from rank and file members.

**The Hon. NATASHA MACLAREN-JONES:** Could you please let me know what is being done within the NSW Police Force to prevent elder abuse?

**Mr DAVID ELLIOTT:** I will be happy to defer that to the commissioner but I can confirm to the Committee that we do have as part of the 1,500 new roles people that will be specifically dedicated to police commands dedicated to the protection of vulnerable people in the community. As a government, yes, we have a seniors Minister and he is doing a fantastic job, and we have a veterans affairs Minister, who obviously would be looking after people in the autumn of their years, but the fact that we have so many older people in the community now that require this sort of support in my mind is a tragedy, but I am very proud of the fact that Commissioner Fuller and the police force have accepted this as a core obligation and, depending on the area and the demographic, the responsibilities of the people responsible for that will vary. Commissioner, do you want to say anything further on that?

**Commissioner FULLER:** From the NSW Police Force perspective, as part of the 1,500 growth I made a commitment that 56 new officers will work solely on aged crime prevention. We are an ageing community at the end of the day and, at the same time, the crime environment is changing very much. We know that cyber-type

crimes are not just attacking governments and big business but they are looking for opportunities from all walks of life. I also know that the World War II sort of post-generation are reluctant to ask for help, they are reluctant to ring and report things to police because they do not want to bother us and I think that is a real shame. So part of this is about police getting out into the community but with a particular focus on aged crime prevention. Those officers will receive training and support and have the ability to get to nursing homes and other forums, other environments where elderly people go, to make sure that we are providing them the highest level of service plus giving them pathways to talk to police.

Whilst we modernise the way you connect with police, through Twitter and Facebook and those other avenues, there are people out there who still rely on the telephone. So there is a lot of work to do to make sure that we are not leaving anyone behind. But we certainly know that there are people out there who are being defrauded of their savings, we know that they are being defrauded of money through works happening around their homes—some of them are local criminals, some of those criminals will come in from other countries as part of organised crime groups and sweep through suburbs defrauding people of tens and tens of thousands of dollars, and by the time police find out, they are long gone and it makes it very difficult for us to get justice for those individual victims.

From a police commissioner's perspective, we are committed to policing all of New South Wales, and that includes our elders in terms of the people that raised us and looked after us and have looked after the economy and governments, and a whole range of other jobs, to make sure that not only are they protected but they feel engaged by New South Wales police and the Government.

**The Hon. NATASHA MACLAREN-JONES:** Minister, can you outline what has been done to support our police with resources in particular to keep our community safe?

**Mr DAVID ELLIOTT:** Other than the fact that we have got a record budget, I have been the Minister for four months now and obviously in that role have been given the honour to go out and visit a number of local commands. I have been given the honour in the last four months to open three brand-new police stations. The Government went to the 2019 election and, indeed, the 2015 election with a commitment on capital works. The commissioner and I have opened the Redfern Police Station only recently, we have opened the Bay and Basin Police Station, and not far from my electorate we have opened a brand-new Mount Druitt Police Station, which is a quite infamous local area command, not the least being that I married the former superintendent's daughter, but because I find that in the leadership of the police force a lot of people went through Mount Druitt police station to get the sort of experience that has made them the leaders that they are today.

We went to the election with a commitment for 1,500 new police officers. Only last Friday the commissioner and I presided over the attestation of 269 of those officers. Of note, I think, probably to you and to the female members of the Committee, is that one-third of them were female. When you look at the overall statistics, 25 per cent of the police force at the moment is female. Going to 33 per cent is something that we are going to achieve sooner than we probably thought we would achieve. The demographic variations do not end there. We have got a lot more people coming into all of our agencies, particularly police, from a non-English speaking background. We have got a lot of people coming in from a variety of ethnic groups and faith groups. I have learnt enough about policing in the last four months to know that the best way to approach modern policing is to make sure that there is plenty of empathy in the organisation.

I said last Friday at the attestation parade my commitment to justice in New South Wales is to have people walk alongside the police force, not to appear in front of a police officer, and through police citizens youth clubs we are doing that. But with the elder and vulnerable persons officers that we have got dedicated to the local area commands, we are doing that with an increase in recruiting. So far as capital and capability is concerned, the commissioner and I recently did the first sod turn out at Bankstown airport for the new and improved Air Wing. The commissioner and I hopefully in the next couple of years will see seven new police maritime command vessels coming into New South Wales police and a number of new helicopters. The list goes on. The upgrade of police stations, the investment into technology and the improvement in capital and assets are very, very important.

Sitting in a highway patrol car in 2019 reminds me of the *Knight Rider* show that I used to watch as a kid growing up because the technology that is available to these officers is second to none. I think that is probably why we are getting a very, very efficient police force. But all of that, in my mind, pales into insignificance unless the commissioner and his assistant commissioners are leading by example, unless they are leading by highlighting the fact that the welfare of officers is first and foremost in the front of their minds, unless we are highlighting to officers that we accept that their job is unique and we accept that maybe some of them who joined 40 years ago would not have been able to spell cybercrime but today they have got to be experts in it.

Maybe domestic violence to an officer that could be serving as recently as this year probably did not think to action it when he or she was sworn in because it was not something that was discussed. Now police are

at the front of the war against domestic violence. At Castle Hill police not long ago I was thrilled to give a commendation to a young police officer whose team had concluded that the death of an individual was a suicide. This guy went to the nth degree and found out that culturally it was more likely that the woman was actually murdered by her husband, and indeed that matter is before the Supreme Court right now. That is the sort of learnings that I think we are attracting and the quality of officer that is coming into the police force that is going to serve us as a community extremely well.

**The Hon. NATASHA MACLAREN-JONES:** Thank you. I would like to thank you for coming.

**Mr DAVID ELLIOTT:** Can I conclude also, Mr Chairman, if I may by seeking your indulgence to thank the commissioners? Commissioner Fitzsimmons and I have worked together in the past, but can I conclude by saying Commissioner Fuller has been a fantastic tutor for me in my role in becoming Minister. I also conclude by saying of commissioners Baxter and Stewart, that their role and leadership in this State has not gone unnoticed and I pay my respects to them on behalf of the Government.

**The CHAIR:** Thank you. Just before you go I would like to ask you a question. Which police car were you in that actually spoke back to you.

**Mr COUTTS-TROTTER:** Very good. Very droll, Chairman.

**The CHAIR:** It is meant to be a droll question. Thank you Minister for attending the hearing. Your evidence for the day is finished. The committee will now break for lunch and we will return at 2.00 p.m. for further questioning of government officers. Minister, I note you will not be returning, unless you want to, of course.

**(Luncheon adjournment)**

**The Hon. ANTHONY D'ADAM:** As I understand it, there are those who are in the death and disability scheme, they are people who have entered the service after 1988. I understand that there has been an increase in the rates of injured officers exiting the service and we are now back at rates equivalent to what applied in 2010. Do you have an explanation for why that might be the case?

**Commissioner FULLER:** You are correct in that there are two core groups in terms of employment under workers comp. There is the pre-'88, which is the old defined benefit scheme that there would be a handful of politicians probably left on and some government workers and—I think NSW Fire and Rescue still work off defined benefit to some degree—then there is post-January '88 and there are three different types of superfund that collect that group of people so that if there are 17,000-odd police it makes up probably 16,200 of those officers. I guess there is an exponential growth in post-'88 police as the pre-'88 are obviously the dinosaurs, where we will all go at some stage. At the same stage, certainly in the past three years, we have started to see increases in workers compensation. Psychological injuries make up, broadly, 35 per cent of report—

**The Hon. ANTHONY D'ADAM:** Is that a growth area?

**Commissioner FULLER:** Yes. At 35 per cent it is increasing. The challenge is that while it is around 30 per cent of injuries versus physical injuries, it consumes around 70 per cent of the budget to manage workers compensation. Not only is it increasing, but costs associated with dealing with psychological injury versus a shoulder or a sore knee is certainly much more complex. Statistics on returning officers to preinjury duties is also nowhere near that percentage of physical injury. I spoke earlier about some of it, like the three key drivers. One is trauma, and we see trauma every day much as the emergency services do and we have done an enormous amount of work in trying to recruit the right police officers and build resilience in officers in terms of sharing the highs and lows, whether that is a peer support officer, police chaplaincy or the recon centres where we have paid professionals.

**The Hon. ANTHONY D'ADAM:** That goes to what you are doing in response. My question is really directed to why. What is driving the increase?

**Commissioner FULLER:** The three key drivers are trauma, workplace conflict and workload.

**The Hon. ANTHONY D'ADAM:** Why is that increasing?

**Commissioner FULLER:** I can only suggest, from my perspective, it is that we are seeing more and more difficult situations every day and police are exposed to some of the worst that society puts in front of us. The organisation is changed in itself as well and I reflect back to my time early, we had different shift patterns and it was very much police spent a lot more time together than what they do now. We tend to be working 12-hour shifts, lots of police travel lots of distances, so they will finish their shift and they go and they rarely get a chance to personally debrief. These are some of the anecdotal things, but we are certainly seeing police exposed to more and more difficult situations, whether that is death or otherwise.

We are recruiting a different group, a different generation of police. They are certainly profiled very

differently from the police when I joined. They are certainly better educated. In terms of the average age of a recruit it is around 27, but they certainly profile generally as younger people, but they are well educated, they are stable individuals and they come into the workplace. If you put that with workload, and we know that the workload is increasing for officers, and why that is an important statement is while through the re-engineering process there were some things that I fixed—and that was rural crime, mid-level crime, domestic and family violence, additional positions to the bush—the 299 brand-new positions that turn on this week are predominately going to frontline policing to recognise this workload. So we have recognised that.

We are putting police in the busiest districts and police area commands to try to continue to take pressure off. One of our philosophies in terms of the deployment of the additional police numbers, certainly workload will play a big role in that. The last pillar in that is around a safe workplace and making sure the workplace is free of bullying, harassment and sex-based harassment. In that, we have conducted surveys this year, we are certainly not hiding from our strengths and weaknesses in relation to that, but certainly workplace conflict is something we need to deal with a lot quicker to make sure that we have a workplace that is supporting its workers, but also supporting its management.

**The Hon. ANTHONY D'ADAM:** Is there a particular concentration? In terms of the analysis of the rising stress levels in the organisation and as you alluded to, workplace conflict, are there particular pockets that have been identified within the organisation that needs special attention?

**Commissioner FULLER:** We have individual commands from time to time that will spike. We do track the analysis in relation to complaint management and customer service. I think we spoke earlier about some of the stats in relation to that, so we are always environmental scanning internally—

**The Hon. ANTHONY D'ADAM:** Are there any particular areas that you have come across, particular pockets?

**Commissioner FULLER:** In terms of the NSW Police Force, you might have a command A or a

**The Hon. ANTHONY D'ADAM:** And how do you respond when those red flags go up?

**Commissioner FULLER:** It is either integrity or it is performance in terms of leadership and management. They are two very different streams. One is around performance and one is around integrity. We have had cases in the past couple of years where I have had to stand commanders down for inappropriate behaviour and they are no longer in the NSW Police Force—

**The Hon. ANTHONY D'ADAM:** Bullying commanders, are they?

**Commissioner FULLER:** Yes, that is right. From my perspective, a leadership perspective, I have to show—I do not like using the words zero tolerance—but I have got to be strong in terms of, from the top, the expectations I have of my leaders of the troops in the workplace.

**The Hon. ANTHONY D'ADAM:** What has happened to them? Have they been disciplined and dismissed?

**Commissioner FULLER:** Some have been disciplined, some have been dismissed, some have resigned and left the organisation. But is a very, very small percentage, but I guess the point is we are not hiding from the mistakes we make; we are not hiding from those individuals that may be causing an unhappy workplace.

**The Hon. ANTHONY D'ADAM:** In terms of those members of the force who are leaving due to injury, is there a portion of that cohort who perhaps might have been able to have been accommodated within the force because there were suitable duties, they could perform work but not, obviously, frontline policing, if there have not been suitable duties available? Is it fair to say that there is a proportion of those who are exiting who have not been able to be accommodated?

**Commissioner FULLER:** There will be a percentage of people who cannot be accommodated, even if they want to, for certain reasons. I do not want to start giving examples, but from my perspective, there are nearly 4,000 public servants in the organisation and 3,000 of those do jobs that police used to do. It is about finding meaningful employment

**The Hon. ANTHONY D'ADAM:** What kind of restricted duties?

**Commissioner FULLER:** For a physical injury it is much, much easier to find alternative duties. Often with those who have a psychological injury their doctors will not want them in the workplace because it is the workplace that has made them unwell. There is a rule—

**The Hon. ANTHONY D'ADAM:** Those who have sustained psychological injuries effectively cannot be accommodated?

**Commissioner FULLER:** One hundred per cent. We will often ring individuals to do welfare checks and ask them back and they say, "My doctor's advice is that work"—and I am sort of compressing this, but—"made me unwell and so coming back to work—"

**The Hon. ANTHONY D'ADAM:** It seems like that is a pretty unfair situation, wouldn't you say?

**Commissioner FULLER:** I agree. I talk to the union about this pathway. There are people who are unwell who do not want to come back and that is fair, and there will be people who are both physically and psychologically injured who want to leave, and they should be treated and disengaged with respect, and there are those who will want to come back and we need to engage those quickly because the evidence would say the longer you are off, particularly with a psychological injury, the chances of getting back to full preinjury duties or even back to duties, the percentage is very low. I want them back. I want them happy. I want them engaged in the workplace because, I think the Minister mentioned earlier, there is a significant cost and effort from the New South Wales people and the Government invested in these people who, at some stage, cared about public safety and then, through no fault of their own, they are injured.

**The Hon. ANTHONY D'ADAM:** Can you tell me about the Supportive Leadership program. I understand it is like a peer support program. Is this program still running?

**Commissioner FULLER:** Peer support is still running and we run lots and lots of leadership programs because we are always looking for the right fit, the right commander, the right—

**The Hon. ANTHONY D'ADAM:** Do I have the terminology right? Was there a specific program called Supportive Leadership?

**Commissioner FULLER:** That is right, Supportive Leadership. We are a paramilitary organisation and

obviously coming out of the 1980s where supervision is very different now, the workforce is very different now and the makeup and diversity and gender equity in the workforce are very different. We are trying to make sure that our leaders are a representation of the community and part of that is continuing to accept learnings around what proper leadership is and what good management is. Peer support has been a strong part of individuals in the workplace being trained and recognised by a peer support officer, someone you can sit down with and just debrief. Certainly they are not trained at a clinician level, but it is just one of those steps like police chaplains and others in the workplace to try to identify and assist those maybe to the right pathway.

**The Hon. ANTHONY D'ADAM:** You have talked about trying to redeploy injured workers into roles. I understand that this change in the rostering officers in State Crime Command as a result of the restructuring is a reduction from seven to six and you are filling that gap with injured workers.

**Commissioner FULLER:** When we spoke about that I said I would take it on notice. The information I have is that is not the case; the police are not working in rosters. That is the information I get.

**The Hon. ANTHONY D'ADAM:** So that is not correct.

**Commissioner FULLER:** That is the information I have been provided, but I will still take it on notice and double check that for you. What I did say is that if an officer was injured and they could not work and they were trained in rosters, and were happy to work in rosters, they are a meaningful part of the organisation. Rostering is a central part of—

I am advised:

Allocations are made by the NSW Police Commissioner based on operational requirements and Government commitments.

**The Hon. ANTHONY D'ADAM:** So you are not putting them there, it is just if there are those gaps, and there is not an injured worker in that position, you are not putting sworn officers in there?

**Commissioner FULLER:** To do rosters you need training. There is a significant training course to do rosters—it is not just plugging someone in and they sit there. It is a complex process of mapping hundreds and hundreds of people versus first response and a whole range of other duties. The return to work is based on two things: The officer wants to return to work and the other part of the contract for me is we need to find them suitable work. There has to be a meeting in the middle. I am clearly not forcing people to dig holes for a living and they need to be happy, and their doctors need to be happy. It needs to be part of a return-to-work program that the doctor signs off on, the organisation signs off on for work, health and safety and, most importantly, the officers have to be happy.

**The Hon. ANTHONY D'ADAM:** I ask about the Death and Disability Scheme. Is it correct to say that officers who are over the age of 60 have no income protection?

**Commissioner FULLER:** Yes it is. From 53 onwards the scheme is designed to taper off. The scheme was set up so the younger that you are, if you are injured, then in theory you will need more money to sustain you outside of the workplace.

**The Hon. ANTHONY D'ADAM:** There is no protection if you are over 60?

**Commissioner FULLER:** That is correct. I am working with the Minister on that. I am not trying to abrogate my responsibility because I do not think it is fair. We have a workforce federally that needs to work until they are 67.

**The Hon. ANTHONY D'ADAM:** Are you looking at self-insurance options to fill that gap?

**Commissioner FULLER:** Absolutely.

**The Hon. ANTHONY D'ADAM:** Have you raised that with the Minister?

**Commissioner FULLER:** Yes, I have raised it with the Minister.

**The Hon. ANTHONY D'ADAM:** What is the Minister's position?

**Commissioner FULLER:** It is not a tick-and-click quick fix because it has to be costed. We have icare, there are all these government providers, but when I found out about it I thought it was unacceptable.

**The Hon. ANTHONY D'ADAM:** How much is it likely to cost?

**Commissioner FULLER:** Honestly, I have not got any information back on cost at this stage.

**The Hon. ROSE JACKSON:** In a question on notice last year you were asked why the official police numbers are no longer reported publicly on the NSW Police Force website. At that time you took the question on notice, but then did not provide an answer to that question. Will you inform the Committee as to why it is no longer available?

**Commissioner FULLER:** We used to report monthly, I think, on police numbers in certain areas. The great problem that we had was this authorised actual strength, which is confusing and people could never work out whether it is A or B. We are moving to a process of a head count, which is how many positions does the New South Wales Government pay me to make sure we have police officers for? Now we are transitioning to that and that will give certainty in terms of the Treasury, the Government and the community that they are paying for X number of police and I am delivering that number of police. But in the past, we had over strength positions, we had externally funded positions, we had actual authorised and to be honest I could put up what I like, but trying to explain it to anyone is impossible. So we are moving to a clear head count so if people ask how many police officers are we paying the commissioner to have we will have that answer?

**The Hon. ROSE JACKSON:** That is the question that I want you to answer. Are you able to table a document for the Committee as to how many authorised and/or actual police there are in New South Wales?

**Commissioner FULLER:** Any question on notice I always provide the answer to. What you get is obviously out of my control. I certainly do not walk about and dismiss the questions that go on notice, just for your information.

**The Hon. ROSE JACKSON:** No, the answer you provided was access to information concerning the NSW Police Force is considered on a case-by-case basis. Obviously the information that we are trying to gather is the authorised and actual strength of the NSW Police Force at this time. Are you able to provide that information now or will you table a document for the Committee?

**Commissioner FULLER:** When I started there were 16,730 paid positions to the end of March 2017. At the moment I think it is 17,245.

**The Hon. ROSE JACKSON:** Are you able to provide that information broken down by police area command [PAC] for us?

**Commissioner FULLER:** Police area commands and districts, yes.

**The Hon. ROSE JACKSON:** Should I ask you now, one by one?

**Commissioner FULLER:** Please do not. I do not have it now.

**The Hon. ROSE JACKSON:** Will you table a document that provides that information broken down by PAC and district.

**Commissioner FULLER:** Yes.

**The Hon. ROSE JACKSON:** You will take that on notice and table it for us?

**Commissioner FULLER:** Absolutely.

I am advised:

Allocations are made by the NSW Police Commissioner based on operational requirements and Government commitments.

**The Hon. ROSE JACKSON:** Thank you, it saves me having to answer one by one, which I am very pleased about. Do the authorised natural strength figures for the Auburn PAC include highway patrol police officers stationed at Auburn or are they counted as a separate command?

**Commissioner FULLER:** They are a separate command.

**The Hon. ROSE JACKSON:** Is the administration such as rostering of those highway patrol officers stationed at Auburn the responsibility of the Auburn PAC?

**Commissioner FULLER:** In some PACS and districts there is administrative support supplied to Traffic and Highway Command so I would have to take that on a case-by-case basis. Is that area of particular interest to you?

**The Hon. ROSE JACKSON:** Yes. I am interested in areas where PAC resources are being diverted to the highway patrol officers under their own separate command.

**Commissioner FULLER:** I understand. Doing rosters for highway patrol is not diverting resources.

**The Hon. ROSE JACKSON:** Highway Patrol is its own separate command, but in some areas the PAC is doing work for them.

**Commissioner FULLER:** There would be administrative support from the PAC. You have to remember if we went back to 2010 the Traffic and Highway Patrol Command did not exist so we were doing that job anyway.

**The Hon. ROSE JACKSON:** Sure but under the process of re-engineering it did establish them as a separate command, is that right?

**Commissioner FULLER:** No, that was established by—

**The Hon. TREVOR KHAN:** That was a Gallacher initiative.

**Commissioner FULLER:** It was.

**The Hon. ROSE JACKSON:** It would good to get information about whether that is happening at the Auburn PAC.

**Commissioner FULLER:** I will take that on notice.

I am advised:

Auburn PAC has one roster officer. Their activities in relation to the highway patrol personnel roster only involve the administration of the completed roster for the THWP Officers who are based at Auburn PAC. This involves updating the relevant roster software to reflect the shift worked and input exceptions such as sick leave or other unplanned leave.

The roster is developed by the Traffic & Highway Patrol Command Sector Team Leader.

**The Hon. ROSE JACKSON:** Why is Cobar, given its very remote location where there are six working mines, not staffed with a 24-hour police station?

**Commissioner FULLER:** If you think about the 219 additional positions or the 450 positions globally that we turned on, PAC commanders and district commanders were responsible for championing for the troops that they needed. We have overlaid that with census data and a whole range of other economic data in terms of where the police need to go immediately. If that area was not highlighted in that then it may or may not have received troops. In terms of 24-hour policing, it is something that lots of communities want. From our perspective we risk assess the need for that based on crime and calls for service and victimisation rates. I would have to take on notice that particular issue, but I am happy to look at it and see what the staffing and workload is on that location.

I am advised:

All police resources attached to Police Area Commands and Police Districts are flexible resources available to respond to incidents across the district. All local resources are also supplemented by specialist police (highway patrol, major crime squads, covert resources and the like) who are managed centrally but can be deployed across boundaries to meet the



changing community needs and respond to changing crime patterns and emerging issues. These factors should preface any analysis or assessment of police resources at a specific location. Actual police numbers and rostered officers fluctuate daily.

The designation of a Police Station as 24 hours is a decision that is made by the Commissioner of Police and is based on a range of factors which can be essentially categorised under either workload, coverage and/or risk.

**The Hon. ROSE JACKSON:** I understand a Deloitte report has been commissioned to look at the highway patrol command. Is that because you are considering returning the deployment of highway patrol officers to their local PAC or district?

**Commissioner FULLER:** No, I am certainly not. I think it was 2010 that we moved to a single command so that is nine years. We have not in any way, shape or form reviewed the performance of that change. It was a massive change that was brought upon us fairly quickly. I think it is appropriate we have a look at it. In terms of the Traffic and Highway Patrol Command at Huntingwood, we have a centre of excellence. We have an assistant commissioner and a command structure, and that will not go anywhere regardless of what happens in the Deloitte report. We certainly need to look at where the State Government is going at the moment.

They have a very different regional picture around traffic and transport, and we need to see whether we need to mirror that or do we stay the same and continue to grow the current model. I do not have a fixed position other than the Huntingwood model, that centre of excellence with the assistant commissioner and the support staff there. That will not change. What will happen in regional versus city? We do have a very different model in the bush now. It is a district model where local communities get to talk about what they need in terms of their local police, which includes fire patrol.

**The CHAIR:** Commissioner, earlier today in your evidence, when I asked you about current staff levels at the Firearms Registry and I said it was 83 as against previously 95, you said that it had not been decreased to 83 and it was in fact 93. Can you see the current 19 June firearms licensing and enforcement directorate organisation chart? If you tally up the numbers on there, it is in fact 83. What do you say to that?

**Commissioner FULLER:** I am happy to take it on notice. The information I have been provided is that it was 93.

I am advised:

As at 12 August 2019, there were 83 staff based at the Firearms Registry, with a further 10 attached to PoliceLink Command performing Call Centre duties dedicated to Firearms Registry Customers, totaling 93 staff dedicated to servicing the licensed firearms community and industry.

There are 10 in the call link centre. Excuse me, Chair. I think that you have backed out the 10 people at the police call centre that have taken an enormous workload off the Firearms Registry. They have dramatically decreased waiting times for people who are calling in. In fact, whilst it says there are 10 people there, there are actually another six that will take volume calls in relation to Firearms Registry matters. I do not know whether it is a matter of semantics or not; I guess you will make a decision on that.

**The CHAIR:** Can you explain that to me—exactly what that means?

**Commissioner FULLER:** In the past, if you were to call the Firearms Registry, you would ring a number and people were on hold for potentially an hour. What we have done is to change the call centre arrangements to the PoliceLink call centre and we have 10 people there who are taking calls about registry matters. They get any overflow to make sure that if someone is ringing the Firearms Registry they get an appropriate level of service and they get someone who has been trained in the basics in relation to firearms.

**The CHAIR:** So there is nobody on this chart that actually takes calls?

**Commissioner FULLER:** If you look at the figure for the PoliceLink call centre, they are taking calls in relation to Firearms Registry matters. If you want to put a line through them then your 83 is spot on, but I would say that they are taking calls around firearms and Firearms Registry matters and they are taking a lot of pressure off the registry in terms of doing the business and reducing the backlog that you and I have spoken about many times.

**The CHAIR:** So the registry numbers are basically the same? That is what you are saying?

**Commissioner FULLER:** I would say there are 93. Obviously you are arguing that they are at a call centre doing Firearms Registry work and you are not including them, and then from your perspective it will be 83.

**The CHAIR:** Is it true that the mail addressed to the Firearms Registry is not actually delivered to the Firearms Registry but to another location in Parramatta?

**Commissioner FULLER:** We do have a locked bag number and my correspondence as well goes there. I would have to take on notice to see whether or not theirs goes there, but it would be reasonable to presume that it is yes.

**The CHAIR:** The locked bag number is still Locked Bag 1 in Murwillumbah. If that mail is going to Murwillumbah and then being redirected to somewhere in Parramatta that would contribute to more delays.

**Commissioner FULLER:** I agree that is nonsensical, so I am happy to take that on notice and look at it.

I am advised:

In June 2019, the Firearms Registry commenced a trial partnership with the NSW Police Force Shared Services to manage incoming mail and scanning of documents. It is anticipated that from October 2019, the Registry will communicate to customers the new mailing address at Police Headquarters in Parramatta and change all its collateral (envelopes, letterhead, fact sheets etc) to reflect the new contact details.

A mail redirection will continue to be in place for a 12 month period for customers who continue to send their mail to the Murwillumbah address.

**The CHAIR:** If you could, please. Do you know how many internal reviews are currently being dealt with by the registry?

**Commissioner FULLER:** Do you mean as in structural performance reviews?

**The CHAIR:** As in firearms licence and related reviews.

**Commissioner FULLER:** I may have it amongst this, but I would have to take it on notice. We would have an understanding of that.

**The CHAIR:** Yes, you would. At the moment I believe it is running at around 120 internal reviews going on. But if you could take that on notice and let me know what the real number is, it would be appreciated.

I am advised:

Total Number - 149 (Business - 1; FPO - 26; General - 98; in progress - 4; follow-up - 20).

By way of explanation, the 20 referred to as 'follow-up', this is where the 'applicant' has requested additional time to provide further information in support of their requested review, or, where the applicant has been requested to provide further supporting documentation (eg. specialised medical reports, etc, which may take some months to obtain). In this case, it would be relevant that the review be 'suspended'. The four in progress are actually what is on the desk of the team being physically resolved.

**Commissioner FULLER:** Can I say one thing is a positive, that the wait times for many of the inquiries and reviews is reducing, which I think is good news.

**The CHAIR:** That leads me to my next question, and that is: Do you know how far behind the FAR is in processing permits to acquire PTAs, for example?

**Commissioner FULLER:** I can certainly get some comparative analysis, perhaps, on where we were 12 or 18 months ago before we started the journey of improvement and where we are at now. It would make it easier if you picked a specific period.

**The CHAIR:** Let us say 30 June last year and 30 June this year.

**Commissioner FULLER:** And the activity of?

**The CHAIR:** And the activity of processing permits to acquire, PTAs, and all documentation that the registry is processing. There has been quite a large backlog. I have had times quoted to me—I think last month someone said to me that the feedback they were getting from the registry was that they were processing things as far back as last November.

I am advised:

From 1 July 2017 - 30 June 2018, the average processing time for a Permit to Acquire was 7.6 days.

From 1 July 2018 - 30 June 2019, the average processing time for a Permit to Acquire was 12.25 days.

Notwithstanding the above processing times, a PTA that is subject to a mandatory 28 day waiting period will not be issued until outside of that time period.

**Commissioner FULLER:** The information I am getting—and I meet with Deputy Commissioner Hudson and Superintendent Bell, because the backlog is particularly important to me in terms of customer service—for renewals and changes of address, my understanding is that backlog is decreasing quickly, which is a positive. Obviously for anything that requires an individual to go back and source additional documents, the time starts again. It may take someone two or three months to come back with the necessary documents. I can understand the customer will hold the Firearms Registry accountable to it, but if an individual gets sent away to get four or five source documents, it might take them six or 12 months to comeback.

**The CHAIR:** Do you want to add something to that?

**Commissioner FULLER:** No, thank you.

**The CHAIR:** You might add to that dealer licence renewals for that 12-month period, please.

I am advised:

In order to provide historical information, due to system restrictions, the Firearms Registry will have to manually extract data for each dealer renewal record. This would require significant resources and have an impact on other business functions and customer service.

Getting back to guides, and I pass to you the *Reduce Your Risk* guide. I think we can all agree that it does not have the force of law, but I think some of it is quite helpful in terms of assessing risk et cetera. On page 9 there is an item that does cause a fair bit of problem in my office in relation to the farming constituents I have, and that is the item at the bottom of the page dealing with assessing risk in the evaluation of storage of firearms. It says, "has no tools, e.g. angle grinders, crowbars, screwdrivers, shovels, bolt cutters et cetera lying around the residence or near the safekeeping facilities, which could be used to gain access to firearms or assist in removing the safe storage facilities from the premises". I put to you that that is a very, very difficult compliance point for a farmer or a farm family to meet. There have been instances related to my office where they have had their licences suspended and their firearms confiscated because they did not meet that test.

**Commissioner FULLER:** I would be disappointed if that was the case.

**The CHAIR:** I can assure you it is true.

**Commissioner FULLER:** I am happy in those cases for you to write to me and I will look into them personally. I give you that undertaking. I think it is reasonable to say that, from our perspective, most firearms are stolen when they are not stored appropriately. It is not because someone has left a screwdriver lying around. I do not think it is bad advice. I think there are some farms that are not 24/7 working farms and those people, who are potentially storing firearms, need to be more vigilant. If you are a 24/7 working farmer and it is your home, that would be almost impossible and I acknowledge that. I think advice to people who are not living there 24/7 and

perhaps they are sharing the premises is that they need to be more vigilant. We know that about 500 firearms last year were stolen from rural premises.

**The CHAIR:** I agree with that, but actually the law was changed. You cannot store firearms at any place other than your permanent residence, whether that is in the bush or not. I think that unreasonable requirement was put through by the Government.

**Commissioner FULLER:** I do accept that, but as you know there is a reasonable amount of goodwill—there are a million firearms out there, 250,000 registered firearms and the clubs—and there is a reasonable expectation they will work with me in terms of safe storage.

**The CHAIR:** I do not think there is any question about that; no question at all. Commissioner Fitzsimmons, I have a question for you. You are aware of the case of Oliver Maruda, a volunteer firefighter. We have had quite a bit of evidence about what a great job volunteer firefighters do and obviously we all express our gratitude for the work they do. His particular case has been a difficult one and it has been put up to me a number of times for discussion. Correct me if I am wrong, but I note that you did at one stage receive some legal advice from a barrister that the RFS would not have to incur any costs in relation to Mr Maruda because there was no prospect of success of him recovering costs in a criminal case that was run against him. Is that true?

**Commissioner FITZSIMMONS:** No, there was nothing in that correspondence that linked a financial liability to the RFS at all. There was some assistance. I met with Oliver Maruda back in March when he approached me for some assistance. I met with him with my team and the Rural Fire Service Association that represents members across the State. We had a discussion with Oliver. I gave a commitment that we would seek to support him in an application, as was advised through the Secretary, for a costs in criminal cases certificate. He raised the concern that he did not want to spend any more money on legal services to pursue that, so we worked with the Office for Emergency Management [OEM] and the Justice department and we were able to secure for him, at no cost, a legal representative that could work with Mr Maruda and review his potential for an application in that costs in criminal cases application. And, yes, we were copied in to correspondence from Mr Maruda's lawyer that, in his view, it was futile to pursue the costs in criminal cases because it was unlikely to succeed and other criteria.

**The CHAIR:** Would you recommend an ex gratia payment be made to Mr Maruda, covering his costs for legal expenses in a case that should never have been run against him?

**Commissioner FITZSIMMONS:** What I have done with Mr Maruda—and, as a matter of fact, I only spoke to him again earlier this week—I agreed at the outset from my meeting with him back in March, and we have had a range of email exchanges in the intervening period, in order to facilitate some sort of access to explore some assistance to offset some of his costs we needed to obtain some information. Mr Maruda has been reluctant to provide any information in support of that process.

I spoke to him this week. I think one of his concerns was providing that information to me and/or the Rural Fire Service. With that in mind, he agreed and we were able to, again, seek the service and support of the OEM in the NSW Department of Communities and Justice who Mr Maruda agreed he was more comfortable with and would engage with one of the senior officers there around the provision of appropriate information that could then be considered, should there be any avenue or availability for some support in offsetting those costs that have been attributed to him.

**The CHAIR:** Thank you, Commissioner Fitzsimmons. Is it possible for you to give us an update on notice of that response that you get from him in due course?

**Commissioner FITZSIMMONS:** I beg your pardon?

**The CHAIR:** Is it possible for you to give the Committee a response that you may receive from Mr Maruda, if you do get one?

**Commissioner FITZSIMMONS:** If I get a response from Mr Maruda, I am happy to share that, subject to his privilege and all that sort of stuff.

I am advised:

No further correspondence has been received by the NSW Rural Fire Service directly from Mr. Maruda.

But, apart from a courtesy note from Mr Maruda, the dialogue will now occur between Mr Maruda and a senior officer from the Office of Emergency Management and/or the NSW Department of Communities and Justice, whoever ultimately is the assigned officer in order to explore that, so that there is some separation from the Rural Fire Service, which Mr Maruda indicated to me he was more comfortable with. I am not expecting any response as such.

**The CHAIR:** No, okay. What I will be doing is prompting Mr Maruda to follow that up.

**Commissioner FITZSIMMONS:** In fairness to Mr Maruda, I only got back from leave this week and I spoke to him—I think it was Monday or Tuesday, it was earlier in the week, Tuesday—and we have exchanged emails, given the appropriate contact details, and he was going to make contact with the officer, either via email or the telephone details provided.

**The CHAIR:** So you agree that this particular case has been running on for far too long, one way or the other?

**Commissioner FITZSIMMONS:** It is a very complex and difficult situation, but he communicated

**The CHAIR:** Sorry. You did meet with him face-to-face?

**Commissioner FITZSIMMONS:** Absolutely, yes. He was very welcoming of the idea of catching up and having a meeting. I said we could go through emails backwards and forwards, but it is probably going to be counterproductive, and he agreed to come in and meet. He had also approached the Rural Fire Service Association [RFS], the membership representative body, but he also agreed to have the RFS, myself and some of my key staff at head office, but also he wanted to come along and bring a support person with him. It was a very constructive meeting. It was a very candid and helpful meeting, and we progressed matters via email and, as I say, only recently I spoke to him again this week.

**The CHAIR:** Thank you. Commissioner, I have just been informed that the PoliceLink staff are only casual, not permanent. Could you just check on that for me please?

**Commissioner FULLER:** I will, certainly.

**The CHAIR:** I think it does cast a different light on what you said, in due course.

**Commissioner FULLER:** I guess it depends on the service they are providing and the backlog and the performance of the registry, but if it is a mathematical outcome, not a performance outcome, I will definitely take that on notice.

I am advised:

As at 12 August 2019, there were 83 staff based at the Firearms Registry, with a further 10 attached to PoliceLink Command performing Call Centre duties dedicated to Firearms Registry Customers, totalling 93 staff dedicated to servicing the licensed firearms community and industry.

**The CHAIR:** I think it is a resourcing outcome, yes, which reflects itself in service, doesn't it?

**Commissioner FULLER:** Not if the service is improved.

**The CHAIR:** That remains to be seen.

**Commissioner FULLER:** Fair call.

**Mr DAVID SHOEBRIDGE:** Commissioner, is the NSW Police Force still using the FinFisher software? I think it was disclosed in some WikiLeaks documents in 2014 that the NSW Police Force was one of the customers of that information technology firm.

**Commissioner FULLER:** I have not heard of it but I am happy to take it on notice.

**Mr DAVID SHOEBRIDGE:** It is a highly contentious spyware program that is marketed to law enforcement agencies across New South Wales. We know that the NSW Police Force was using it in 2014. You are saying you have no knowledge of it?

**Commissioner FULLER:** No, I do not. I have never heard of it. It would be quite easy to find out so I will certainly take it on notice and let you know if we are and how long we have been.

I am advised:

The NSWPF does not comment on methodology it may or may not have as it may impact on the effectiveness of investigations.

**Mr DAVID SHOEBRIDGE:** Is the NSW Police Force using Pegasus, another one of those spyware pieces of software?

**Commissioner FULLER:** Again, I am happy to take that on notice. We have multiple software programs that we use for a whole range of reasons in terms of gathering intelligence, but I would imagine that there are standards from the New South Wales Government perspective in terms of what we use and what we procure. I am certainly happy to take that on notice as well.

I am advised:

The NSWPF does not comment on methodology it may or may not have as it may impact on the effectiveness of investigations.

**Mr DAVID SHOEBRIDGE:** Does the NSW Police Force have a licence that allows for the capture of footage or audio through a device's camera?

**Commissioner FULLER:** The cameras we own?

**Mr DAVID SHOEBRIDGE:** A camera on a phone.

**Commissioner FULLER:** Our phones or other people's?

**Mr DAVID SHOEBRIDGE:** Other people's phones; third parties'.

**Commissioner FULLER:** I imagine, in terms of crime scene warrants, we have approval to search and take information—whether it is a crime scene warrant or otherwise.

**Mr DAVID SHOEBRIDGE:** I am asking particularly in the context of spyware, so that it operates on someone's phone without their knowledge.

**Commissioner FULLER:** Only with a lawful right. I am assuming we would need a warrant of some sort to do that, but it certainly sounds possible. But we cannot use those sorts of powers without legal right.

**Mr DAVID SHOEBRIDGE:** Can you advise which programs, if any, the NSW Police Force has and how many licences it has?

**Commissioner FULLER:** In terms of those two programs?

**Mr DAVID SHOEBRIDGE:** Well, FinFisher and Pegasus to start with. But then if there is a third or more spyware programs, could you provide the details on those?

**The Hon. TREVOR KHAN:** Just an issue that I raise at this stage. That potentially goes to operational issues.

**Mr DAVID SHOEBRIDGE:** The commissioner has taken it on notice.

**Commissioner FULLER:** Obviously, if there is a State security reason, then it cannot be provided, then we will let you know the reasons why we cannot provide it.

I am advised:

The NSWPF does not comment on methodology it may or may not have as it may impact on the effectiveness of investigations.

**Mr DAVID SHOEBRIDGE:** We know, as I said, from WikiLeaks documents, that the NSW Police Force uses FinFisher.

**Commissioner FULLER:** Another great reference of fact, Mr Shoebridge, but, again—

**Mr DAVID SHOEBRIDGE:** It is actual information so it is kind of nice.

**The Hon. SCOTT FARLOW:** It has not been confirmed by the commissioner.

**Commissioner FULLER:** If I have that information and I can provide it without breaching national or State security, then we will provide that.

**Mr DAVID SHOEBRIDGE:** Has the NSW Police Force ever deployed spyware on a criminal defence lawyer?

**Commissioner FULLER:** I would have to take that on notice, but only if they were a target and named on a warrant, I assume.



I am advised:

It is unclear from the question what 'spyware' refers to.

**Mr DAVID SHOEBRIDGE:** If so, can you provide the Committee with advice on whether or not appropriate controls were in place to ensure confidential client/lawyer communications were protected?

**Commissioner FULLER:** I guess the starting point is do we have it? Can I talk about it? Then we will come back in terms of stage three.

**Mr DAVID SHOEBRIDGE:** And that last question, you will take on notice as well. I understand that there may be—

**Commissioner FULLER:** But there is a nexus between the links of all of those things in the sense that if we do not have it—

**Mr DAVID SHOEBRIDGE:** I am not suggesting otherwise, commissioner.

**Commissioner FULLER:** Yes, okay.

**Mr DAVID SHOEBRIDGE:** But in light of that, given those matters, you will take it on notice?

**Commissioner FULLER:** Yes.

I am advised:

Telephone interception and surveillance devices are used within strict control protocols and are governed by legislation. Legislation requires police to obtain lawfully issued warrants under the respective *Telecommunications (Interception and Access) Act 1979 (Cth)* and *Surveillance Devices Act 1987* to monitor communications and this includes any telecommunication interception.

Under both legal regimes, any information is rigorously protected and subject to strict legal compliance and record keeping, security requirements which are oversighted by the Inspector of the Law Enforcement Conduct Commission (LECC) and Commonwealth Ombudsman.

**The CHAIR:** Commissioner, does the Firearms Registry have access to private health records—My Health Record, for example—and does it use that information to revoke firearms licences?

**Commissioner FULLER:** I would find it hard to believe that anyone in the NSW Police Force has access to My Health Record, but I will double-check that for you.

**The CHAIR:** Can you check that, please, because it has been quoted to us that My Health Record has been accessed—on what basis I do not know—and licences have been revoked, using that as an excuse.

**Commissioner FULLER:** I would imagine I would need a warrant to get My Health Records.

**The CHAIR:** I would have thought so too.

**Commissioner FULLER:** But I will double-check that.

I am advised:

The NSW Firearms Registry does not have access to private health information such as My Health records. If an applicant has identified health conditions that may impact on their ability to meet the fit and proper test, or it may not be in the public interest for the applicant to hold a licence, permit or authority, then the Registry will require the applicant to provide such personal health information or related specialist assessments addressing these issues.



**The Hon. NATASHA MACLAREN-JONES:** I think we are happy to hold over our questions to a later time.

**The Hon. ROSE JACKSON:** Commissioner, I want to follow up a reference you made earlier in relation to new headcount figures, as I think you referred to them, that were being put together relating to police strength in New South Wales. Is that right?

**Commissioner FULLER:** Yes, that is correct.

**The Hon. ROSE JACKSON:** When those figures are published, will you be publicly publishing them?

**Commissioner FULLER:** Not on a daily or weekly basis. One of the challenges is that police resign, so we have around 750 people exit the organisation every year, we have people who go on annual leave, people who get pregnant, people who take career breaks, and there becomes an unhealthy focus. I think what is important for me is that, if you are paying me to have 100 police, then I should have 100 police. But this obsession with a daily EFT count when we are trying to work to a flexible workforce and people want greater flexibility and people want to work part time—it is counterproductive in my mind. I think what is important is that you are paying me to have 100 police; you should hold me accountable to have 100 police.

**The Hon. ROSE JACKSON:** I appreciate that you might think that it is counterproductive, but that did not really answer my question, which is: Will that information be publicly available at all? Will it be publicly available?

**Commissioner FULLER:** In terms of the annual report, it will be publicly available, and if people choose through GIPAA or freedom of information to ask for that, it will be freely available, but—

**The Hon. ROSE JACKSON:** Will we be able to access that information broken down by area command?

**Commissioner FULLER:** In an annual report, absolutely you will be. But in terms of me providing a daily update on it, it is just time consuming and unhelpful. But if people ask for it, I am not going to hide it because we have never been in a stronger position in terms of the number of police we have on the ground and I am increasing police recruiting dramatically to make sure that we are full.

**The Hon. ROSE JACKSON:** In answer to a question from Mr Shoebridge last year regarding the media unit, you stated:

Every good and bad news story comes from our people. We do not hide information.

**Commissioner FULLER:** Yes, that is right.

**The Hon. ROSE JACKSON:** You might think that people accessing this information is counterproductive, but if they want to access it—

**The Hon. TREVOR KHAN:** That is not what he said.

**The CHAIR:** I do not think he said that.

**The Hon. ROSE JACKSON:** That is a quote from the commissioner from last year. But if they want to access the information, that is on them and police should be providing access to that kind of information.

**Commissioner FULLER:** Yes, absolutely, but you are talking about the district model, which is a model put in place for regional New South Wales, for local communities. They need to talk to their commanders. They have community safety precinct meetings monthly with community members. These are the questions they should be asking. Any time people want me to have this shiny thing every day, like a dashboard, I have to have someone run that, I have to have someone update it every day, I have to have someone fact-check it every day—all for what? I think the annual report will be clear in relation to it. Any time people want that information they should ring their local police station. I am not investing time and money into people sitting behind a dashboard, pumping out information on whether someone has gone off sick today and there is one more person tomorrow. But I certainly will not hide from you our police numbers. Feel free to ring me any day and I will tell you how that is travelling.

**The Hon. ROSE JACKSON:** I might take you up on that offer.

**Commissioner FULLER:** I get lots of calls.

**The Hon. ROSE JACKSON:** What proportion of call-outs for police are recorded on COPS as mental health related?

**Commissioner FULLER:** As in not police-related mental health but the job itself?

**The Hon. ROSE JACKSON:** Yes, that is right.

**Commissioner FULLER:** It is an associated factor, but it comes down to the police officer I guess assessing that job correctly and recording that correctly. I will take it on notice. I think it is around 30 per cent, but we do one-day training now, which everyone gets, and there is a four-day training course that we are continuing to roll out around mental health. But we are not nurses, we are not doctors, we are people who are trained at a certain level, and certainly mental health is something that we try to record as an associated factor. People that we take through the hospital and other systems that are clearly on court and/or hospital orders around mental health issues, they are clear-cut mental health issues, but when we go to domestic family violence situations and lots of different crimes, the police will make an assessment whether it is mental health related.

**The Hon. ROSE JACKSON:** It would be good to get the figure of those that are recorded. It would be useful to know the proportion of call-outs for police that are recorded on COPS as domestic violence related as well.

I am advised:

In 2018, there were 42,910 Mental Health incidents including those that contained an "Associated Factor" of Mental Health.

6.3% of events in the COPS system in 2018-19 were domestic violence-related.

**Commissioner FULLER:** Incident wise, there are about 150,000 a year, and it has stabilised at the moment after a period of growth over the last, you know, between probably 2010 and 2016, where we put a lot of energy into domestic family violence, as did the Government in terms of funding additional police positions, advertising—a whole row of campaigns. But it has, in a sense, levelled out at 150,000 incidents a year, which is still way too many.

**The Hon. ROSE JACKSON:** On 5 August, following a coronial inquest, you stated that you have 17,000 police officers but you do not have 17,000 tasers. How many tasers does the police force have?

**Commissioner FULLER:** We have 3,200 tasers at the moment; 2,500 of those are deployed operationally and the balance are used for training purposes.

**The Hon. ROSE JACKSON:** How many additional tasers would it require to ensure that all of those operationally deployed officers on the streets and on patrol always have a taser at hand?

**Commissioner FULLER:** I have to, I guess, educate you in a sense from our perspective before I answer that question because our SOPs would say that, if there are two police officers out together, only one should have a taser. The reason for that is that when we discharge a taser only around 40 per cent of the time do the two barbs strike through the clothing and there is a connection where the amperage obviously stops the individual. So you do not want two police officers, working together, drawing and covering on a taser if someone has a knife or a gun because the percentage of the taser actually working is low, therefore putting officers' lives at risk. I suppose the starting point, if you accepted that two officers turning up with a taser is not the best tactical option for officers in terms of their safety, probably is: How many tasers do you need to have—one for two?

**The Hon. ROSE JACKSON:** Great question.

**Commissioner FULLER:** I will take that on notice. I certainly would need more tasers.

I am advised:

The NSWPF policy for Use of Conducted Electrical Weapons (Taser) states that Taser is not a replacement for a conventional firearm. It is a less lethal option which should be deployed and managed alongside conventional firearms and other tactical options.

The NSWPF currently has 2,500 Tasers deployed operationally in the field. There are currently 5,923 officers trained to use the Tasers. The NSWPF Standards Operating Procedures also state that "only one (1) Taser is to be issued to a minimum of two (2) officer uniformed team deployed to undertake operational response duties. For Single Unit Policing - Police deployed for operational response as a single unit may carry and use Taser if provided to the command

location for that purpose".

**The Hon. ROSE JACKSON:** Have you put any requests in for increased funding for more tasers?

**Commissioner FULLER:** We are looking at the policy as a starting point in relation to tasers. There are, I think, around 7,000 police trained to use tasers, which would probably be a good starting point for officers in general duties. You have to be in uniform; they are for frontline positions. For mine, it is about looking at our policy and saying: Is our policy strong enough to ensure that, if there was a taser in the cupboard and you are a frontline police officer, you know you have to take that taser out? I think that is the key starting point and that is one of the reviews we are conducting at the moment on the back of the Coroner's recommendations, which we always take seriously, and that matter I would say was only handed down fairly recently as well.

**The Hon. ROSE JACKSON:** In answers to questions this morning you and the Minister talked about an underspend in the budget, and it seems as though, if there are not enough tasers, indeed there could be more taser training for officers so that more officers were able to use tasers so that, as you said, that option is available to be deployed in every instance.

**Commissioner FULLER:** So welcome to my world. The current taser that we use is still supposed to be the best taser in the world. They are stopping putting cameras on tasers, which creates a new problem for us.

**The Hon. ROSE JACKSON:** That is the manufacturer, is it?

**Commissioner FULLER:** The manufacturers are stopping using the cameras because there is a fault in some of the tasers between the camera and the actual electrical components of the taser. If I said, "We are buying tasers that do not have cameras", Mr Shoebridge would probably be slightly concerned. All of a sudden, I have a problem that the manufacturer is going to stop making them with cameras, so then all of a sudden our body-worn video—which is a really outstanding initiative that we have spoken about before, and we were an early adopter of that—the taser does not talk to the body-worn camera. So there is a much bigger piece of work, a much bigger capital request from me to government, saying—

**The Hon. ROSE JACKSON:** And you have put that request in?

**Commissioner FULLER:** We are developing it now because our gun, our Glock, needs to be replaced. They need to be bluetooth-enhanced so that if an officer draws their firearm the taser turns on, the in-car video turns on, any police camera turns on—and the taser is interoperable of that as well. So there is a much bigger piece that is being forced upon us, predominantly at the starting point because the next-generation taser does not have a camera on it.

**The Hon. ROSE JACKSON:** In answer to questions on notice last year, you stated that the NSW Police Force is currently examining collocated models with mental health nurses that operate in other jurisdictions both nationally and internationally. What was the outcome of that examination?

**Commissioner FULLER:** It is that nurses and doctors are much better placed to deal with people who have a mental illness, and that even in dangerous situations in hospitals police are called to deal with those levels of violence. The great challenge is that we often face the most challenging situations in the field and there is very little time for us to react as officers, let alone to call in an expert. But I would be the first person to say I would much rather have a nurse or a doctor at the frontline dealing with people who are unwell and, firstly, dangerous to themselves, as is often the case; secondly, dangerous to the public; and thirdly, dangerous to the police force.

**The Hon. ROSE JACKSON:** So did you produce a report looking at those collocated models?

**Commissioner FULLER:** No, but we are still looking at it. But it is again—

**The Hon. ROSE JACKSON:** So it is still under review?

**Commissioner FULLER:** When you have a collocated model, it does not work if they are not in the field with police officers. It is very difficult to deploy a nurse with every two police officers on shifts. There is no easy fix to this. Part of it is training, and we talk a lot in these sessions about police dealing with these difficult situations. I am always open to more training, as challenging as that can be at times, but the reality is the collocation of nurses is great if it is in a police station and there is a difficult mental health situation. But once people are back in the police station we very rarely see the same problems that we do in the public streets because we are in control.

**The Hon. ROSE JACKSON:** Linked to this is that in the death of Rebecca Maher, the Coroner recommended that some kind of medical or nursing presence generally be available at larger watch houses in

**Commissioner FULLER:** So my starting point is—and obviously I do not want the Minister, if he is watching, to have a heart attack, but my starting point would be that we take around 1,600 people a year into police custody for being an intoxicated person. Really, is that the best place for someone? I would say no, it is not. Even if there is a very minor judicial breach then the emergency department would be a much better place for them to go. For years and years and years we have tried to minimise the number of people in police custody because it is not a nice environment for anyone. We have around 1,600 people in custody each year who are intoxicated persons only, and I think around 300 of people are recognised as Aboriginal and Torres Strait Islander. Can we not just take them to the emergency department and get them the full-time medical treatment that they need?

**Mr DAVID SHOEBRIDGE:** Or, commissioner, we could follow what Victoria has done and abolish the offence of public drunkenness.

**Commissioner FULLER:** But we do not have that offence, sir.

**Mr DAVID SHOEBRIDGE:** Well—

**Commissioner FULLER:** No, we do not have a crime of public drunkenness. We take people in because they are incapable of looking after themselves.

**Mr DAVID SHOEBRIDGE:** Disorderly.

**Commissioner FULLER:** Now, if we take them home and no-one is there to look after them at home—some of these people live in dreadful situations—then we are liable for that. I am not trying to overload emergency departments, but I would think last resort—

**Mr DAVID SHOEBRIDGE:** There are better places than police cells.

**Commissioner FULLER:** There are better places than police stations.

**Mr DAVID SHOEBRIDGE:** We can all agree on that.

**The Hon. ROSE JACKSON:** I think we actually agree on that, but the issue is that until that change that you have outlined is made, and I think that is something that many of us would be supportive of, there are—

**Commissioner FULLER:** It is such a small group of people.

**The Hon. ROSE JACKSON:** There are people coming into police stations, particularly in some of the larger watch houses—metro and regional—and there is no nursing presence, medical presence or mental health presence. The Coroner has recommended it. I understand in Western Australia there are collocated models, I think more specifically with mental health practitioners. It does not sound from your answer like that is under active consideration in New South Wales, so how are we going to move forward?

**Commissioner FULLER:** We do not have "big watch houses" because we do not have watch houses. That is very much a Queensland term. We have smaller custody suites around the State. In our bigger ones, Corrective Services owns the back end of it. For mine, we are talking about 1,600 intoxicated persons taken in, which is not a big number. To try and make this leap in terms of working with the Secretary of Health and the Minister for Health and Medical Research—I do not think it is a big leap for us. I know there is a bigger cohort that you have just given examples of and that probably come in, but we call ambulance officers and paramedics on a regular basis. We have people in on a regular basis. We have custody. We have closed-circuit television. We have training for custody officers. But I would still say that if you are not in custody for a crime then I would much rather you are somewhere else.

**Mr DAVID SHOEBRIDGE:** Do you support the Coroner's recommendation that if an Indigenous First Nations person is taken into a police cell and even if not charged, that the assistance line, the First Nations legal assistance line, Custody Notification Service, should be contacted?

**Commissioner FULLER:** Just to be clear, if someone comes into police custody for any type of offence, we have to ring them, right?

**The Hon. ROSE JACKSON:** Yes, so this is people under part 16 of the Law Enforcement (Powers and Responsibilities) Act 2002, people in protective custody.

**Commissioner FULLER:** I have no problems with that, but I would much rather that we do not bring them back at all.

**Mr DAVID SHOEBRIDGE:** I agree, but in the interim, assuming we do not leap to that point, do you accept that that call to the Custody Notification Service would be an important step in the interim?

**Commissioner FULLER:** I would say no, because what training do they honestly have to deal with health? Seriously. We ring them now to make sure that individuals get the best legal advice they can.

**Mr DAVID SHOEBRIDGE:** But there has not been a single death in a police cell following one of those calls.

**Commissioner FULLER:** But there has not been a—

**Mr DAVID SHOEBRIDGE:** You had the tragic case of Rebecca Maher; there was a death and there was not a call. Commissioner, I do not want to politicise this.

**Commissioner FULLER:** No, I know.

**Mr DAVID SHOEBRIDGE:** Getting a good answer now that we can implement is what we are looking at.

**Commissioner FULLER:** Just for the panel, in terms of someone coming into police custody like she did, there has not been an Aboriginal death in police custody since the late eighties for people in her situation. One death is too many, and I am not trying to trivialise her death, but it is not as though we have a litany of—a poor history in modern policing around the way we treat people in custody.

**Mr DAVID SHOEBRIDGE:** But we do have the coronial recommendation that has been handed down. They have looked at it closely.

**Commissioner FULLER:** In fairness, that has only recently been handed down. I am not walking away from any of the recommendations, but it is not as though they were handed down 12 months ago.

**Mr DAVID SHOEBRIDGE:** No. But I am very happy for you to consider that more on notice and then come back to us.

**Commissioner FULLER:** I do want to consider it, but my first question, probably through the secretariat in time, would be—

I am advised:

The recommendations and findings of the Coroner are currently being carefully considered. However, under current law, if a person is detained under Part 16 of LEPR, there is no obligation on police to put an Aboriginal person in contact with the Aboriginal Legal Service Notification System.

**Mr DAVID SHOEBRIDGE:** Fix it.

**Commissioner FULLER:** —what expertise do they have to know who to call? Are they only going to call the local hospital and get—do you know what I mean? I just need to have some confidence that there is some value in that because at the end of the day they are in my custody and I have the responsibility for their health.

**Mr DAVID SHOEBRIDGE:** All I can put forward in that regard is that once somebody has been charged—and they can often be in similarly distressed circumstances—there has not been a First Nations death in custody after one of those calls.

**Commissioner FULLER:** But I would—

**Mr DAVID SHOEBRIDGE:** Surely that would be a good pointer in police custody?

**Commissioner FULLER:** No, no. I—

**The Hon. TREVOR KHAN:** There have not been any deaths since the eighties.

**Commissioner FULLER:** No, no. And I—

**The Hon. ROSE JACKSON:** But there have been deaths in protective custody. There was a death.

**The Hon. TREVOR KHAN:** Yes.

**The Hon. ROSE JACKSON:** I just want to follow up on a comment that you made about training and that people have to respond to difficult situations. In estimates last year you identified there were gaps in training on mental health. This was also of officers. This was following recommendations of the Coroner. I wonder if there



**Commissioner FULLER:** We do review our mental health training. We review our use of force, particularly. There are lots of discussions around tactical options. One of the greatest balances for me is that there is a line in the middle in terms of officer safety and you have the safety of the individual person, the perceived person that is being violent, and then you have the community. It is a very difficult balance because some of the recommendations that have been made, like it or not, may reduce the risk to the individual, but they would increase the risk to the police officers as well. I take every recommendation seriously, but I have to balance the health and wellbeing of the police and the community at the same time.

**The Hon. ROSE JACKSON:** One specific area that I think you talked about last year was mental health training for police radio officers. I think you described them as a central point in the police response to incidents. So I wonder if there have been any changes.

**Commissioner FULLER:** There have been workshops for radio operators. I will take on notice how many have been put through that. It is my understanding that will be ongoing in terms of making sure radio operators particularly understand the information they provide to police who are responding to a potentially high-risk situation.

I am advised:

This recommendation was made by the NSW Coroner on 31 July 2018 regarding the findings in relation to the Courtney Topic Inquest.

The recommendation was reviewed by the Mental Health Intervention Team (MHIT) within NSWPF. At this time, 1 Training Officer and 3 Civilian Radio Operators from the Communications Group have been trained under the 4 day MHIT course. This is currently under further review and consideration.

**The Hon. ROSE JACKSON:** I speak on the issue of mental health practitioners in police stations. The issue of taking violent people who have mental health issues to, say, hospitals or other facilities is that they do not necessarily have the capacity to hold them. These are people that are a danger—

**Commissioner FULLER:** Are we talking about intoxicated persons only?

**The Hon. ROSE JACKSON:** No, we are not. We are talking about people who are acting violently and who are picked up by police.

**Commissioner FULLER:** Then we would take them back to the police station and we would call for medical assistance.

**The Hon. ROSE JACKSON:** Do you not think it might be more effective and efficient if there were mental health practitioners already located in police stations, considering the answer to some of the earlier questions that potentially one-third or more people that you are interfacing with have mental health problems. When the level of interface is at that scale that you are calling people in all the time, might it not be better just to have them there in the station?

**Commissioner FULLER:** If we had the watch house philosophy which was, say, across metropolitan Sydney, four or five massive centres where we take everybody, I think it would be workable but we have custody suites in most of our big police stations. To have a single nurse working 24/7, you would probably need five to six nurses in one location. Then you extrapolate that out to all the custody suites across New South Wales—I cannot give you the figures—and it would be a thousand extra nurses who might go 12 months and not see someone they can help. I am not saying what you are saying is not a good idea if we had big watch houses where we centralised the movement of prisoners to but we do not have that design in New South Wales. I am certainly not saying that nurses would not do a wonderful job or doctors would not do a wonderful job in that environment but how do we operationalise that when we are needing a thousand new nurses?

**Mr DAVID SHOEBRIDGE:** Commissioner, you may need a thousand new nurses and that actually may be what is required and may be a thousand new nurses would have been better spent than 1,500 new police.

**Commissioner FULLER:** I disagree with that; I take on board your comment.

**Mr DAVID SHOEBRIDGE:** Or perhaps in addition to.

**Commissioner FULLER:** Thank you.

**Mr DAVID SHOEBRIDGE:** We might get more agreement there. The example that has been operationalised now in this country is the Victorian example of PACER, which is Police, Ambulance and Clinical Early Response. I think the pilot project for that started five years ago and they are now implementing it. Have you had a look at the Victorian model?

**Commissioner FULLER:** I have and I talked to all the commissioners because any challenge we are facing is a challenge across Australia so we do talk about it. One of the bigger challenges is that New South Wales is a much bigger State than Victoria and we have remote locations, as you know. I can put two of these in metropolitan Sydney and then the next offence happens in central New South Wales and there is not one there. The challenge in all of this is providing a service for all of New South Wales.

**Mr DAVID SHOEBRIDGE:** I am asking you about the PACER model in particular. Some people have suggested that that is current best practice to ensure that—basically you have a flying unit that can get in on the ground with police and clinicians who come together and de-escalate situations and divert people into treatment.

**Commissioner FULLER:** We have a similar model, I think, operating out of St George. Whether it is called PACER or not I am not sure. No doubt there will be an evaluation of that in terms of the impact it has but we are on the same page. I am all for having clinical nurses and doctors working with us for high-risk situations.

**Mr DAVID SHOEBRIDGE:** The Victorian model did get evaluated. It had a pilot project five years ago. The report on that pilot project was extremely positive and it is now being operationalised in Victoria. Will you undertake to look at implementing a similar system in New South Wales?

**Commissioner FULLER:** I will take that on notice. My understanding is that at the moment St George is trialling something similar. I would like to double-check whether it is exactly the same model before I make that commitment but if it is something similar and it is on the back of that and we can start to expand it based on the Victorian experience, then I am happy to build a business case around that, noting that, I think, New South Wales is twice the size of Victoria.

**Mr DAVID SHOEBRIDGE:** Yes, but we also have more people and a bigger budget.

**Commissioner FULLER:** We are agreeing that it obviously works. Let me please take on notice what is happening at St George and I will come back to you on whether it is based on PACER, what the progress is, what our performance indicators are around it and what I need to do to expand it.

I am advised:

The PACER (Police, Ambulance and Clinical Early Response) Project is a health led initiative in collaboration with the St George Police Area Command (PAC). The PACER model centres on a dedicated joint police and mental health response activated by police. It is targeted to times of greatest demand and offers on site and telephone mental health assistance. The PACER model incorporates:

- a) A mobile emergency mental health clinician acting as a secondary response
- b) Assessing the person in the community close to the time of crisis
- c) real time police and mental health background information

PACER has been operational in St George Police Area Command since 19 November 2018 with one clinician providing part week coverage and 7 day per week coverage from 18 December 2018 (following the commencement of second clinician, Felicity Cox). PACER clinician now provides 7-day coverage between 3pm and 11.30pm, this timeframe being based on higher percentage of presentations at St George Hospital Emergency Department for mental health. PACER clinician attendance is generated by the field supervisor contacting mobile phone when calls for assistance to incident which is mental health related. Clinician deploys in the field.

**Mr DAVID SHOEBRIDGE:** Yes, exactly. Thank you, Commissioner. Can you provide this Committee with a copy of the Lessons Learned Unit internal report about strip searches that was produced in November 2018?

**Commissioner FULLER:** I do not have it. They produce lots of reports. Whether that has been corporately endorsed or not I do not know.

**Mr DAVID SHOEBRIDGE:** Can you produce a copy to this Committee on notice?

**Commissioner FULLER:** I can certainly check to see if there is a copy in existence. What is important from my perspective is there are lots and lots of people who produce lots and lots of reports but if it is not corporately endorsed and if it is not factually correct then it is important that the Committee gets that information as well.

**Mr DAVID SHOEBRIDGE:** By all means, if you want to provide it in a particular form and with some explanation, that is open to you on notice.

**Commissioner FULLER:** Thank you.

I am advised:

The internal report authored by the Lessons Learned Unit in November 2018 on strip searches is not appropriate for public release. The document makes numerous references to current and proposed policing methodology. The NSWPF has recently updated its SOPs that relate to strips searches and are incorporated into the Police Handbook.

**Mr DAVID SHOEBRIDGE:** Commissioner, you critiqued the Redfern Legal Centre for the figures that it had on strip searches. Do you remember that?

**Commissioner FULLER:** I do.

**Mr DAVID SHOEBRIDGE:** Would it surprise you to know that the Ombudsman published those figures in its June 2007 report entitled *Review of certain functions conferred on police under the Law Enforcement (Powers and Responsibilities) Act 2002*?

**Commissioner FULLER:** Sorry?

**Mr DAVID SHOEBRIDGE:** Would it surprise you to know that those figures came from a publication from the Ombudsman's June 2007 review of the police under the Law Enforcement (Powers and Responsibilities) Act at the time when the Ombudsman had the oversight of the police?

**Commissioner FULLER:** It does not matter where the statistics came from, Mr Shoebridge. If you do not understand that the starting point—the 280, whatever—is only two months worth of data—that is not my responsibility. That is their responsibility to get that right when they start saying "twenty-fold". Twenty-fold was the quote.

**Mr DAVID SHOEBRIDGE:** That is because they relied upon the publication—

**Commissioner FULLER:** That does not matter.

**Mr DAVID SHOEBRIDGE:** Commissioner, let me finish and I will let you finish. They relied upon the publicly published data from the Ombudsman from June 2007 that at no point in the past 12 years has the New South Wales police critiqued. You could understand how they got to that position, could you not?

**Commissioner FULLER:** I have a couple of points. We gave up critiquing the Ombudsman and, secondly, the Chief Commissioner at the Law Enforcement Conduct Commission and the Auditor-General give me more respect before they put reports out judging New South Wales police than the Redfern Legal Centre. I get more respect from a chief commissioner and the Auditor-General than I do from them. If they had come to me—

**Mr DAVID SHOEBRIDGE:** Commissioner, you now say that this data that has been on the public record for 12 years is wrong. Why has the New South Wales police not corrected the data in 12 years?

**Commissioner FULLER:** I have not seen what the Ombudsman said.

**Mr DAVID SHOEBRIDGE:** I am happy to provide you with a copy.

**Commissioner FULLER:** Did they say it was 20 times in their report?

**Mr DAVID SHOEBRIDGE:** I am happy to provide you with a copy.

**Commissioner FULLER:** Thank you for that but they say—

**The Hon. TREVOR KHAN:** Point of order—

**Mr DAVID SHOEBRIDGE:** It was a 2007 report and it says 277 strip searches, Commissioner.



**Commissioner FULLER:** For two months?

**Mr DAVID SHOEBRIDGE:** It does not say that.

**The CHAIR:** Please listen to the point of order.

**The Hon. TREVOR KHAN:** My point of order goes to the first point. We seem to be devolving into the witness and Mr Shoebridge talking over each other. At least from the point of view of Hansard, they should be given—

**The CHAIR:** I uphold the point of order.

**Mr DAVID SHOEBRIDGE:** Commissioner, I am happy to provide you a copy of the cover page because it was 170-page report and they only provided the two pages and maybe we can come back to that at a later point.

**Commissioner FULLER:** Thank you.

**The CHAIR:** Commissioner, out of interest, in relation to sniper Sierra 3-1, why was the claim of Sierra 3-1 settled the way it was?

**Commissioner FULLER:** It is a workers compensation claim, Mr Chair. At the end of the day, in matters of workers compensation and litigation, we have lawyers who give advice and guidance, and matters are settled.

**The Hon. TREVOR KHAN:** Sometimes good, sometimes bad.

**Commissioner FULLER:** Sometimes good, sometimes bad.

**The CHAIR:** Do you know how much was paid?

**Commissioner FULLER:** I honestly do not. I could personally find out. Those things are often in-confidence legal settlements—not from the commissioner—but I do not keep a running tally of what we settled.

**The CHAIR:** Can you take that on notice?

**Commissioner FULLER:** I can.

I am advised:

This matter was resolved by way of Private Mediation and is subject to a Confidentiality Agreement between all parties involved.

**The CHAIR:** Last year I asked you about training at the Firearms Registry for their staff. Has there been any training undertaken by the registry since then?

**Commissioner FULLER:** Yes, what I have been briefed on is that there are new training schedules, particularly for new staff. There are induction days with the new supervisors and the new adjudicators. Compared to the old registry, there has been a significant improvement in training but I guess I can take that on notice as a dot-point return on what we are doing now.

**The CHAIR:** I have listened to the Minister and also you say that there is a lot more transparency with what is going on up there now. Perhaps you might care to give us an indication or copies of the training resource material that is there. Is that possible?

**Commissioner FULLER:** I will certainly program for you the additional training that is provided, the induction days et cetera, and I will provide whatever we can possibly too.

I am advised:

Changes to the NSW Firearms Registry were announced on 18 August 2019.

The Firearms Registry provides induction training for new employees as part of the on-boarding process. This training includes sessions on legislation, decision-making, procedural matters, firearm identification, systems and includes on-the-job training and practice. Sessions include:

- Licensing and legislation overview
- Firearm Identification
- System - Integrated Licensing System (ILS)
- System - Firearms Management System (FMS)
- System - Web Enabled COPS Interface (WebCOPS)
- System - Exhibits Forensic Information Miscellaneous Property (EFIMS)
- System - Australian Firearms Information Network (AFIN)
- System - National Police Reference System (NPRS)
- System - National Firearms Identification Database (NFID)
- System - SAP

New staff are exposed to all sections of the Firearms Registry and sit with the various unit operators to gain an appreciation of the end-to-end processes.

In addition, the Firearms Registry provided intensive training for new and existing staff on the following topics:

- Delegations, Legislation, Policy, Case Law & National Firearms Agreement (NFA)
- Criminal vs Administrative (NCAT)
- Firearms and Weapons Act Application - Introduction
- Concept of Decision Making (Introduction)
- Decision Making - Refusal of a Firearms Licence
- Decision Making - Suspension of a Firearms Licence
- Decision Making - Revocation of a Firearms Licence
- Decision Making - Conditions
- Internal Review
- Interpretation of Criminal History (CNI/NNI) Results
- Writing Skills - Preparation of Notices (i.e.: Revocation, Refusal etc)
- Firearm and Weapon Prohibition Orders (FPOs & WPOs)
- Decision Making - Mental Health
- Decision Making - Domestic Violence Matters
- Access to Information

This training was provided by a mix of in-house staff and lawyers from the NSW Police Force Office of the General Counsel, the Crown Solicitor's Office and external legal firms used by NSW Police Force to support court matters. It is intended that refresher training be conducted in late 2019 and a regular training schedule to be rolled out throughout 2020.

In addition, the Registry has recently finalised 'Decision Making Guidelines'. These assist the Registry in making more effective decisions when assessing new firearms licence applications, and to ensure current licence holders are fit and proper persons and it is not against the public interest to retain their licences and have access to firearms.

**The CHAIR:** Do the officers and other staff at the Firearms Registry actually have a reference manual that guarantees consistent adjudication of decisions?

**Commissioner FULLER:** There is a decision-making framework in a basic sense, but the challenge in any of these things is that it is very difficult to find two situations that are the same. I think what is important for me in terms of trying to benchmark the performance is that the higher authority, the NSW Civil and Administrative Tribunal [NCAT], who oversees the appeals for good or bad decisions, is finding in our favour in around 75 per cent of times.

**The CHAIR:** I guess that is not hard to understand in that particular venue, and of course it is mandated by the legislation, where the commissioner goes in there or your nominee goes in there with lawyers and barristers and the individual who is making the claim is standing there by themselves trying to argue their case. That is a good reason why they cannot win in the majority of those particular situations.

**Commissioner FULLER:** I guess at the same time there is not a huge percentage of matters that are tested through that process. But certainly the delays in dealing with customers has been a concern for me, the delays in terms of people just simply answering the phone at the registry has been a concern for me, and there has been an enormous amount of work on trying to improve customer service. In terms of the suitable person test, I guess there will always be people disappointed in relation to it. But, at the same time, from year to year we are not seeing a massive reduction in firearms or licensed firearms owners. So it is not as though the Firearms Registry is on a mission to reduce that figure; they deal with what comes through the door in terms of—

**The CHAIR:** I am not inferring it is. I think it is really just a matter of dealing with the day-to-day business that the Firearms Registry has got to deal with properly and fairly and expedite the decisions in a proper way.

**Commissioner FULLER:** But I feel as though we have made not a mark but we have made an impact on that in the last 12 months, and I feel as though when we come back again early next year that we will continue to see improvements in it.

**The CHAIR:** The registry used to produce a performance scorecard for various of those measures. That stopped about two or three years ago. Do you intend to re-implement that?

**Commissioner FULLER:** I will be honest with you, I have not seen the old one. I am happy to have a look at it and to see if there is some—

**The CHAIR:** It was actually quite useful.

**Commissioner FULLER:** I was not aware of it. I will give you an undertaking that I will have a look at it and I will come back to you.

**The CHAIR:** Earlier today you talked about looking at the science behind the decision to test for benzodiazepines. Would you be prepared to also take the same approach and look at the science on firearms suppressors rather than the myths that are being flogged around in the media?

**Commissioner FULLER:** I have stopped reading the papers, Mr Chair.

**Mr DAVID SHOEBRIDGE:** You are not alone.

I am advised:

The Firearms Registry previously hosted a performance dashboard showcasing basic metrics about licensing or permit to acquire processing times, and call centre metrics.

The Firearms Registry removed the dashboard and is replacing it with more sophisticated performance metrics that reflect both the online and paper entry point for applications.

**The CHAIR:** That might be my next question: Why?

**Commissioner FULLER:** Again, I group them in two: There are recreational applications and then there are applications for business purposes. I know the definition is slightly more broad, but if you accept that there are two key sizes, for the applications for business purposes the amount being improved is on the increase and in terms of those for recreational purposes it has remained reasonably stable. I do not see a massive issue in that from a high-level data perspective. I appreciate anyone who does not get it will be unhappy with me; I acknowledge that.

**The CHAIR:** I think in recent times the ratio is probably a million to one in what you are talking about. I am not suggesting a million suppressors have been issued; I think there has only been one issued for use by a recreational shooter and that is because of physical disability. If there is a system there it is not working.

**Commissioner FULLER:** Again, I am happy to look at the definition under the Act and the reasons. I am happy to do a review on that for you, but if you said for business purposes do we agree, I think that has doubled in recent years.

**The CHAIR:** I think that is right for business purposes, but that is not my direct line of questioning. My real line of questioning, obviously covering both, is what is the difference between the two and why are they not being issued on the same basis for both?

**Commissioner FULLER:** Could I take that on notice as a performance question for the Firearms Registry on that issue?

I am advised:

The use and possession of silencers is regulated by the Weapons Prohibition Act 1998 and a prohibited weapons permit is required for their possession and use. In issuing a permit for a prohibited weapon, the Commissioner of Police must be satisfied that a person has a genuine reason for possessing and using the silencer. A range of genuine reasons are prescribed in the legislation. The current regime for seeking a permit to use a silencer applies to any applicant, including agencies such as the National Parks and Wildlife Service and its agents.

All applications for silencer permits will be appropriately and fairly considered by the NSW Police Force. The NSW Police Force determines all applications based on the outcome of relevant NCAT decisions, legal advice about interpreting the Act and the individual circumstances of each application.

The following NCAT cases have upheld the decision to refuse a silencer application for recreational purposes: *Trigg v Commissioner*; *Marando v Commissioner*; *Burton v Commissioner*; *Burge v Commissioner* and *Larsson v Commissioner*.

Crown Solicitor's advice on the application of the "genuine reason" test under section 11 of the Weapons Prohibition Act 1998 was sought and has been received by the Firearms Registry. The advice endorses the decision making logic applied to the genuine reason for recreational purposes by the Firearms Registry. Minor modifications are required to fact sheets and guidelines to reflect this advice, which are being progressed by the Registry.

**The CHAIR:** And also as a policy question too: On what basis is there a differentiation between how those decisions are made? That is why the question was really pointing out the science behind this as opposed to the myths behind it all. What guidelines are actually being used at the registry?

I am advised:

The use and possession of silencers is regulated by the Weapons Prohibition Act 1998 and a prohibited weapons permit is required for their possession and use. In issuing a permit for a prohibited weapon, the Commissioner of Police must be satisfied that a person has a genuine reason for possessing and using the silencer. A range of genuine reasons are prescribed in the legislation. The current regime for seeking a permit to use a silencer applies to any applicant, including agencies such as the National Parks and Wildlife Service and its agents.

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**Mr DAVID SHOEBRIDGE:** Commissioner, I put a series of questions on notice each year to find out about civil settlements—claims that are paid by the NSW Police Force for civil claims—and I do not know if I ever get an answer. Can you advise the Committee how much in total the New South Wales police have paid in the last two financial years to settle or resolve civil claims made against the New South Wales police?

**Commissioner FULLER:** I will certainly take that on notice. I do not have that information on me.

**Mr DAVID SHOEBRIDGE:** I would accept that you would not have the figure on you but what I cannot accept is answers that the New South Wales police cannot arrive with that figure. Surely you would have sufficient accounting mechanisms so you could know what the quantum of civil settlements are made in any given financial year.

**Commissioner FULLER:** I acknowledge that, but you would understand the way the machine works: I provide information—

**Mr DAVID SHOEBRIDGE:** I know that 100 per cent and I also know you are not running a milk bar, it is a complex system. But if you could in providing those answers also distinguish between those that are civil claims made to current or former police, because there will obviously be a body of those, either under HOD or otherwise, and the balance of claims.

**Commissioner FULLER:** I will take that on notice.

I am advised:

The NSWPF does not have this data noting some civil liability is self-insured, some liability is insured in different portfolios (in which case our ability to report is determined by the format of data held by the insurer) and other liability involves multi-agency claims.

**Mr DAVID SHOEBRIDGE:** Has the NSW Police Force always provided, as is its obligation, copies of statements of claim served against the NSW Police Force to the Police Integrity Commission and now the Law Enforcement Conduct Commission?

**Commissioner FULLER:** Sorry. Could you repeat that?

**Mr DAVID SHOEBRIDGE:** There was an obligation for the NSW Police Force to provide the Police Integrity Commission, and it is now to provide the Law Enforcement Conduct Commission, with a copy of each statement of claim where the NSW Police Force is the defendant. Are you aware of that obligation?

**Commissioner FULLER:** I thought the obligation was that we have a working panel that looks at those matters to see if any of them would constitute part 8A.

**Mr DAVID SHOEBRIDGE:** Correct.

**Commissioner FULLER:** So not all of them—only if it constitutes part 8A we would notify the Law Enforcement Conduct Commission.

**Mr DAVID SHOEBRIDGE:** But it is a panel between you and the oversight body to determine which infringes part 8A. That could be highly contested and in order to do that you would have to provide them to the oversight body so you could have that argument.

**Commissioner FULLER:** I think that we would lose face in New South Wales police if we lost the determination of working out what is part 8A and what is not. The whole part 8A works because we self-assess, we self-report, we put it on the system and oversight overlooks it.

**Mr DAVID SHOEBRIDGE:** Could you provide on notice the numbers of statements of claim that were, firstly, provided to the Police Integrity Commission and that are now being provided to the Law Enforcement Conduct Commission for the last five years?

**Commissioner FULLER:** I do not think we would have that data, but I could certainly probably get the data for the next—

**Mr DAVID SHOEBRIDGE:** Seriously?

**Commissioner FULLER:** We sort of have these discussions and I am not a statistics organisation. I do not live to create and hold statistics; I deliver service. We try and hold data where we can but we would have probably the data for the last 12 months, two years, I would imagine.

**Mr DAVID SHOEBRIDGE:** As best you can over the last five years, and, if you cannot, an explanation of why you cannot obviously would be satisfactory in the circumstances.

**Commissioner FULLER:** Just to be clear, they are the matters that involved civil litigation and of those matters which were as in a volume referred to oversight?

**Mr DAVID SHOEBRIDGE:** There have been two separate lines of inquiries. The first lines of inquiry were about civil litigation, which have been provided to you, which you have agreed to take on notice, and then this most recent exchange has been about the number of statements of claim provided to the Police Integrity Commission and now the Law Enforcement Conduct Commission.

**Commissioner FULLER:** Under part 8A.

**Mr DAVID SHOEBRIDGE:** Under that obligation.

**Commissioner FULLER:** I understand.

I am advised:

The period requested for this response transcends changes in legislation, oversight agencies, referral requirements and/or agency agreements, in addition to technology platforms. Therefore, the numbers are not calculated on a consistent basis over the period, which limits the value of comparison.

**Mr DAVID SHOEBRIDGE:** There have been some changes to the Suspect Targeting Management Plan [STMP] program in the last 12 months.

**Commissioner FULLER:** As it is reviewed regularly we make changes to policies, yes.

**Mr DAVID SHOEBRIDGE:** Is there currently a set of standard operating procedures for the Suspect Target Management Plan [STMP] program?

**Commissioner FULLER:** There is a set of guidelines for the STMP program

**Mr DAVID SHOEBRIDGE:** What is the difference between guidelines and standard operating procedures?

**Commissioner FULLER:** There is probably very little difference I would imagine, under definition. They are probably very similar. There is guidance in terms of how the STMP would be administered by police.

**Mr DAVID SHOEBRIDGE:** It is sometimes hard to understand the operational documents of the New South Wales police, particularly when they are given very different names for potentially very similar documents. Why are some things called "guidelines" and some things called "standard operating procedures"?

**Commissioner FULLER:** I promise you that we do not have a meeting to try to deceive anyone in the terms of these documents.

**Mr DAVID SHOEBRIDGE:** I am not suggesting conspiracy here, commissioner. I am just suggesting something else.

**Commissioner FULLER:** We do not have a set of guidelines on guidelines and SOPs.



**Mr DAVID SHOEBRIDGE:** But do you understand, in trying to get some transparency about how police works, we know what SOPs are. They are the standard operating procedures that need to be complied with. Guidelines, however, sound like something you could comply with, you could not comply with; they are a guideline.

**Commissioner FULLER:** I think, either way, there is that much oversight for New South Wales police. We have the Law Enforcement Conduct Commission [LECC] currently reviewing STMP, we have the secretary working with the Bureau of Crime Statistics to look at STMP. It is not as though we have some curtain of secrecy anymore.

**Mr DAVID SHOEBRIDGE:** Could you provide us with a copy of the guidelines?

**Commissioner FULLER:** We do not provide people with copies of guidelines that have methodology in them. We do protect that and we protect that—

**Mr DAVID SHOEBRIDGE:** Could you provide us a copy of the guidelines, removing whatever is necessary to retain any secret police methodology?

**Commissioner FULLER:** I would imagine it is full of it, but I will take that on notice.

I am advised:

The NSWPF cannot release the Suspect Target Management Plan (STMP) Framework and related documents because they contain detailed methodology and information police use to identify and engage with repeat offenders.

**Mr DAVID SHOEBRIDGE:** How many children, if any, under the age of 12 have been the subject of an STMP? I will ask since November 2017 because that is when we have had the most recent data.

**Commissioner FULLER:** I can.

I am advised:

No children were under the age of 12 when an STMP case was initiated.

I will get that, but I will tell you now that when we started our journey, I think first budget estimates in 2017, we had around 23 kids between 10 and 14 on STMP—that is down to 1. We spoke last year about the additional safeguards they have put in place that for anyone 14 and under to go on STMP it had to be approved by the assistant commissioner of the youth and capability command. I think that has been an extremely positive outcome that now there is only one individual and, in saying that, that individual is someone who should be targeted. We unfortunately do have kids, even under 10, who are committing terrible crimes.

**Mr DAVID SHOEBRIDGE:** You cannot commit a crime if you are under 10.

**Commissioner FULLER:** Committing terrible acts, heinous acts. And it is a rally. I could go through the cases of robbery, sexual assault, stabbings—it does not make me happy as the police Commissioner and I am not saying there is an epidemic, but unfortunately there is a small percentage of young people who are dangerous.

**The Hon. ROSE JACKSON:** This is a question for Commissioner Baxter. I just wanted to follow up the conversation we were having before the lunch break about capital works upgrades for Fire and Rescue NSW. As is well known, firefighters are more at risk of cancer. Did Fire and Rescue NSW put forward a request for funding to make fire stations safer and reduce the risk of exposure to carcinogens from, for example, diesel exhaust or the showering facilities?

**Commissioner BAXTER:** There was a capital proposal that went forward to Government prior to the incumbent Minister's term last year. From recollection it was around the figure of just under \$40 million in deferred maintenance programs that would need to be met. That was for two main reasons, the first being for better provision of privacy for male and female firefighters in an ever-increasing diverse workforce, and in an ageing suite of buildings, a number of which are heritage buildings and very difficult to upgrade. The other area for the expenditure was to support cleaner workplaces for the management of carcinogen exposure to firefighters, which was part of a widespread program that we had around the management of carcinogens.

That bid was not supported and we are continuing to try to use the allocated funding that we have within

our capital budgets to meet those. We have a program of capital replacements for fire stations that are continuing year on year and that incorporates in its design around the clean and traditional and dirty areas within fire stations. All new fire stations get built to that standard and, where possible, existing fire stations, mainly through the suggestions of staff, we are able to undertake some remedial works that help to accentuate that hygiene provision.

**The Hon. ROSE JACKSON:** Just to clarify, previously, last year you put forward a \$40 million proposal to both make fire stations safer from cancer carcinogens and provide better facilities for the new female recruits, and that was not supported. Yet, in his answer earlier, the Minister, when justifying the 35 per cent cut in capital works for Fire and Rescue NSW, suggested it was because there were no major capital works expenditures that were required in Fire and Rescue New South Wales.

**Commissioner BAXTER:** To be fair to the incumbent Minister, I do not think he would have been aware of that capital bid at the time. That was put up probably 12 months ago. As I have said previously, the current budgets that we have we are trying to direct towards that work as we can, as we do the upgrades that are already on the schedule.

**The Hon. ANTHONY D'ADAM:** Again, to Commissioner Baxter, Can you explain to me TOLing?

**Commissioner BAXTER:** Certainly. TOLing is an acronym that stands for temporarily taken offline stations and this gets done for a number of reasons. It was done in quite a widespread way quite a few years ago and it is not used routinely at the moment, but there are occasions where, for staff availability predominantly, that we need to take stations offline for periods of time.

**The Hon. ANTHONY D'ADAM:** You are saying on the record that you are not currently using this practice or you are using this practice?

**Commissioner BAXTER:** The practice was, when the labour expense cap savings targets that were introduced back in 2011 or so, necessary to do that on a widespread basis. We do not do it on a widespread basis now, including at permanent stations. There is some use of the TOLing in some of our retained stations currently.

**The Hon. ANTHONY D'ADAM:** You do not have any plans to expand this, perhaps as part of meeting your budget shortfall?

**Commissioner BAXTER:** There are always occasions where stations may need to be taken offline for various reasons. Most of them are around the availability of our retained firefighters where the numbers drop below the safe operating levels.

**The Hon. ANTHONY D'ADAM:** Does this TOLing practice have an effect on response times?

**Commissioner BAXTER:** Every availability of unit will have an effect on response times, but we do not take stations offline—

**The Hon. ANTHONY D'ADAM:** That is a yes, is it? It does have a negative effect on response times?

**Commissioner BAXTER:** We try to manage the risk. We will not take a station offline where it is a station that sits in a very independent area. We will only take a station offline where there are other stations available in the immediate area that can be used to respond into those.

**The Hon. ANTHONY D'ADAM:** But are you able to control that? If it is about staff absences that are unpredicted then how can you determine that this station, which potentially is going to have an adverse effect on response times, is not going to be taken offline? How do you deal with that situation?

**Commissioner BAXTER:** We have looked at all the stations. We know the response areas and the contingent capabilities in the general geographic area. We make predetermined decisions about whether or not a station would be targeted to be taken offline if in fact the staff levels drop below that level and would only do so where we can cover that station with another strategic station nearby. Remembering, of course, that today it is not all about firetrucks sitting in fire stations. More often than not now our firetrucks are out of stations doing work in the community, inspecting buildings or working with—

**The Hon. ANTHONY D'ADAM:** Does that add to response times?

**Commissioner BAXTER:** Pardon?

**The Hon. ANTHONY D'ADAM:** Does that add to response times, if they are out and about?

**Commissioner BAXTER:** No. It should reduce our response times because we rely on the use of the technology, which is called automatic vehicle location, which knows exactly where our appliances are and is able to direct it to the closest available resource at any one time.



**The Hon. ANTHONY D'ADAM:** Is there an acceptable level? What is the acceptable amount of additional response time that this process of TOLing would say you would be prepared to accept in terms of additional response time in the event of a station being taken offline? Is there a benchmark? That it adds one, or three, or five minutes to a response time is that acceptable?

**Commissioner BAXTER:** Our target response time is 10 minutes—

**The Hon. ANTHONY D'ADAM:** Is there a benchmark that adds one, three or five minutes to a response time that is acceptable?

**Commissioner BAXTER:** Our target response time is 10 minutes to any incident and we meet that. What we look at is the ninetieth percentile time. So there are some that fall outside of that and there are some that are much less than that. We always take into consideration what the response time is before we will take a station off line. If it is not acceptable to us then we put—

**The Hon. ANTHONY D'ADAM:** What is acceptable?

**Commissioner BAXTER:** If it falls outside what we expect to be the 10 minutes response time.

**The Hon. ANTHONY D'ADAM:** If it is over 10 minutes then the station does not get taken off line?

**Commissioner BAXTER:** That is the general rule of thumb that we apply to it, yes.

**The Hon. ANTHONY D'ADAM:** Will you explain safe and effective crewing?

**Commissioner BAXTER:** It depends on what sort of incident you are talking about.

**The Hon. ANTHONY D'ADAM:** Does it mean four—a station officer and three crew—on a truck?

**Commissioner BAXTER:** For a pumping appliance, that is the case, yes.

**The Hon. ANTHONY D'ADAM:** That is a standard concept within the organisation. How long has that idea of a safe and effective crewing based on four and a pump been in place?

**Commissioner BAXTER:** I think as a minimum standard that has been in place for a number of years. As I said, that applies to a pumping appliance. There is also a number of appliances which are specialist in nature—for example, rescue appliances or aerial appliance or support vehicles that do not require a crew of four. For example, fire tankers only require a crew of two. We always try to apply that rule. Then we have to apply the number of firefighters on an incident ground so not so much how many are on a truck but for a specific type of incident—whether it is a rescue event or a weather-related event, a car fire or a structure fire—all require a different number of people, depending how many are committed into an incident or otherwise.

**The Hon. ANTHONY D'ADAM:** What is a standard commitment for an incident? Is it two trucks?

**Commissioner BAXTER:** Once again, it depends very much on what the incident type is. We have alarm levels which depend—

**The Hon. ANTHONY D'ADAM:** There are situations where a crew of three will go out, not four? Is that standard practice?

**Commissioner BAXTER:** We do not. That is not a normal practice to send that out on a pumping appliance.

**The Hon. ANTHONY D'ADAM:** Is it becoming more frequent?

**Commissioner BAXTER:** As far as I am aware, it does not occur with only three on a fire—

**The Hon. ANTHONY D'ADAM:** Is there a saving associated with that three-out approach?

**Commissioner BAXTER:** If we were to put only three people on an appliance, it must be a saving of a quarter, I guess, yes.

**The Hon. ANTHONY D'ADAM:** Is that one of the measures that you might be looking at in terms of trying to achieve savings?

**Commissioner BAXTER:** No, we have got no plan. There have been no discussions about reducing to three-person crews on pump appliances at all that I am aware of—certainly not on my level.

**The Hon. ANTHONY D'ADAM:** Right.

**The Hon. ROSE JACKSON:** I want to ask about bullying and harassment. Obviously bullying and harassment arose in the emergency services inquiry. The Government issued its response in January 2019.

**Commissioner BAXTER:** Yes, we have taken the recommendations of that inquiry very seriously. We have got a new organisational strategy in place. The absolute underpinning principle of that strategy is building a more diverse and inclusive workplace. So there has been significant progress made in that regard. We provided a submission to the inquiry and we are also setting about applying the specific recommendations that came to us. A number of reforms were around the cultural change with regard to raising the awareness and educating employees to ensure that that bullying behaviour is recognised and steps are implemented to prevent it. We have developed and undertaken a number of programs—for example, last year we implemented a two-year Stop Bullying Action Plan, which is an extension of the Public Service Commission's Respect. Reflect. Reset campaign that is specifically designed to embed an inclusive and respectful workplace culture.

We have education and awareness programs designed to stop workplace bullying at all levels of the organisation. We have done additional work with our supervisors to be able to recognise, support and stamp out bullying in the organisation. We continue to provide better mechanisms for resolving issues when they occur; better access to the complaints mechanism so that people can make complaints confidentially without fear of reprisal and to give them appropriate support as they go through the process.

**The Hon. ROSE JACKSON:** Just on that, I understood that there are apparently 115 investigations that remained unresolved as a result of the inquiry. Is that correct?

**Commissioner BAXTER:** Not that I am aware of. In the 2018-19 year there were only nine specifically bullying allegations, eight of which were sustained. There are also obviously a number of complaints that fall outside the realm of strictly bullying or not defined as bullying, but certainly I am not aware there is that many outstanding, no. There is always a number of issues being progressed through but certainly not that many outstanding, no.

**Mr COUTTS-TROTTER:** Could I add one point on that, only because I was looking at the results of the People Matter Employee Survey, which is an annual sector-wide survey? I think this year there were about 180,000 responses and, from memory, I think about 2,000 people responded within Fire and Rescue NSW. It asked people two questions about bullying: Did you experience it? Did you witness it? In both cases, Fire and Rescue's reported response sees an improvement year on year and actual experience of bullying was reported by 17 per cent of the workforce, which is 1 per cent below the public sector average. Witness bullying was reported by 27 per cent of the workforce, which is significantly below the public sector average of 35 per cent. I am not saying 18 per cent or 35 per cent are acceptable levels of performance, but, to contextualise, the effect of the changes the commissioner was discussing there are significant improvements and against public sector averages this is a well-performing organisation.

**The Hon. ROSE JACKSON:** Commissioner Fuller, earlier you referred to a survey on bullying and harassment and sexual harassment in the NSW Police Force in answer to a question from my colleague about workers compensation. Were you referring to the people matter survey or a separate survey undertaken by the NSW Police Force?

**Commissioner FULLER:** We already started our own survey. We had the Ronalds report back in 2005, I think, that was a deep dive in the police culture around, we will call it, leadership at all levels. There were some pretty damning statistics in that such as for sexual harassment, four out of five women. Coming forward to 2018, in the last 12 months that is one in five women—which I know is hardly a "Hooray" type situation. But, again, if you benchmark over the years in terms of positive cultural change in bullying and harassment, particularly sexual harassment, in the workplace it is significantly on the decline—but still with a lot of work to do.

**The Hon. ROSE JACKSON:** Can you provide the Committee with a copy of the responses to your survey?

**Commissioner FULLER:** I think we have already released it publicly, to be honest with you. It is public, I will just let you know.

I am advised:

Elizabeth Broderick publicly released her Review into the NSW Police Force Promotions System on 1 June 2019. The report can be accessed at:

<http://elizabethbroderick.com.au/wp-content/uploads/Final-Report-into-the-NSW-Police-Promotions-System.pdf>

**The Hon. ROSE JACKSON:** Commissioner Fitzsimmons, you mentioned earlier that one of the four organisations that work on bushfire preparedness and response in New South Wales is the Forestry Corporation. Is that correct?

**Commissioner FITZSIMMONS:** It is.

**The Hon. ROSE JACKSON:** Have you had any discussions with NSW Treasury about the potential of the privatisation of the Forestry Corporation?

**Commissioner FITZSIMMONS:** No, I have not.

**The Hon. ROSE JACKSON:** Would you be concerned if one of the four key organisations involved in bushfire preparedness and response was no longer a government corporation and was owned by the private sector?

**Commissioner FITZSIMMONS:** There are already a range of forest entities in New South Wales that are private sector. There is provision around, I think it is plantations and reforestation legislation, where there are a whole range of guidelines that can be applied around mitigation, prevention and management arrangements. I am not aware of any such suggestion around privatising of forestry. Even as a corporation, a corporatised entity, we work very closely together. I meet with its executive regularly. We have formal catch-ups once a year to talk about implementation for the season. Obviously I would have a look at whatever the next step might be around privatisation—to what degree, what does that mean for fire management? What condition would that be? Obviously I would be happy to do that.

**The Hon. ANTHONY D'ADAM:** Commissioner Baxter, I want to ask about workers compensation claims. Obviously, firefighters work in a stressful environment and they are exposed to psychological hazards as well. I am assuming you monitor the workers compensation claims as a routine part of your work. How many workers compensation claims have been declined in the agency in the last year?

**Commissioner BAXTER:** I would have to take that on notice. There are a number of different categories that they fit into. I know that there has been an increase because of the enactment of the presumptive legislation that has now come forward. A great number of those cases are under current review, so I will take it on notice.

I am advised:

Claim Type	Accepted	Declined
Physical	540	5
Psychological	68	10
Cancer	36	49*

\* All claims for cancers covered by presumptive legislation have been accepted.

**The Hon. ANTHONY D'ADAM:** Can I ask about psychologists? Do Fire and Rescue employ any psychologists?

**Commissioner BAXTER:** Yes, but not very many. We had one full-time clinical psychologist who was with the organisation. She not so long ago moved on and I think we are in the recruitment process to replace her.

**The Hon. ANTHONY D'ADAM:** So it is one, is it?

**Commissioner BAXTER:** Yes.

**The Hon. ANTHONY D'ADAM:** Where are they located?

**Mr DAVID SHOEBRIDGE:** It is actually nought.

**The Hon. ANTHONY D'ADAM:** It is nought at the moment, but it is one established position.

**Commissioner BAXTER:** That is right, yes.

**The Hon. ANTHONY D'ADAM:** Where are they located?

**Commissioner BAXTER:** They are at our headquarters in Greenacre.

**The Hon. ANTHONY D'ADAM:** Do they travel to remote and regional areas?

**Commissioner BAXTER:** Absolutely, yes. Having said that, it is a management clinical psych position. The health and safety team have access to a network of clinical psychologists that are available regionally and through all of our main centres in New South Wales.

**The Hon. ANTHONY D'ADAM:** How is that facilitated?

**Commissioner BAXTER:** Through contracts. We have contracts so that we have those people readily available out and about as well as the employee assistance program.

**The Hon. ANTHONY D'ADAM:** Do they take face-to-face consultations or is that a phone service?

**Commissioner BAXTER:** They will, and we have increased the amount of access available to employees for various reasons so that they can get one-on-one support.

**The Hon. ANTHONY D'ADAM:** What does the increase look like? How much is that?

**Commissioner BAXTER:** It is an on-demand system and at this stage it has not been reported back to me that we are not being able to sustain it. From my point of view, as much as is needed—

**The Hon. ANTHONY D'ADAM:** The access is on demand, is it?

**Commissioner BAXTER:** Yes, I think it needs to be.

**The Hon. ANTHONY D'ADAM:** It needs to be or it is?

**Commissioner BAXTER:** It is. As I was saying, I have not had anyone from my health and safety team come back to me and say they want more budget for it or more access to it. If they did, I would seek to provide it.

**The Hon. ANTHONY D'ADAM:** Can I ask about the peer support program? How much does that cost each year?

**Commissioner BAXTER:** The actual cost I would have to take on notice.

I am advised:

The cost of supporting the training and ongoing work of the Peer Support Officers in FY 18/19 was approximately \$193,748\* (Training and Peer Well Checks/professional supervision, Peer Support Officer Travel and Expenses).

**Mr DAVID SHOEBRIDGE:** Commissioner Baxter, you said earlier that you made a budget submission for the personal protective clothing [PPC] equipment. Is that right?

**Commissioner BAXTER:** Yes.

**Mr DAVID SHOEBRIDGE:** I am assuming that having the right personal protective clothing for people running into fires is kind of a life-or-death thing.

**Commissioner BAXTER:** Absolutely.

**Mr DAVID SHOEBRIDGE:** I am assuming the budget request was because it is needed to protect your staff when they do that job on behalf of all of us.

**Commissioner BAXTER:** Yes, the type of equipment that you see firefighters running around in—the yellow with the reflective bits—is a core piece of kit, if you like. The current provider contract is nearing its end of life, so we have to enter into a new contract to replace that. Some of the equipment is obviously starting to get worn.

**Mr DAVID SHOEBRIDGE:** We had that discussion about the respirators earlier, so some of that has had to be brought forward as well. There was a discussion about some of the breathing apparatus, and some of that expenditure has had to be brought forward as well.

**Commissioner BAXTER:** There are two different buckets, if you like. The breathing apparatus is currently being managed while we work through contractual issues.

**Mr DAVID SHOEBRIDGE:** I assume it is not cheap. You do not go down to Lowes and buy a set. It is an expensive set of clothing.

**Commissioner BAXTER:** Yes, probably around \$1,500 to \$2,000 per ensemble.

**Mr DAVID SHOEBRIDGE:** How many do you need?

**Commissioner BAXTER:** Under the current bid, we are talking about moving to a different method. Whereas currently we have personal issue of this, because of industry norms around better management of the decontamination of the ensembles, we are likely to move to ensembles that are not personally issued but go through a laundering process and people get given back a new set, which is part of the bid as we go out to industry. We are currently negotiating that with some of the tenderers.

**Mr DAVID SHOEBRIDGE:** It is an interesting term "ensemble". Assuming your move to that, how many are you going to need?

**Commissioner BAXTER:** I could come back on notice and tell you that. I guess it is somewhat commercial in confidence.

I am advised:

The amount of clothing required is two sets per operational firefighter, with an amount available to be used as replenishment of stock for quick dispatch when required.

**Mr DAVID SHOEBRIDGE:** Thousands, though.

**Commissioner BAXTER:** Yes, thousands of sets. We have 7,000 firefighters that require them, so do the arithmetic on that. It is not too difficult.

**Mr DAVID SHOEBRIDGE:** The concern that I am going to put you, commissioner, is that if you have to take millions of dollars—potentially \$15 million or so—out of your budget to pay for this equipment, that is going to come from somewhere, because Treasury has not given you anything extra. What is going to suffer if we take out that \$15 million potentially to provide the PPC?

**Commissioner BAXTER:** Simply put, I would struggle to be able to find that money within existing budgets. Eighty-five per cent of our annual budget is people costs. That only leaves 15 per cent to do everything else. It is a real challenge for us, but we have a commitment from both Treasury and the department to work to find a resolution to it.

**Mr DAVID SHOEBRIDGE:** Sitting there, the only resolution that is going to be possible without a diminution of service, given your allocation of funds, is going to be some additional funding from Treasury, is it not? That is what is needed to fix it.

**Commissioner BAXTER:** I would love to have that, yes.

**Mr DAVID SHOEBRIDGE:** Commissioner Fitzsimmons, has the Keelty review been fully implemented yet?

**Commissioner FITZSIMMONS:** From the Keelty review, the Government accepted the recommendations. The suite of recommendations are being worked through and being implemented, particularly through the Board of Commissioners and the Joint Operations Taskforce [JOT]. It is a body of work that is in progress. A range of things have already been implemented and are being undertaken in direct response to the Keelty review.

**Mr DAVID SHOEBRIDGE:** There are about 4½ thousand RFS operational vehicles, is that right? I could be wrong.

**Commissioner FITZSIMMONS:** There is a fleet of about 7,000 and about 4,000 will be defined as operational vehicles—loosely defined; do not hold me to that.

**Mr DAVID SHOEBRIDGE:** Yes, but around about 4,000 to 4½ thousand. These are response vehicles to go out into the field. Is that right?

**Commissioner FITZSIMMONS:** Yes, typically frontline firefighting trucks, operational command vehicles and those sorts of things.

**Mr DAVID SHOEBRIDGE:** One of the key recommendations from the Keelty review, following the lack of coordination and the other critiques we had, was that every vehicle should have an automatic vehicle locator.

**Commissioner FITZSIMMONS:** Correct.

**Mr DAVID SHOEBRIDGE:** How many of those 4,000-odd response vehicles have currently got an automatic vehicle locator [AVL]?

**Commissioner FITZSIMMONS:** We have AVL being installed, trialled and evaluated in three broad geographic areas. We have it up through the north-west of New South Wales, on the Central Coast of New South Wales and down around the Lake George area in and around Canberra. Basically, what it is looking at doing is trialling the effective use of AVL over the current and the emerging—being rolled out on the government radio network platform, or what we call the public safety network platform. The challenge with AVL is that invariably most entities use a terrestrial-based system operating off the cellular telephone networks.

That is alright if you are operating in cities, towns or populated areas where you have good phone coverage, but a lot of people operate outside of those footprint areas and the alternative was satellite. Evaluation of satellite several years ago proved to be particularly expensive and not always reliable, particularly if they are operating in forested country. What we have been able to do, coincidental with the statewide rollout of the new radio platform, is that we have been allocated \$50-odd million over two financial periods, around \$26 million per annum, where we are upgrading all our radio terminals. So with the radio terminals across our fleet, we have something like 22½ thousand radios and I think something like around 11,000 or 12,000 of those are government radio network compatible.

We have worked very closely with our colleagues and with the supplier of these terminals, and we have been able to integrate into those terminals, as part of that investment, the capacity to run AVL across existing and rolled out networks, so it is a body of work that will continue to evolve over the next few years, and we will see the entirety of our fleet, as the radio program rolls out, be AVL-enabled, and as the radio network and the coverage platform improves, they will be operating on the AVL.

**Mr DAVID SHOEBRIDGE:** Commissioner, is that a long way of saying about 600 vehicles have got one now? That was the question I asked you?

**Commissioner FITZSIMMONS:** In the trial program there would probably be just under 1,000. The figure might be 600.

**Mr DAVID SHOEBRIDGE:** Can you give me the figure?

**Commissioner FITZSIMMONS:** I will see if I have got the figure. Bear with me for one second. Six hundred sounds about right in terms of the trial program. We did have other AVLS—

**Mr DAVID SHOEBRIDGE:** I am not interested in trial programs or non-trial programs or permanent. I just want to know the number of vehicles that have got an AVL added.

**Commissioner FITZSIMMONS:** In that order, yes.

**Mr DAVID SHOEBRIDGE:** Could you give me the exact answer on notice?

**Commissioner FITZSIMMONS:** Sure.

I am advised:

4167 AVL capable radios have been installed as of 22 August 2019.

**Mr DAVID SHOEBRIDGE:** I find it unsettling that we are about to go into potentially one of the worst fire seasons—and I hope it is not, I hope we get a good dose of rain—and less than 20 per cent of the vehicles in your fleet have got the AVL operating. Therefore, we will not have the coordination, we will not know where they are and we risk, again, having the problems that turned up in Bega.

**Commissioner FITZSIMMONS:** No. That is not entirely correct, actually. AVL is a digital tool that enhances situational awareness and will provide added information about location and numbers of resources.

**Mr DAVID SHOEBRIDGE:** So you know where the truck is and you know where your people are.

**Commissioner FITZSIMMONS:** We do that already through intelligence gathering, through communications techniques and the provision of grid references and other things.

**Mr DAVID SHOEBRIDGE:** It did not work in Bega, which is why Mr Keelty recommended this review.

**Commissioner FITZSIMMONS:** AVL will not guarantee you the ability to know where everybody is and what they are doing.

**Mr DAVID SHOEBRIDGE:** It is a damn sight better than what you have got at the moment.

**Commissioner FITZSIMMONS:** I could not agree more, which is why we are keen to invest very



much, and I look forward to having AVL right across our fleet. It will help us with confidence and safety around our members. What we are also adding to the AVL trial, which has been critically important, is we are actually going to look at providing some push-button technology. That will also free up and alleviate some of the communications requirements for members operating in the field in terms of transferring information.

**Mr DAVID SHOEBRIDGE:** Commissioner, fire does not distinguish about whether or not it is an RFS officer or a Fire and Rescue NSW officer there. Are you going to ensure that from now onwards all of the AVL data will be shared with Fire and Rescue NSW in real time?

**Commissioner FITZSIMMONS:** We are in the process right now of exchanging the data between the two operating systems so that both organisations can see available data on vehicle locations, yes.

**Mr DAVID SHOEBRIDGE:** What does that mean—you are "in the process now"? Does it mean that Fire and Rescue NSW have real-time access to your data and you have real-time access to Fire and Rescue NSW data?

**Commissioner FITZSIMMONS:** Correct.

**Mr DAVID SHOEBRIDGE:** That is happening now?

**Commissioner FITZSIMMONS:** Correct, well that is—

**Commissioner BAXTER:** As part of the trial, it is, yes.

**Commissioner FITZSIMMONS:** Yes.

**Mr DAVID SHOEBRIDGE:** Part of a trial?

**Commissioner BAXTER:** Yes, so the trial that someone previously described—on the select amount of vehicles we are trialling how that data exchange works.

**Commissioner FITZSIMMONS:** It is one thing to have the AVL working. You then have got to be able to have the networks and the platforms to distribute that data and display it in spatial tools. Because they are different systems and different technologies, you have got to get the packet datasets to be able to be compatible and displayable on the network. You have then got the issue of volume. You cannot just have a map screen. It has got to be scaled so that as you are getting in closer you get more detail. Otherwise, you just end up—

**Mr DAVID SHOEBRIDGE:** Uber can do it, so why can't you?

**Commissioner FITZSIMMONS:** We are doing it. That is what we are in the process of doing.

**Mr DAVID SHOEBRIDGE:** You have got a trial in over 600. I am going to ask you now: When is it going to be, as Mr Keelty recommended, on every one of your trucks and every one of your operating vehicles so as we do not get a repeat of Bega?

**Commissioner FITZSIMMONS:** It will be aligned with the rollout and the deployment of the Critical Communications Enhancement Package [CCEP], which is a record investment in New South Wales at this stage of some \$700 million, and there is more to come to furnish the balance of New South Wales over the next couple of years.

**Mr DAVID SHOEBRIDGE:** You told me it was a \$50 million budget earlier over two years.

**Commissioner FITZSIMMONS:** Sorry. Let me be clear. There is a difference between terminals, which are the radios that sit in a vehicle or a portable device that you carry around and talk to a radio network on. We have been allocated, the RFS alone, some \$52 million, \$53 million, to replace those terminals so that they are of the latest digital technology and are capable and compatible with the rollout of a new radio network. Aside from that \$60 million investment for terminals and mobile devices, you have then got to build a network that allows those terminals to communicate with one another and communicate with other agencies. That is things like towers, antennas, huts where you have got based stations located right around—it is a bit like a cellular telephone. This telephone talks to a tower and talks to a repeater unit in order to effect communication. Radio infrastructure is the same thing.

**Mr DAVID SHOEBRIDGE:** Commissioner, to get your automatic vehicle locator operating, you just need something that pings from the vehicle to a satellite and says, "Here I am." I bought one to go bushwalking for less than 300 bucks. This is not extraordinary. You do not have to go to the moon to find this stuff. Why have you not just put those things in your vehicles that ping up to a satellite and say, "Here I am"?

**Commissioner FITZSIMMONS:** We have looked at those satellite technologies and cellular technologies, and through that—

**Mr DAVID SHOEBRIDGE:** We know cellular is not going to work because if you are 200 kays from Bourke it is not going to work.

**Commissioner FITZSIMMONS:** It does work and, as a matter of fact, it would be foolish to adopt satellite for the entirety of our fleet. What we would need is the ability for our devices to be able to migrate between the two, so when the telephone network is available, it can operate, and when the telephone network is not available it would upload to satellite.

**Mr DAVID SHOEBRIDGE:** Again, this is not Apollo technology. Well, this probably is Apollo technology, but it is not cutting-edge technology. Having something that either pings the phone tower or pings the satellite, depending on whether it can find a phone tower, why is that not in place?

**Commissioner FITZSIMMONS:** With respect, we have got to invest wisely. Our principal need is to be able to allow volunteers to talk to their control centres, to their commanders. In order to do that, we have got to have good, reliable radio equipment. We are investing \$50-odd million in getting those radios upgraded—that is our priority. A hybrid solution, to go to a pinging solution, as you put it—

**Mr DAVID SHOEBRIDGE:** Or a "Here I am" message.

**Commissioner FITZSIMMONS:** Well, it is not even that. It is a dot on the map. It is about as much as you are going to get. It was about, from memory, commercial in confidence, something like \$12 million alone to roll out devices, and then there would be a pretty significant maintenance and upgrade program attached to that. The reality is, with such a significant investment and a whole-of-government approach through the CCEP, it was wise and sensible evaluation to see if we cannot utilise infrastructure that is being invested in and rolled out over the foreseeable future.

**Mr DAVID SHOEBRIDGE:** All right. We are well over a year since the Keelty review and 600 have currently got it. I am going to ask you clearly, and perhaps I have not put it clearly before: When will each of your vehicles have an AVL in it, in accordance with the recommendations in the Keelty review?

**Commissioner FITZSIMMONS:** Each of our vehicles will have an AVL-enabled terminal in it over the next couple of years. The ability to activate that and have it engage in a display tool on a computer network will be subject to the rollout and commissioning of the public safety radio network, which is scheduled to roll out over the coming years.

**Mr DAVID SHOEBRIDGE:** "Coming years", "couple of years", 2025, 2030, 2040?

**Commissioner FITZSIMMONS:** You can direct that question to the Minister for Customer Service, but it is a two-to-three-year program for the current phases and then there is a body of work to do the balance thereafter, but do not hold me to the detail on that.

**Mr DAVID SHOEBRIDGE:** I could not hold you to that detail if I tried, commissioner. Commissioner Fuller, organisations can apply to be registered with the NSW police in order to access your database for the purposes of criminal record checks. Are you aware of that process?

**Commissioner FULLER:** I understand that third parties can be registered to make those checks, yes.

**Mr DAVID SHOEBRIDGE:** Would you know how many third parties have been registered to make those checks?

**Commissioner FULLER:** We would know, and I could certainly get that information, but I do not have that handy.

I am advised:

**To be clear, there is currently no accredited registered external organisation with access to police database for the purpose of providing criminal history checks.** This is a function performed by the Criminal Records Section at the NSW Police Force.

To ensure operational effectiveness, the NSWPF has a system which enables private and public sector organisations who anticipate conducting 50 or more National Police Checks per annum for the purpose of employment to become registered organisations if they meet stringent criteria set by the NSWPF.

This process enables these organisations *to contact the Criminal Records Section directly* for



the purpose of those checks. It does *not* give them personal access to the police database.

As at May 2019, there were 95 registered organisations with NSWPF.

**Mr DAVID SHOEBRIDGE:** There are no trick questions here.

**Commissioner FULLER:** No, I am just letting you know.

**Mr DAVID SHOEBRIDGE:** We sought the information from your organisation and there are about

95.

**Commissioner FULLER:** Right.

**Mr DAVID SHOEBRIDGE:** Those organisations then have direct access to the police database to do criminal record checks. Is that right?

**Commissioner FULLER:** I would imagine they would have limited access to satisfy checks, particularly for working with children, et cetera. They certainly would not have full access.

**Mr DAVID SHOEBRIDGE:** No, for the purpose of getting someone's criminal record, so they get the kind of criminal record that you tender in court.

**Commissioner FULLER:** I would have to check exactly what they have access to, but it would be certainly for the purposes of things like Working With Children Checks, et cetera.

**Mr DAVID SHOEBRIDGE:** Then they have their own internal checks, and I think they are meant to get the consent of the person to get the access, and they provide that to the police and then the criminal record check comes back. Is that how it works?

**Commissioner FULLER:** I would imagine it is something like that, but I can certainly find out quite easily.

I am advised:

To be clear, there is currently no accredited registered external organisation with access to police database for the purpose of providing criminal history checks.

The NSWPF does not provide Working With Children Checks (WWCC). Individuals or organisations seeking a WWCC clearance should seek application through the Office of the Children's Guardian. The WWCC is a separate clearance process, whilst the criminal history checks are applied via NSWPF as part of the National Police Checks.

**Mr DAVID SHOEBRIDGE:** You can see how Family and Community Services [FACS], for example, or whatever they are now called—that part of the Department of Communities and Justice—might have a reasonable purpose for that, can you not? You can see how FACS might have a reasonable purpose to do a criminal record check on their staff?

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** And you can see how potentially a major credible security organisation may have the need for that?

**Commissioner FULLER:** Are you talking about government?

**Mr DAVID SHOEBRIDGE:** Yes, a government one.

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** Can you tell me why Frank Whiddon Masonic Homes has that access?

**Commissioner FULLER:** I have no idea, but I am happy to take it—

I am advised:

To be clear, none of the 95 registered organisations with NSWPF have direct access to the police database.

**Mr DAVID SHOEBRIDGE:** Or BA Tobacco, or Quasar Constructions, or Zadro Constructions, or Rentokil, or Mitch Enterprises, or the Sydney Cricket Ground, or the Glad Group? I mean it goes on and on.

**Commissioner FULLER:** It is a fair question and I will take it on notice and find out what is the criteria for people having access to that process they go through, and why they obtain that and for what reasons.

**Mr DAVID SHOEBRIDGE:** This is extremely sensitive personal information and allowing a construction company to have direct access to this extremely sensitive information seems to me to be inappropriate, commissioner. I will be quite clear about it.

**Commissioner FULLER:** Yes, and I accept that, but I would have to go back and look to see what access they have to what, how they get that access and how that is ordered in terms of the legalities of it. But I accept what you are saying and I will certainly take it on notice to check, pronto.

I am advised:

To be clear, none of the 95 registered organisations with NSWPF have direct access to the police database.

**Mr DAVID SHOEBRIDGE:** Thank you, Commissioner. I could give you a copy, but I think you could probably get one yourself.

**Commissioner FULLER:** Yes, thank you.

**Mr DAVID SHOEBRIDGE:** When you are doing that, could you have a look at whether there is a register of authorised personnel for that purpose?

**Commissioner FULLER:** Within each of the companies?

**Mr DAVID SHOEBRIDGE:** Within the police, if the police hold a register of authorised personnel in regards—

**Commissioner FULLER:** Absolutely.

I am advised:

Staff at the Criminal Records Section in NSWPF are the registered authorised personnel for this purpose. They sit under the National Police Checking Support System.

**Mr DAVID SHOEBRIDGE:** Could you also identify what is the criteria for acceptance or refusal?

**Commissioner FULLER:** Yes, I think I said that to you, what are the criteria for going on, what is the legal reason, et cetera.

**Commissioner FULLER:** Absolutely.

I am advised:

There are a set of criteria to become an approved registered organisation with the NSWPF for the criminal history checks. This information is available at [www.police.nsw.gov.au](http://www.police.nsw.gov.au).

**Commissioner FULLER:** Certainly not the individuals, but numbers I think would be fine.

I am advised:

The following are the number of criminal record checks that were requested through Registered Organisations:

2016: 43,117

2017: 31,503

2018: 38,680

The following are the number of criminal record checks that were requested directly through

the NSWPF:

2016: 68 498

2017: 62 864

2018: 70,259

**The Hon. ANTHONY D'ADAM:** I want to direct a question to Mr Coutts-Trotter initially. You mentioned the People Matter survey earlier. Does the Public Service Commission still provide agency level reports from People Matter?

**Mr COUTTS-TROTTER:** Yes, they do.

**The Hon. ANTHONY D'ADAM:** Is it possible to have the reports for each of the agencies within the cluster provided to the Committee?

**Mr COUTTS-TROTTER:** We will be publishing them internally—

**Commissioner FITZSIMMONS:** They are all published.

**Mr COUTTS-TROTTER:** So I see no problem with that.

**The Hon. ANTHONY D'ADAM:** Commissioner Baxter, I want to ask you about firefighter suicides. How many firefighters suicided last year?

**Commissioner BAXTER:** I will take it on notice. I am aware of one specifically that occurred, but I will take it on notice and check that.

I am advised:

One serving firefighter suicided in the last financial year.

**The Hon. ANTHONY D'ADAM:** So you are not aware of a significant increase in the number of suicides?

**Commissioner BAXTER:** Certainly not a significant increase, no.

**The Hon. ANTHONY D'ADAM:** Earlier there was mention of funding for newly branded uniforms at the cost of \$35 million. I am just wondering how you propose to pay for that? I am assuming that this is in "Other operating expenses" and that is where you have a budget cut.

**Commissioner BAXTER:** Are you referring to the new brand or—

**The Hon. ANTHONY D'ADAM:** The new brand of uniforms, yes.

**Commissioner BAXTER:** The new brand will be part of the delivery of new uniforms. There is no additional cost for that; that will be part of whatever is—

**The Hon. ANTHONY D'ADAM:** Rolled out progressively?

**Commissioner BAXTER:** Absolutely, yes, and that includes what we refer to as "station wear", which firefighters wear every day, and the protective clothing as well.

**Mr DAVID SHOEBRIDGE:** It is nice you have "station wear" and "ensemble"—you have the whole range covered.

**Commissioner BAXTER:** It is. It is amazing what we learn.

**The Hon. ROSE JACKSON:** And the rollout of the new branding is completely budgeted for, is it, so new uniforms as part of that are included in existing budget line items?

**Commissioner BAXTER:** That is right, yes.

**The Hon. ROSE JACKSON:** I would like to ask a few questions about the State Emergency Service. I want to ask about the vehicle replacement program. How many vehicles have been retired through this program so far?

**Acting Commissioner STEWART:** The vehicle replacement program is a \$56.4 million contribution over four years, starting in the 2018-19 year. Over the 2018-19 year, as you can appreciate, there was a lot of

ramp-up time in getting the program underway, including resourcing it and going through the contractual obligations that we needed to in terms of finding vendors to provide vehicles, designing vehicles and equipping them, so in the 2018-19 year we delivered a general purpose vehicle to our Wingecarribee unit, a vehicle to the St Georges Basin unit, to Coffs Harbour, and again to Wingecarribee—two medium rescue trucks. This year, in the 2019-20 cycle, we are going to deliver around 140 vehicles, vessels and trailers. In a previous answer I indicated that that number would include 30 medium storm and rescue trucks, 60 general purpose, 26 light storm, five snowmobiles and one 22-seater bus. Overall the program is going to target replacement of 270 vehicles, 124 vessels and 95 trailers.

Within that fleet replacement program it is critical that everyone understands that there is a standardisation program that is occurring across the fleet as we do the rollout. There is also then a modernisation of equipment that sits within a lot of the light storm and rescue trucks particularly, and along with the locations that receive a new element of our fleet we have an ability within the program to reallocate those vehicles and vessels that have not reached end of life and have some form of usefulness for the State. So across the 260-odd units that we have, you will see a vast array of activity within what it is—it is the fleet replacement program. Specifically, pop out to International Peace Park at Seven Hills on the 8th and you will see about 13 of our vehicles that will be on display that will be part of the new kit that we rollout.

**The Hon. ROSE JACKSON:** I can't wait; see you there. As part of the ramp-up, presumably what that involved was an assessment of the current fleet to identify how many vehicles met the criteria for replacement and renewal, so you have listed how many you are going to replace.

**Acting Commissioner STEWART:** Yes.

**The Hon. ROSE JACKSON:** You think it is 270 vehicles, 124 vessels—

**Acting Commissioner STEWART:** Yes.

**The Hon. ROSE JACKSON:** Was that all of the vehicles that met the criteria for replacement or renewal, or was that just a figure that you arrived at because that was the budget that you had allocated for the program?

**Acting Commissioner STEWART:** No, there was an underpinning business case that worked on a number of assumptions as to what it was that was our need, so that business case was clearly informed by the evidence available for the organisation at the time. We know that the fleet was a fleet that organisationally we inherited from councils, as we took that responsibility from councils. So a little like Noah's Ark, there was two of everything within the fleet, so we needed to rationalise to make sure that, from a safety perspective for our volunteers, if you are working on a vehicle at Broken Hill and you then find yourself working at Bega, you are working on a similar platform, you know what locker contains what bit of kit, and clearly there is a provision of added safety for our operators in that environment. But from the perspective of what it was that was driving the number of vehicles, vessels and trailers, clearly there was an assessment of the fleet's capability at a point in time as we put the business case to Government to fund the replacement program for us.

**The Hon. ROSE JACKSON:** I am particularly keen to know the figure for the difference between the funding allocated for this project, the business case that you put to government and what the actual cost would be if you wanted to replace all of the vehicles that meet the criteria for replacement.

**Acting Commissioner STEWART:** The criteria of the fleet that we operate at the present time is driven by what we consider to be the safety metrics of the fleet so that we do not expose our people to unsafe operations in the fleet that we have. Importantly to your question, I cannot answer in detail around what it is that we asked for and what it is that we have got, but the fleet in and of itself contains 750-plus vehicles, 370-plus vessels and about 1,000 trailers. So the dynamics of replacing, just from one fell swoop, our complete fleet is of a magnitude of many more millions than the 56.4 that we have got. Adopting an approach of fleet replacement that does absolutely identify the greatest need within the fleet, maximises the return on the spend of public monies and then rationalises a fleet that still has some form of usefulness and still has some form of capacity left in its life across the remainder of the State, is clearly an appropriate thing for the organisation to do given the number of vehicles that we actually do have within our fleet.

**The Hon. ROSE JACKSON:** Is the radio technology used by SES equivalent to the technology used by the other emergency services?

**Acting Commissioner STEWART:** Yes. It is important from a contextual perspective to indicate that we are a part of the Telco Authority family of public safety network users. We just closed our operational communication program of some \$53 million-odd, which saw replacement of the terminals across our fleet and those that were the base dispatch terminals within our contact and dispatch centre. So we are working towards

what will become a seamless comms environment across Fire and Rescue NSW, the Rural Fire Service and the State Emergency Service. I think we can probably throw in a couple of the land management agencies as well as Marine Rescue, to the point that when we are working in what will be the trunked environment we will be able to operate in our agency's context and when we are in multiagency mode we simply switch a couple of buttons and do a bit more tricky tech stuff in the back of house, which will enable us seamlessly to work across the fire agencies and the police on the same battleground.

**The Hon. ROSE JACKSON:** And what is the time frame for the roll out of this seamless technology?

**Acting Commissioner STEWART:** The Critical Communications Enhancement Program has been auspiced by the Telco Authority. I would have to rely on what is therefore cast in terms of completion of their program. Importantly, a component of that program I spoke to this morning is the monies that are set aside for Stay Safe and Keep Operational. Each of the agencies that you see before you are accessing that pool of funds to enable us to have an environment in which to communicate safely and keep operational whilst the Telco Authority completes its finalisation of the delivery of the public safety network.

**The Hon. ROSE JACKSON:** Are you confident that the funds that have been allocated to that program are sufficient to bridge that gap?

**Acting Commissioner STEWART:** That is absolutely not what I said.

**The Hon. ROSE JACKSON:** Interesting. Is this the iPads that the Minister referred to in his answer earlier?

**Acting Commissioner STEWART:** That is an element of it but it is far more complex than that. I talked

about the COWs—the cell on wheels—that is certainly a component of the Stay Safe and Keep Operational. The ability for us to replace the terminals, that is certainly a component of Stay Safe and Keep Operational and the broader CCEP program. Importantly, from our perspective there are a number of pieces of work that continue to occur within what the Telco Authority is doing that are to the broader benefit of emergency services in particular.

**The Hon. ROSE JACKSON:** So you will be briefing the Minister presumably quite regularly about any additional funds that you need to ensure that that gap is properly bridged and that you are not—I mean, I do not mind the iPads, but if the police were relying on iPads to respond to emergency incidents, I think we would be a bit concerned.

**Acting Commissioner STEWART:** I think there is a dynamic—yes.

**The Hon. ROSE JACKSON:** We want to move as quickly as possible to a situation where we have that seamless technology across emergency services at the highest level.

**Acting Commissioner STEWART:** I take your point on this. It is an absolutely valid point, but there is a dynamic here that needs to be understood in that as the State Emergency Service—same as the fire agencies—we operate in a distinctly different environment to the New South Wales police—

**The Hon. ROSE JACKSON:** Accepted.

**Acting Commissioner STEWART:**—who have a particular need for a critical communications environment that is so distinctly different to what the State Emergency Service, the Rural Fire Service and Fire and Rescue do. Absolutely the iPad environment is suitable to the way we operate at the present time. To your point, it would not be suitable as the mission-critical piece of comms infrastructure that New South Wales police needs to rely upon.

**The Hon. ROSE JACKSON:** The initial part of the question was: Will you be briefing the Minister regularly to ensure that the funding is available to bridge the gap between when the—

**Acting Commissioner STEWART:** There is ongoing conversation with the Minister. The issue of funding for Telco Authority works, is a matter for the Telco Authority. They are the holders of that piece of the public purse. We are in constant dialogue with the Telco Authority around the sufficiency or otherwise of the money that they allocate to our benefit.

**The Hon. ROSE JACKSON:** Okay.

**The Hon. ANTHONY D'ADAM:** Commissioner Fuller, is the Deputy Commissioner Investigations and Counter Terrorism still a representative on the Australia-New Zealand Counter-Terrorism Committee?

**Commissioner FULLER:** Yes.

**The Hon. ANTHONY D'ADAM:** Has there been any change in the inter-government agreement in light of the events in Christchurch earlier this year?

**Commissioner FULLER:** Not to my knowledge.

**The Hon. ANTHONY D'ADAM:** Detecting risk, particularly from lone persons, is often hard. It is hard to detect other than through harvesting and analysing data and information. Have there been any requests for additional resources for this purpose?

**Commissioner FULLER:** So the lone actor—if we can call them that—you are right. Globally, they are one of the single biggest challenges to law enforcement because if they do not leave a footprint electronically, they are not meeting with others, they are not online leaving manifests et cetera, and it is only an individual operating in isolation, then you really rely on family members and neighbours identifying changes in an individual—even though those changes, in their mind, might not equate to someone being able to kill one person or multiple people. From my perspective, and I did speak about it earlier, the Fixated Persons Unit came about to try and bridge that gap. That is a group of 30 police officers with civilian analytical support that works with Health. That is a really important connection here.

**The Hon. ANTHONY D'ADAM:** That unit is not specifically focused on counterterrorism, is it?

**Commissioner FULLER:** No, but it sits within the counterterrorism command. My belief is that there are people out there who are dangerous. They were never profiled by their definition as a terrorist, but they are capable of terrorising people. Nevertheless, from the communities' perspective, they probably get sick of us trying to debate what is a terrorist incident and what is not. But anyone who goes into a public place and kills individuals or causes terror, they want some sense of a response—whether they are a lone actor or an organised group. So the Fixated Persons Unit was put in place specifically to work with Health.

They hoover a whole different set of pieces of information than you would from a terrorist perspective. As you would imagine, to assess terrorism you look for indicators, particularly those coming from the Government and from international intelligence agencies that may well lead you to a terrorist group et cetera. Whereas those who are more lone actors may not necessarily profile as terrorists but they will fit neatly into the Fixated Persons Unit. Some of those people are arrested and charged not with offences linked to terrorism, but with serious criminal offences. Some of those people are fast-pathed into the health system for help and some are a mix of those.

**The Hon. ANTHONY D'ADAM:** According to the NSW Counter Terrorism Plan, prevention of terrorism in New South Wales includes mitigation of the risk of terrorism through community engagement and the promotion of social cohesion. Does the NSW Police Force have an input into that community engagement strategy?

**Commissioner FULLER:** Yes, we absolutely do. We work with government on that. I mean, countering violent extremism I think sits with the Secretary now. We have a community contact unit that works with all different religious and community leaders on a daily basis.

**Mr DAVID SHOEBRIDGE:** I have the framework.

**Commissioner FULLER:** Mr Shoebridge has got the framework. That is hopefully online, is it? You did not GIPAA that, I hope?

**Mr DAVID SHOEBRIDGE:** I think I found it on the—we will come to that.

**The Hon. ANTHONY D'ADAM:** That is the preview.

**Commissioner FULLER:** From our perspective, that information is essential in terms of protecting the community. I think the language that I use as the commissioner in terms of the importance of working with different communities, the importance of intelligence and information about family members and neighbours—I have stood up in recent weeks to talk about that. It is important that not every outcome involves police knocking down your door, there are health outcomes as well. Police will come with specialised people to help you engage with your son, daughter, husband or wife because people will need different pathways. You are right. It is about the early engagement with particularly the lone actors to get help to minimise opportunities for them to commit self-harm or harm to others.

**The Hon. ANTHONY D'ADAM:** Do you think the lone actors are the primary threat or do you still think that—

**Commissioner FULLER:** There have been a number of terrorist threats that we have stopped through the Joint Counter Terrorism Team—which is the New South Wales police, Australian Federal Police, ASIO and the New South Wales Crime Commission. We have stopped a number of actual terrorist attacks over the past five years. We talk about those and we publicise those at the same time. Some of the lone actors who are not terrorists, we would publicise their arrest but their significance is sometimes not necessarily picked up by the media but we have done stories through the media on the fixated persons unit, trying to educate the community.

**The Hon. ANTHONY D'ADAM:** What I am trying to get to is where should the primary emphasis be, whether it is about lone actors? In that case, one strategy may be appropriate but if the primary risk is actually not lone actors, people who are radicalised through associations, then perhaps a community approach is more appropriate. Depending on where you think the balance of the risk is, that is where the resources should go. Would you agree with that?

**Commissioner FULLER:** When it comes to lone actors, if you profile the 40 people we have arrested through the fixated persons unit, they are from all different walks of life. One of the common themes, I would say, is that they are unwell psychologically. Now that does not mean that they do not have criminal intent.

**The Hon. ANTHONY D'ADAM:** What about Christchurch? That was a lone actor. Really, that was a paradigm change in terms of how people think about terrorism. If you talked about the community strategy, what kind of steps do you have in place to deal with right-wing extremism and engagement with the community around mitigating right-wing extremism because the model that applies for, say, Islamic extremism does not apply to right-wing extremism. It is a different type of arrangement, is it not?

**Commissioner FULLER:** We have recognised right-wing extremism for many years, as has ASIO. Christchurch means we talk more about it to give public the confidence that law enforcement and intelligence agencies had been looking at it but we have arrested right-wing extremism. We are targeting groups within New South Wales and we are monitoring activities of groups offshore and what influence they may be having in New South Wales and across Australia. We do talk about it at commissioners' meetings.



**The Hon. ANTHONY D'ADAM:** Is there a community engagement strategy that can complement that work around right-wing extremism?

**Commissioner FULLER:** The problem with right-wing extremism is that it is a philosophy of belief; it is not a philosophy around religion. You tend to get those white supremacists who may recognise they are different cultures or the different subsets. It is quite challenging that the right-wing extremism will come from all walks of life and that they will have certain beliefs where those religious fundamentalists are normally profiled from a certain religion or a certain sect or a certain part of the world. They are two different things but we are looking and monitoring all of them, and we are taking action against all of them. We are doing community engagement. Certain communities, particularly the Muslim community and the Jewish community, have real concerns about right-wing extremism and we work with them regularly about the work that we are doing to give them confidence that we do take it seriously.

**Mr DAVID SHOEBRIDGE:** Commissioner, while we are on community engagement, I think I would agree with you—and most people who take an interest in policing would, too—that community engagement is one of the key parts of effective policing. If you have the community on side, you have those early warnings, you have people giving you information in advance and they trust you. They are all kind of essential to be an effective police force, are they not?

**Commissioner FULLER:** Absolutely.

**Mr DAVID SHOEBRIDGE:** In November last year—fairly recently—the New South Wales police published its current *Framework for Community Engagement* signed off by you.

**Commissioner FULLER:** Right, yes.

**Mr DAVID SHOEBRIDGE:** It says:

This Framework has been endorsed by the Commissioner's Executive Team, and should be used by Commanders and their senior staff in devising community engagement activities for their PAC or PD.

PAC stands for police area command and PD stands for police district. Is that right?

**Commissioner FULLER:** That is correct.

**Mr DAVID SHOEBRIDGE:** Commissioner, I read this in hope, thinking the new strategy will set out clearly what should be happening. It is only a 13-page document but I will focus on the last page.

**Commissioner FULLER:** I am looking to see if it was the CT-based document or if it was a general community-based document, but I am listening.

**Mr DAVID SHOEBRIDGE:** It says in the preface that it is for commanders to use and implement. The last page is meant to be a summary of it. It is the most confusing document I have yet seen produced by any government bureaucracy on one page. There are, like, five columns—

**Commissioner FULLER:** That is a big call.

**Mr DAVID SHOEBRIDGE:** It is a big call but there are five columns, there are 30 boxes. I counted 16 arrows. There is a circle, there is a graph, there is a half-built brick wall—it is incomprehensible, is it not?

**Commissioner FULLER:** No, I would say not.

**Mr DAVID SHOEBRIDGE:** You must be operating on a significantly higher plane than me, Commissioner, which is probably true—

**Commissioner FULLER:** I am probably just simpler; I am probably the simple man, Mr Shoebridge.

**Mr DAVID SHOEBRIDGE:** If you are a simple man, how could you possibly make any sense of that nonsense document?

**Commissioner FULLER:** That is because you have to overlay this with the strategic direction of the NSW Police Force. That is all around the capability framework. Keeping it simple for police, we have three priorities at the moment: You respond to crime, you disrupt crime or you prevent crime. Prevention is the big push for New South Wales police going forward, working in with the safer communities. The capability framework is essential because you will ask me what capabilities the New South Wales police need to do the job—is it tasers with torture? Now I could talk through this quite easily. This is not designed, I would imagine, for the community to understand; this is designed for commanders to understand. If they do not understand the strategic direction of the organisation, then that is of a—

**Mr DAVID SHOEBRIDGE:** It would take a PhD in higher physics to understand that so-called

framework. I put it to you: It is incomprehensible.

**Commissioner FULLER:** I could sit here and explain it to you without even looking at it because I understand—

**Mr DAVID SHOEBRIDGE:** Not looking at it would probably help, I would suggest to you, because looking at it would confuse anybody.

**Commissioner FULLER:** That document, whether it is complex or not, is not an indication of our care for community and police working together.

**Mr DAVID SHOEBRIDGE:** But what I am saying to you, commissioner, is if you are asking your commanders to implement that, you are setting them up for a fail because that is incomprehensible. That is the proposition I am putting to you.

**Commissioner FULLER:** I accept the proposition that you do not understand it. I would hope the commanders understand the strategic direction of the NSW Police Force. I would ask that they would understand their plans and how that rolls into their business plans around community contact. But at the end of the day, you spoke about COMPASS and we review community contact on COMPASS—how often are the commanders meeting with their communities and what sort of strategies are they putting in place. We survey communities and we put enormous energy into making sure that we do have a connection with our community.

**Mr DAVID SHOEBRIDGE:** We are going get some more of that information on COMPASS on notice.

**Commissioner FULLER:** Absolutely.

I am advised:

PACs/PDs are required to report in COMPASS on:

- Community engagement. With respect to the NSWPF Commissioner's Statement of Strategic Intent, there is a clear expectation that PDs and PACs include sound, robust and innovative community engagement strategies as part of their annual business planning process.— e.g. identifying their focus areas, the reason for the engagement, what policing priority it relates to, what groups have been engaged, the level of engagement and the outcome (minimum quarterly reporting)
- Cultural Diversity and International Students – e.g. established partnerships, engagements conducted, programs to improve accessibility of NSWPF services (minimum quarterly reporting)
- Aboriginal Strategic Direction (ASD) – e.g. Aboriginal Engagement Forums, Police and Aboriginal Consultative Committees meetings, etc. (ASD reporting commands only - minimum quarterly reporting)
- PAC / PD Youth & Crime Prevention Portfolio Holders – e.g. engagements conducted with youth, RISEUP program referrals, crime prevention activities involving the community / businesses (minimum quarterly reporting)
- Officer In Charge (OIC) – details of contact with community leaders / businesses in rural areas, issues raised by the community and actions taken by police (Regional PDs only - minimum monthly reporting).

There is no single corporate owner for community engagement, instead it is spread across multiple portfolios (for example, Aboriginal Engagement, Cultural Diversity, Youth, Crime Prevention, Rural Crime, People with Disability, Older Persons and Homelessness, etc.).

Individual PACs/PDs are responsible for community engagement in their respective geographic areas.

The NSWPF Framework for Community Engagement is maintained by Performance and Program Support Command. The Framework provides guidance to commands in conducting community engagement. It outlines a tiered model for choosing the appropriate level and method of engagement in response to proactive or reactive priorities.

**Mr DAVID SHOEBRIDGE:** Could I take you now to police body-worn cameras? How many police are currently issued with body-worn cameras and how does that relate to the number of police on duty?

**Commissioner FULLER:** That is a good question. I will just find "body-worn cameras" in my bag of tricks. I have tasers covered for you, if it is any consolation.

**Mr DAVID SHOEBRIDGE:** No. For the record, I am not pushing to give every police officer a taser, unlike Labor.

**Commissioner FULLER:** I did wonder that, actually.

**Mr DAVID SHOEBRIDGE:** It is not a unity position. I agree with you, Commissioner—no more than one in two.

**Commissioner FULLER:** We have got it coming. Did you want to keep chatting?

**Mr DAVID SHOEBRIDGE:** As I understand, a fair summary of the policy for body-worn cameras is police can choose when to activate them and when to deactivate them. Is that right, commissioner?

**Commissioner FULLER:** That is correct.

**Mr DAVID SHOEBRIDGE:** Did you want to answer that—the number now?

**Commissioner FULLER:** As of July 2019 the total body-worn video cameras across the State was 5,217.

**Mr DAVID SHOEBRIDGE:** How does that relate to the number of operational police? It is slightly

**Commissioner FULLER:** You would have to profile the general duties first responding police, that would be the most appropriate starting point, and obviously not everyone is uniform but public transport command et cetera. It is quite difficult to say how many minimum we need without really going through every police position to work out are they a frontline police position?

**Mr DAVID SHOEBRIDGE:** But I assume you have got a target, you have got a contract, you know how many you want to get to. How far through that are you?

**Commissioner FULLER:** We have rolled it out. I was talking earlier—and I appreciate you were doing some other things—about tasers and cameras. The bigger problem that we have in this is that the next generation taser does not have a camera—

**Mr DAVID SHOEBRIDGE:** I was here for that.

**Commissioner FULLER:** —because there is an assumption that body-worn video will talk to the taser and talk to firearms, which means that we need an entirely new capital works program to replace our first-generation body-worn video cameras because we were the first adopter in Australia, to make sure that when you draw your firearm or your taser not only does yours turn on but everyone's turns on within 100 metres. So where I want to be is that there is much more certainty from a bluetooth perspective around mandatory videoing of those types of situations. But for that I will need technology. So I certainly do not fear videoing much more often, but I do need to say that the body-worn video camera will have to be updated, our Glock will have to be updated and then the taser technology will have to be updated as well.

**Mr DAVID SHOEBRIDGE:** I think most people would support that end goal that you are getting to, but currently there are 5,217 body-worn cameras operated by the New South Wales police.

**Commissioner FULLER:** Correct.

**Mr DAVID SHOEBRIDGE:** And it is a matter for the officer themselves to work out when to turn it on and when to turn it off. That is the situation?

**Commissioner FULLER:** Correct.

**Mr DAVID SHOEBRIDGE:** Do you see the problem in terms of accountability that a police officer can not have it on if they think they might be behaving inappropriately, but as soon as they think a member of the public might be behaving inappropriately they turn it on. It is a very one-sided accountability tool at the moment. Do you agree with that?

**Commissioner FULLER:** Yes. The deputies and I are reviewing the body-worn video policy. We are against making it mandatory you turn it on the minute you hop in the car. I know you and I have had sort of robust discussions around that, but we want to make the use of it much more often. We want police to use it to protect themselves.

**Mr DAVID SHOEBRIDGE:** What I was going to explore with you is if in the interim you are going to move to different, I cannot think of better language, trigger points for when body-worn cameras have to be turned on—when you exit the vehicle, when you are responding to a particular type of call, from that moment on the body-worn camera gets turned on. Is that being reviewed within the New South Wales police?

**Commissioner FULLER:** Not necessarily in those examples but in terms of giving officers that confidence in policy to use it more often, we are definitely looking at that as a change. Is it when you step out of the police car, is it when you do this or do that? Obviously we will look at that, but I want officers to use it more; I want the policy to really define when they need to use it more. We are on the same path.

**Mr DAVID SHOEBRIDGE:** I think we agree that the current proposition that leaves it entirely at the discretion of the individual officer protects neither officers nor the public at the moment. Is that right?

**Commissioner FULLER:** I have read so many occasions where it has protected officers. I think the officers underestimate how well it can protect them.

**Mr DAVID SHOEBRIDGE:** But where there is an interaction and a police officer has a body-worn camera and they have chosen not to turn it on, when the officer's version is contested one of the issues that will be put to the officer—and I assume this is happening in court at the moment—is, "Why did you not turn the camera on? You could have had evidence of this. You chose not to. That is because you were behaving inappropriately."

**Commissioner FULLER:** That is certainly happening less and less. It is a new technology—you jump out of the car and you whack the thing and away you go. I would say that is happening less and less and police now understand—and I talk to police, I visit police stations. I want police to use it more and we are changing our policy to make sure that is the case. Whether or not it sits perfectly with the Mr Shoebridge sort of position on it I do not know, but we are moving much closer to policy that makes it, not mandatory—I do not want to use that term—but certainly much more proactive in using it.

**Mr DAVID SHOEBRIDGE:** Do you collect data on how many times and the duration for which body-worn cameras are being operated?

**Commissioner FULLER:** No, and I am not sure whether we can even pull that data out with the current generation of body-worn cameras.

**Mr DAVID SHOEBRIDGE:** Could you provide whatever data you can on notice?

**Commissioner FULLER:** Just so I am clear, the data in relation to?

**Mr DAVID SHOEBRIDGE:** The number of times it has been used or perhaps the average time it is deployed and used?

**Commissioner FULLER:** I would find it hard to believe the second one would be answerable but, again, it is all computers. I do not know the answer and we will take it on notice.

I am advised:

Dashboard reports are in the process of being developed which will report on the impact of BWV footage on:

- Prosecution outcomes
- Guilty pleas
- Prosecution efficiency
- Assaults against officers
- Complaints against officers
- Officer accountability (use of force)

BWV camera usage trends will also be available that will show average hours of use (camera checked out) and recordings in the field.

**Mr DAVID SHOEBRIDGE:** Going then to the use of body-worn cameras during a strip search, is there a policy?

**Commissioner FULLER:** Yes, there is a policy. It is a conflicted point. We have lost matters in District Courts, criminal matters, for not videoing because we cannot prove the train of evidence. You have got this issue around decency and LEPR and is filming someone decent? So we have got a multitude of challenges where we are damned if we do and damned if we do not around filming. A body-worn video camera suggests that the most appropriate way forward is for the officer searching to not have theirs on, for the second officer to be at 45 degrees with the camera on and, if need be, that perhaps if something is found or the individual becomes violent then we start to film. I think that is a pretty reasonable outcome. We will still lose matters in court probably because we did not film the exact second that we found the drugs but I guess there is a trade-off like all things in life, isn't there?

**Mr DAVID SHOEBRIDGE:** Where would I find that policy? Where would a New South Wales general duties officer heading out from Mount Druitt police station find that policy?

**Commissioner FULLER:** Body-worn video policy.

**Mr DAVID SHOEBRIDGE:** Is it entrenched in the body-worn video policy at the moment?

**Commissioner FULLER:** There is a lovely picture that depicts an officer and an individual.

**Mr DAVID SHOEBRIDGE:** Does it include the recording of whether or not a person consents and the reasons given for the strip search?

**Commissioner FULLER:** I would have to take that on notice.

I am advised:

The Body Worn Video Camera Standard Operating Procedures is a publicly available document on the NSWPF website.

**Mr DAVID SHOEBRIDGE:** Do you think it should?

**Commissioner FULLER:** Whether someone consents?

**Mr DAVID SHOEBRIDGE:** Yes or when the officer is giving the rationale and the reason, which they are obliged to, for the strip search?

**Commissioner FULLER:** If I was an officer in the field I would certainly film that.

**Mr DAVID SHOEBRIDGE:** Do the guidelines, the standard operating procedure [SOP] or whatever it is on body-worn video cameras require that?

**Commissioner FULLER:** I would not imagine it does, but I would be happy to take that on notice.

**Mr DAVID SHOEBRIDGE:** Do you believe it should?

**Commissioner FULLER:** I said, as an officer, I would.

**Mr DAVID SHOEBRIDGE:** You are the commissioner so you can make it happen. That is why I am putting it to you.

**Commissioner FULLER:** I understand that, but making a rash policy decision in isolation is like I make a policy decision not to and then we start losing matters in court and then we get costs awarded, then you want to know next how many costs were awarded from failed prosecutions. Right?

**Mr DAVID SHOEBRIDGE:** I am not asking you to do something—

**Commissioner FULLER:** It is a wonderful cycle of we pull one lever and there are certainly consequences to everything that I do. But what I have said is that I will take the question on notice and come back and answer whether or not that matter is defined within it.

I am advised:

The Body Worn Video Camera Standard Operating Procedures is a publicly available document on the NSWPF website.

I know that there is a very sound A4 picture on the description I gave around the—

**Mr DAVID SHOEBRIDGE:** Clearer than that document I just gave you, I hope.

**Commissioner FULLER:** I still like that document.

**Mr DAVID SHOEBRIDGE:** You are on an island there, I think, Commissioner.

**Commissioner FULLER:** The jury is out on that single page, but I still like the document.

**Mr DAVID SHOEBRIDGE:** Could I take you now to commissioner's permits or commander's permits?

**Commissioner FULLER:** In relation to?

**Mr DAVID SHOEBRIDGE:** The first question is going to be about numbers for firearms.

**Commissioner FULLER:** Again, I know we love having this debate but there is no such thing as a commissioner's permit. There is a 28G under the Firearms Act.

**Mr DAVID SHOEBRIDGE:** Permits that were prior to the tragic shooting incident involving the family of Mr Edwards—commissioner's permits—and that since then have been generally referred to as "commander's permits", but they are permits issued under 28G.

**Commissioner FULLER:** That is right. In the Act there is nothing that says "commander's permits", there is nothing that says "commissioner's permits". If it is going to be called the "commissioner's permit", as I said to the Firearms Registry, then I will approve them or not approve them. So there is nothing in the Act; that is a name that does not exist legally.

**Mr DAVID SHOEBRIDGE:** Discretionary permits under 28G, would that be a fair description of them?

**Commissioner FULLER:** Very fair.

**Mr DAVID SHOEBRIDGE:** Prior to that appalling incident of violence, can you provide us with the numbers of those discretionary 28G permits that were issued annually up to that point?

**Commissioner FULLER:** Yes, I can.

I am advised:

In order to provide historical information, due to system restrictions, the Firearms Registry will have to manually enter into each permit record for each year. This will require significant resources and have an impact on other business functions and customer service.

**Mr DAVID SHOEBRIDGE:** Can you tell me what has happened since? Have the numbers gone down, are there tougher criteria in place, are different people doing the assessment? What has happened since?

**Commissioner FULLER:** I can provide that to you.

I am advised:

2,515 section 28 permits have been issued since 5 July 2018 to date, noting this encompasses activities such as paintball, historical re-enactment, firearm instructor permits etc.

**Mr DAVID SHOEBRIDGE:** Can you provide any detail now?

**Commissioner FULLER:** The challenge is this: to provide the detail we would have to run through the Edwards matter again. There is a pending coronial inquiry in relation to that. It becomes very difficult for me to give an opinion on our performance when, quite rightly, the Coroner will make that decision.

**Mr DAVID SHOEBRIDGE:** I am not asking you to give an opinion on whether what you are doing is right or wrong. You are correct that the Coroner is going to be looking at that. I am asking you to just tell us what is happening on the ground. What are the numbers? What, if any, changes have happened?

**Commissioner FULLER:** I would say, broadly, as I am on record, in the firearms registry we have conducted a review on that, so has the Auditor-General. We have provided new levels of supervision and adjudication to make sure that all levels of decision-making in the firearms registry have improved.

**Mr DAVID SHOEBRIDGE:** Who now signs off on a discretionary 28G permit?

**Commissioner FULLER:** In the firearm registry, I could not tell you specifically.

**Mr DAVID SHOEBRIDGE:** What is this new level of supervision that you spoke about, Commissioner?

**Commissioner FULLER:** I can give you the structure, if you like. I have it here somewhere that Mr Borsak provided me.

**Mr DAVID SHOEBRIDGE:** Does that include a provision that says, "This is the office that signs off on 28G permits"?

**Commissioner FULLER:** No.

**Mr DAVID SHOEBRIDGE:** That is what I am asking you. If there has been a change, what is the change?

**Commissioner FULLER:** There is an increased supervision at the firearm registry in terms of



**Mr DAVID SHOEBRIDGE:** Commissioner, none of my questions have been propositioned on that. My question is whether or not practices have changed since, if numbers have changed since.

**Commissioner FULLER:** You said "improve", which is an obvious—

**Mr DAVID SHOEBRIDGE:** You can always improve something. I assume that is the goal, is it not?

**Commissioner FULLER:** I will give you the benefit on that one, sir.

**Mr DAVID SHOEBRIDGE:** I am assuming if there have been changes it was with the intent of improving matters.

**Commissioner FULLER:** Absolutely, and that was on the back of waiting lists, it was on the back of independent reports, it was on the back of the Auditor-General's report. We are continually trying to make improvements wherever we have touch points with the community, or whether we are administrating laws on behalf of the New South Wales Government.

**Mr DAVID SHOEBRIDGE:** Commissioner, access to computerised operational policing system [COPS] database is highly controlled?

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** And unauthorised access to the COPS database would provide a basis for significant disciplinary action?

**Commissioner FULLER:** In terms of a police employee?

**Mr DAVID SHOEBRIDGE:** Police employee.

**Commissioner FULLER:** Yes, that is right.

**Mr DAVID SHOEBRIDGE:** How many instances of improper access to the COPS database have the police identified in the last financial year?

**Commissioner FULLER:** I would say that we have a very strong and robust auditing process of COPS access, and that escalates depending on the area you work in and the amount of checks that you make. We would provide that information on record, but we take internal action against individuals and we have charged criminally individuals for breaches of that.

**Mr DAVID SHOEBRIDGE:** If you could give those numbers and the details of the charges on notice to the best of your capacity, that would be appreciated, commissioner.

**Commissioner FULLER:** For the last 12 months.

**Mr DAVID SHOEBRIDGE:** Yes, or for the last financial year, and then whatever we have dribbled on since then, if you can.

I am advised:

14.

How many random audits were conducted of police access to COPS database in the last financial year?

**Commissioner FULLER:** We range between five and 10 per cent, so there would be tens of thousands.

**Mr DAVID SHOEBRIDGE:** How many targeted audits were conducted?

**Commissioner FULLER:** I do not know if we would have data but perhaps I could take a single command and give you a bit of an indicative idea on how we do that.

I am advised:

A targeted audit involves an extract from the COPs auditing database. This system does not automatically log when an extract takes place. These audits are based on risks which are identified mostly when a complaint is received or where an officer has reported a declarable association or a change in personal circumstance where a family member has committed an

offence or an exit audit. Each command may record targeted audits but there is no requirement for statistics to be maintained.

**Mr DAVID SHOEBRIDGE:** I would find that useful and fruitful, so thank you, commissioner. Has the NSW Police Force put in place or considered the use of risk assessment algorithms to run a continuing monitoring of the database, of access applications to the database?

**Commissioner FULLER:** I have, and it is a conversation I have regularly with oversight and the Police Association. There is a real balance about—we often try and profile the offices that have fallen into the dark side. Quite often they are all very different circumstances. You are trying to profile what does the next corrupt police officer look like? If it is that they had a mental health issue, then all of a sudden it becomes a real workplace problem that you are profiling people with mental illness. I am not saying that I am opposed to it. I am yet to see a system that is accepted by everyone as appropriate that is not workplace surveillance.

**Mr DAVID SHOEBRIDGE:** I do understand it is complex, Commissioner. I am not trying to suggest otherwise.

**Commissioner FULLER:** I have worked with the Ombudsman and I have worked with the LECC. We have had these discussions about it. I honestly have not seen any system that makes me comfortable in terms of the workforce. I sack police all the time, Mr Shoebridge. This is not about trying to hide from corrupt police officers. But it is a challenging space at the moment.

**Mr DAVID SHOEBRIDGE:** It is not just a workforce issue; there is a public confidence and there is an integrity of database issue which I would suggest is of a very high priority in this case.

**The Hon. ANTHONY D'ADAM:** My question is to Mr Coutts-Trotter. In the budget papers there is a project around \$2 million being allocated to improve security around 30 Jewish places of worship, aged care facilities and schools, which is an excellent initiative. I wanted to ask whether there is a similar amount of money, in light of Christchurch, being allocated to protect mosques, for example, given the heightened risk?

**Mr COUTTS-TROTTER:** I would need to take that on notice. That sits with, from memory, the counter terrorism Minister.

I am advised:

On 5 February 2019, the Premier announced a program to roll out Closed Circuit Television (CCTV) cameras in community organisations and small businesses to assist them in improving security and reducing the likelihood of crime impacting these organisations.

This commitment is for \$5m over four years to roll out CCTV cameras for ten Local Government Areas (LGAs) in Western and South-Western Sydney during this term of Government.

Community organisations and small businesses in the following ten LGAs are eligible to participate in the program:

Blacktown, Camden, Campbelltown, Canterbury-Bankstown, Cumberland, Fairfield, Liverpool, Parramatta, Penrith and Wollondilly.

Small businesses and community organisations may apply to the Department of Communities and Justice for up to \$5000 for the supply and installation or upgrade of CCTV systems from a panel of approved Government providers.

Installation of CCTV will be by suppliers/installers approved by the Government under existing procurement processes.

**The Hon. ANTHONY D'ADAM:** Commissioner Fuller, I wanted to ask about the bias and hate crimes unit. Is that unit still in place?

**Commissioner FULLER:** Yes. I got a question on notice this morning from you, I think, about that.

**Mr DAVID SHOEBRIDGE:** It was from me.

**Commissioner FULLER:** Sorry. Just on that, I can enlighten the group that there is a permanent sergeant position that is filled, there is a permanent constable position that is filled and there is a permanent civilian analyst that is filled and they are producing work for other units, likely the Fixated Persons unit as well.

**The Hon. ANTHONY D'ADAM:** Does that unit have a role in terms of counterterrorism, particularly countering right-wing extremism?

**Commissioner FULLER:** They sit within the counterterrorist command, so the answer would be yes.

**Mr DAVID SHOEBRIDGE:** Commissioner, you said earlier they were within the Fixated Persons unit.

**Commissioner FULLER:** It is all part of the counterterrorist command, Mr Shoebridge, but I think they sit in another unit that is within all of that structure. I will come back—

**Mr DAVID SHOEBRIDGE:** Do you want to give the structure on notice?

**Commissioner FULLER:** I do not know if I can provide it but I can maybe provide some high-level— to give you a sense of a feeling, but it sits under the counterterrorist command, I can tell you that.

I am advised:

The Bias Crime Unit has been transferred to the Engagement & Intervention Unit, under the Anti-Terrorism & Intelligence Group, Counter Terrorism & Special Tactics Command.

**Mr DAVID SHOEBRIDGE:** Because the critique earlier was that it was part of the Fixated Persons unit.

**The Hon. TREVOR KHAN:** Be fair, Mr Shoebridge. It is Labor's time.

**The Hon. ANTHONY D'ADAM:** I wanted to ask, there was an article earlier in the year about a student

who was investigated by the Australian Federal Police following a referral or a tip-off from their teacher. Are you aware of that case?

**Commissioner FULLER:** I would have to have the name, at least, to do some research but continue and it may warm my memory.

**The Hon. ANTHONY D'ADAM:** I suppose my question is really about whether the New South Wales police are enlisting teachers as informants for counterterrorism purposes?

**Commissioner FULLER:** No. From an informant's perspective, no, we are not enlisting teachers. But we have, in the community, sources right across the State in all walks of life. Our source system is very different. That is an electronic system that documents and gives an individual a number and tracks that source. But in saying that, I am always in the public calling for the community to pass on information about anything they think is suspicious. I think the national counterterrorism hotline is saying the same sorts of things. We are all calling for people to give us whatever information they have.

**The Hon. ANTHONY D'ADAM:** Do you think that approach could be deleterious to the agenda of fighting terrorism?

**Commissioner FULLER:** No, I do not.

**The Hon. ANTHONY D'ADAM:** It could alienate communities.

**Commissioner FULLER:** I think it is what you do with the information.

**The Hon. ANTHONY D'ADAM:** It could undermine trust.

**Commissioner FULLER:** I think it is what you do with the information. I would say that anyone who provides information to the national counterterrorism hotline is de-identified. Anyone who provides information to Crime Stoppers is de-identified. Anyone who becomes a source for the New South Wales police under the Act, under our policy, is de-identified. I think there are real protections for good reasons for people who come forward and give information because the average person wants anonymity. They do want to help but they probably do not want to go to court and they probably do not want to come to the police station. I think there is something deeper to your concerns around how to protect the anonymity of good people who want to come forward and provide information.

**The Hon. ROSE JACKSON:** It is more also about protecting the anonymity of potential people that have been tipped off who, in fact, have done absolutely nothing wrong. In this instance the concern is that teachers, but others in the community too who have very little or no training or expertise in this area, are identifying individuals for extremely spurious reasons. Then the police turn up at their front door and they are subject to a whole bunch of very intrusive questioning and it turns out that they have done nothing wrong. There is the impact of that experience for them and their communities on trust and community engagement.

**Commissioner FULLER:** It is a challenge. I think terrorism as a crime certainly challenges governments and the community around where there is public safety and civil liberty unrest. I think we have to continue to debate it.

**The Hon. ANTHONY D'ADAM:** Commissioner, do you still chair and convene the Police Multicultural Advisory Council [underCOMPLAN?

**Commissioner FULLER:** I do. I do not make every meeting but it is a wonderful meeting and it is a progressive meeting. They do wonderful work in terms of giving me advice and guidance regularly. They look at our policies particularly and give us really sound feedback. They meet and talk to me about things that I need to do to improve relationships between police and those sort of sub-communities.

**The Hon. ANTHONY D'ADAM:** Are you aware that the individual projects funded under COMPACT aimed at reducing the risk of extremism are no longer being funded?

**Commissioner FULLER:** No, they have not spoken to me about it. I have got to be honest with you, I am not sure where the funding came from and I am not sure when it started or ceased but I am happy to have a look at that.

I am advised:

The question is best directed to the Minister for Sport, Multiculturalism, Seniors and Veterans.

**The Hon. ANTHONY D'ADAM:** Do you provide a media liaison officer to support the media-related responsibilities detailed under COMPLAN?

**Commissioner FULLER:** No. We have a dedicated media officer for terrorism-related incidents. They have a full-time role and we have 24/7 media liaison officers. I would have to take that on notice but I am reasonably confident we do not have a specific media liaison officer for cultural issues.

I am advised:

The NSW Community Resilience & Response Plan (COMPLAN), led by Multicultural NSW, was prepared to promote and maintain community harmony, build community resilience and better equip NSW to prevent, limit, withstand, respond to, and recover from situations that threaten community harmony and social cohesion in the state. The COMPLAN Committee is responsible for the oversight and implementation of the COMPLAN. The NSW Police Force Public Information and Functional Area Coordinator (PIFAC) is the NSWPF representative on the COMPLAN Committee. The NSW Police Media Unit is staffed with 8 sworn staff and 12 unsworn staff (as at 30 June 2019) and available 24/7 to provide media support to the NSW Police Force PIFAC and COMPLAN Committee.

We certainly have in our policy area people who are employed full-time about relationships policy and community contact with different communities.

**The Hon. ROSE JACKSON:** Do you have a standard operating procedure for strip searches?

**Commissioner FULLER:** Yes, there is. If you like, LEPR codifies how searches occur, visual, pat down, strip search.

**The Hon. ROSE JACKSON:** NSW Police Force has its own standard operating procedure?

**Commissioner FULLER:** Well, it is an operating procedure to meet the requirements of LEPR.

**The Hon. ROSE JACKSON:** Could we be provided with a copy of that?

**Commissioner FULLER:** I will certainly take it on notice to provide it.

I am advised:

The Person Search Manual is available on the NSWPF website.

**Mr DAVID SHOEBRIDGE:** Commissioner, I asked the Minister on notice if the NSW Police Force permits members to display in their office at work materials, including souvenirs and mementos from the National Rifle Association [NRA], and also partisan political materials. The answer was that there is a policy in place that materials such as posters, bumper stickers, pamphlets, et cetera, that may reasonably be construed to be of a political nature must not be publicly displayed on or distributed from NSW Police Force premises or vehicles. With all due respect to the Minister, that did not answer my question, which was about that kind of partisan material within NSW Police Force offices. Is there a policy or a guideline that says things like NRA material or partisan political material about New South Wales politics should not be on display inside NSW Police Force offices?

**Commissioner FULLER:** It is my understanding that the Government does have a strong policy that we would have to adhere to. In my 32 years I have never seen any. But the starting point for me on this is to look at our complaints system to see if there have been any complaints about it.

**Mr DAVID SHOEBRIDGE:** If such materials are displayed inside offices and not for public view there would not necessarily be a series of complaints.

**Commissioner FULLER:** But we are not 21,000 hillbillies, Mr Shoebridge, I assure you of that. I have police that vote for all different parties, believe it or not, and police who own guns and police who—

**The CHAIR:** Some even vote for me.

**Commissioner FULLER:** Some event vote for you, sir.

**The CHAIR:** Would you do that?

**Commissioner FULLER:** I would never disclose who I vote for.

**Mr DAVID SHOEBRIDGE:** He is not allowed to say.

**The CHAIR:** You are not allowed to tell.

**Commissioner FULLER:** I am not allowed to tell.

**Mr DAVID SHOEBRIDGE:** Commissioner, in response to that question or concern was there any investigation done about whether that kind of material was on display in the New South Wales firearms registry?

**Commissioner FULLER:** I believe there was.

**Mr DAVID SHOEBRIDGE:** What was the result?

**Commissioner FULLER:** I would have to go back and have a look.

I am advised:

There is no policy that expressly prohibits the NSWPF officers displaying political advertising in their office at work. The NSW Police Force Political Affiliations Policy Statement acknowledges that employees have the right to engage in political expression, affiliation and activities. However, as employees of the NSW Police Force, with these rights comes the responsibility to ensure that:

- any personal political interests or activities that we are engaged in do not conflict with our duties
- personal political interests or comments are undertaken or expressed in a strictly private capacity and are not attributed to the NSW Police Force
- community expectations of NSW Police Force employees to act fairly, efficiently, without bias and with integrity when performing our duties are upheld
- the government of the day maintains confidence in the impartiality of the actions undertaken and advice given by NSW Police Force employees
- NSW Police Force resources are not used for the purposes of private political activity.

All NSWPF staff are reminded of the need to ensure that any materials, signage, paraphernalia etc that is displayed within the workplace, does not promote or portray a political bias for or against a particular party or an opinion for or against the existence of registered firearms or firearms in-general in the community. Any such materials or articles must be removed from the workplace.

All NSWPF personnel are expected to comply with this directive.

**Mr DAVID SHOEBRIDGE:** I show you two images.

**Commissioner FULLER:** I have seen them.

**Mr DAVID SHOEBRIDGE:** I do not think I have shown them to you before.

**Commissioner FULLER:** No, but like all things when complaints come through certain people—

**Mr DAVID SHOEBRIDGE:** I will show you anyhow.

**Commissioner FULLER:** Thank you. With four minutes to go I will take my time.

**Mr DAVID SHOEBRIDGE:** To be quite frank, the first document I am showing you is one very large circular image from the National Rifle Association. The second is a large political poster that says, "Labor plus Shooters equals more guns", which was used in the most recent State election.

**The Hon. ROSE JACKSON:** That is more anti-Labor. It is going to lose us votes.



**Mr DAVID SHOEBRIDGE:** It is anti-Labor.

**The Hon. ROSE JACKSON:** Shame.

**Mr DAVID SHOEBRIDGE:** Do you believe that either of those things should have been on display in an office of the NSW Firearms Registry?

**Commissioner FULLER:** Firstly, I have not seen these before, disappointingly. Secondly, absolutely not. Thirdly, it is not my office, just to clear that up as well.

**Mr DAVID SHOEBRIDGE:** I do not think it is your office, commissioner. I am not suggesting it is. The fact that National Rifle Association material is openly on display in the NSW Firearms Registry is grossly inappropriate, is it not?

**Commissioner FULLER:** Absolutely.

**Mr DAVID SHOEBRIDGE:** The fact that there is direct partisan political posters taken from the most recent State election is also deeply inappropriate, is it not?

**Commissioner FULLER:** No, I agree. Again I have been around a long time. I have seen lots of things but I have never seen anything like that in a police station. Never seen it.

**Mr DAVID SHOEBRIDGE:** I was troubled by it so I put a question on notice, hoping a proper answer would be given and a proper investigation would be provided and we would not have to be doing this in budget estimates, but I got nothing.

**Commissioner FULLER:** I will give you an undertaking, if I can keep those, I will do an investigation.

**Mr DAVID SHOEBRIDGE:** Yes, consider them a gift.

**Commissioner FULLER:** If you could, without disclosing, give me some time frame, if possible, when they were taken.

**Mr DAVID SHOEBRIDGE:** Since the State election this year, as you can see.

**Commissioner FULLER:** Received.

I am advised:

This policy is monitored and enforced by the Commander of the Firearms Registry.

**The CHAIR:** I do not think there has ever been a Firearms commissioner that has been registered and owned by anyone in Australia, other than—probably not even in the military forces—that would be equivalent to the one that is depicted there by a silhouette on that sign, which by the look of it looks like an AK47. It is created by a certain party to put an association together.

**(Dinner adjournment)**

**The Hon. ANTHONY D'ADAM:** Commissioner Fuller, in June 2018 the then Minister for Police and Emergency Services announced a \$1.5 million rebuild of the Helensburgh police station. Can you inform the Committee if this money has been allocated and when construction will begin?

I am advised:

The \$1.5 million redevelopment of Helensburgh police station is funded through the Regional Small Police Station Program.

**Commissioner FULLER:** I can take that on notice and we will certainly be able to inform you.

**The Hon. ANTHONY D'ADAM:** The then police Minister also announced \$1 million to rebuild Karuah police station. Can you inform the Committee if this money has been allocated and when construction will begin?



**Commissioner FULLER:** We do have a four-year capital plan in terms of money that the State Government has allocated, and that is the additional \$100 million for Bega, Goulburn, Jindabyne, Thredbo, Perisher Valley, Burke, Bathurst, Dubbo. If it is on that program and it is funded then it will get built.

**The Hon. ANTHONY D'ADAM:** Karuah is not on that list.

**Commissioner FULLER:** I cannot see it and I do not have it with me, but I will take it as a question on notice.

I am advised:

The redevelopment of Karuah Police Station is funded as part of the Regional Small Police Station Program. Onsite activities are scheduled to commence in late 2019.

**The Hon. ANTHONY D'ADAM:** You may have to take some of these other questions on notice as well. In January 2019 the then police Minister announced \$1.5 million for a police station at Lemon Tree Passage. Can you inform the Committee if this money has been allocated in the budget and when construction will begin?

**Commissioner FULLER:** Again, I will take that on notice.

I am advised:

The redevelopment of Lemon Tree Passage Police Station is funded as part of the Regional Small Police Station Program. Commencement of onsite activities is currently scheduled to commence in mid-2020.

**The Hon. ANTHONY D'ADAM:** In June 2018 the Premier announced a \$1 million upgrade for the Tea Gardens police station. Can you inform the Committee if this money has been allocated and when construction will begin?

**Commissioner FULLER:** I will take that on notice and respond accordingly.

I am advised:

The upgrade of Tea Gardens Police Station is funded as part of the Regional Small Police Station Program. Onsite activities are due to commence in early 2020.

**The Hon. ANTHONY D'ADAM:** In May of last year you were in Lismore announcing the redevelopment of the Bonalbo police station. Given the station has been closed since 2015, why has this spending and the redevelopment of this police station been split over three years?

**Commissioner FULLER:** I was trying to reflect back on when I was in Lismore, to be honest with you. Nevertheless, I will take that question on notice.

I am advised:

Redevelopment of Bonalbo Police Station is funded as part of the Regional Small Police Station Program. The project will be completed in 2020.

**The Hon. ANTHONY D'ADAM:** Commissioner, in 2015 the commander of the Cootamundra Local Area Command wrote asking that the Young police station be placed on the priority list for a major capital works bid for the construction of a new police station. While some modest upgrade works were done in 2017, the then member for Cootamundra wrote to you stating the need for a new police station altogether remains. Can you inform the Committee if the station is now on the priority list and when Young will be getting a new police station?

**Commissioner FULLER:** The priority list of minor and major capital works is not influenced by the New South Wales State Government. It is determined by the individual regional commanders and that then floats up to the deputy commissioners back to properties within New South Wales police. For every police station, it would be lovely if all 450 of them were new police stations. In terms of our priority list, I would need to see what is on our major capitals priority list or not. Certainly, again, I will take that on notice.

**The Hon. ANTHONY D'ADAM:** Are you not aware of this particular issue? There was a letter written specifically to you by the then member, Katrina Hodgkinson, about this one.

**Commissioner FULLER:** I would tell you that I get tens and tens of thousands of letters and they are all important to me. Obviously, in terms of the answer to that question—which is probably most important—I can take that on notice and answer it.

I am advised:

Optimisation of the overall prioritisation of the NSWPF capital program is complete through to Financial Year 2022/23. Young Police Station is receiving prioritisation of funding in the minor capital program. A review of the condition, capacity and functionality of Young Police Station has identified redevelopment as the strategic preference.

**The Hon. ANTHONY D'ADAM:** Mr Coutts-Trotter, is the budget of the New South Wales Crime Commission subject to the 3 per cent efficiency dividend?

**Mr COUTTS-TROTTER:** I am having a look to see whether I can help you with that or whether I need to take it on notice. Yes, it is within the cluster.

**Mr DAVID SHOEBRIDGE:** Everything is in the cluster.

**Mr COUTTS-TROTTER:** No, happily not everything is in the cluster but much of it is.

**The CHAIR:** Everything is a cluster, I think.

**Mr COUTTS-TROTTER:** Everything is a cluster. The Crime Commission appears to have an efficiency saving of 1.7 per cent of its 2019-20 expense line. Just reflecting on some of the commentary that has gone before, for example, by my colleague the Commissioner of Fire and Rescue, the value of the efficiency saving for Fire and Rescue in 2019-20 is a bit less than a third of 1 per cent and for Rural Fire Service it is about 0.4 per cent. There are a lot of percentage figures thrown around, but actually the allocation of efficiencies was driven by the nature of the agency, the proportion of the core frontline workforce and a range of other things that mean that the allocation of efficiency savings differs entity by entity.

**The Hon. ANTHONY D'ADAM:** Does that mean that the 3 per cent applies effectively across the cluster and then you get to determine as departmental secretary where that applies?

**Mr COUTTS-TROTTER:** No. The value of efficiency savings across the cluster, if the cluster spend is about \$15½ thousand million—

**Ms STRATFORD:** Across the cluster \$17.7 billion.

**Mr COUTTS-TROTTER:** —\$17.7 billion, the total efficiency savings in 2019-20 are \$211 million, of which the principal department accounts for \$174 million. You will see from that, for the principal department, the value of efficiency savings is about 2 per cent and for other cluster entities tends to be less than that.

**The Hon. ANTHONY D'ADAM:** The 3 per cent figure just does not apply. Is that what you are saying?

**Mr COUTTS-TROTTER:** Not from the numbers I have just given you, no.

**Mr DAVID SHOEBRIDGE:** Mr Coutts-Trotter, you clearly have a document that has that key information across the cluster.

**Mr COUTTS-TROTTER:** No, it is sort of pulled together.

**The Hon. ANTHONY D'ADAM:** Are you happy to table that document?

**Mr COUTTS-TROTTER:** I anticipated that there might be some questions about the emergency services, so I put some information together there.

**Mr DAVID SHOEBRIDGE:** Could you provide that information by agency across the cluster on those, rather than trying to get you to tender that document if it has not been prepared for that purpose?

**Mr COUTTS-TROTTER:** No, and it is my working document. Yes, I am happy to make sure I have got the figures accurate in relation to small entities. I am happy to do that. I will take it on notice and do that.

I am advised:

Information on efficiency savings is available in the NSW Budget papers.

**The Hon. ANTHONY D'ADAM:** Was there a funding shortfall in the New South Wales Crime Commission last year?

**Mr COUTTS-TROTTER:** I am afraid I do not know.

**The Hon. ANTHONY D'ADAM:** Will you take that on notice?

**Mr COUTTS-TROTTER:** Yes.

I am advised:

There was not a funding shortfall in the 2018-19 financial year.

**The Hon. ANTHONY D'ADAM:** Are you in a position to tell us how many positions have been cut or are proposed to be cut from the New South Wales Crime Commission arising out of the efficiency dividend?

**Mr COUTTS-TROTTER:** No, I am not in a position to do that. It is not an organisation for which I have any control or employer responsibility. It is an independent entity in the cluster.

**The Hon. ANTHONY D'ADAM:** Are you able to answer any other questions about the Crime Commission? I have questions about the proceeds of the assetseizures.

**Mr COUTTS-TROTTER:** No, I am afraid I cannot.

**The Hon. ROSE JACKSON:** Commissioner Fuller, I want to ask about the prisoner transport trials that have been—

**Commissioner FULLER:** Parkes and Newcastle, yes.

**The Hon. ROSE JACKSON:** Yes, that is correct. I understand that they have been operating for around six months, or perhaps over six months, and they will be subject to review. What is your position regarding police transporting prisoners? Do you hope that these trials will become business as usual and expanded elsewhere in New South Wales?

**Commissioner FULLER:** We have been transporting prisoners from the first prisoner we picked up, obviously over 100 years ago. Over the years, Corrective Services are doing more and more in terms of prisoner transfer. We need to acknowledge that they have placed themselves in the back of many police stations in terms of taking responsibility for prisoners. From our perspective, I think we will always have a role in prisoner transfer. I suppose it is my role within the cluster to try to minimise the impact that has. What I can do from my perspective is to be part of any trials and, secondly, in terms of future police growth, to make sure that the particular areas of Parkes and Newcastle receive additional police positions to assist in not so much the prisoner transport.

One of the challenges is that when you need to transport prisoners from outside of your district then potentially you could leave the community without an operational police officer. It is my job to overcome a number of challenges, and prisoner transport is one of those. I want police working in their suburbs for their local communities. The challenge is, I guess, the balance in the 1,500 in trying to offset prisoner transport by making sure they have the appropriate number of police. In a perfect world, would I like to be out of prisoner transport? The answer is yes.

**The Hon. ROSE JACKSON:** Accepting your comment that you think that there will always be a role for police in prisoner transport, that is the direction that you would like to move in and—

**Commissioner FULLER:** Absolutely. Sorry?

**The Hon. ROSE JACKSON:** I was going to say, when you talked about the impact on police—I think you used the word "impact"—of having to do prisoner transport. Is one of those impacts the overtime spend for police?

**Commissioner FULLER:** Can I say, touch wood, that the NSW Police Force has not had financial pressures in my time. Much of that has been around, again, the finalisation of the efficiency saving dividends. That really hit the budget hard from 2012 until I started and, again, to think that in the first ERC we had a \$241 million turnaround, I think that is significant. In saying that, when I track government revenue closely, I track things like stamp duty and land tax and all of those things to see how the Government is travelling.

The reality is if money coming into the Government is reduced, then clearly the money has to be saved from somewhere. As commissioners, we talk about these things all the time in terms of what role do we play in efficiency savings without impacting on frontline services. Can I say, touch wood, in my time I have not had to get tin tacks around uniform and overtime—and I certainly hope I never have to. I guess the challenge for me is continuing to influence the Treasurer and Treasury about the importance of appropriately funding police.

**The Hon. ROSE JACKSON:** What is the total number of overtime hours worked by police?

**Commissioner FULLER:** In terms of prisoner transport?

**The Hon. ROSE JACKSON:** No, sorry, just in general.

**Commissioner FULLER:** I could get you what the cost to the organisation is. It may be difficult to break that down to how many hours, but, certainly, there is a line item for shifts, overtimes and penalty. I could break down for you what the overtime expenditure is.

I am advised:

Expenses are available in the NSW Police Annual Report.

**The Hon. ROSE JACKSON:** That would be useful. I am particularly interested to know, for example, I think you mentioned earlier in your answers that 450 additional police are coming online now.

**Commissioner FULLER:** Yes, this week. Sorry, there are 450 additional police numbers coming on. Obviously, the recruiting strategy for that was to make sure that, on the cusp of the last class we had, that we would actually run over in terms of police numbers so then when we turn the numbers on we are not 450 under-strength.

**The Hon. ROSE JACKSON:** Will those additional officers be reducing the overtime spend or will they be allocated against greater workload due to population growth?

**Commissioner FULLER:** I would hope that it would be a mix. I am not for wasting money—do not get me wrong—but what I am more concerned about is making sure that police officers are not turning off the lights and leaving town to run a prisoner back to Sydney. That is what I am about. That is the primary. I will put money second to public safety every day, even if it is at my own detriment. I am really more about making sure that there are police left behind when prisoner transport has to happen. Is that overtime for an officer to stay back in the police station to keep the lights on until the car crew gets back? They are things we are working through with the trial. And there are things that we can continue to add value to as additional police positions come online.

**The Hon. ROSE JACKSON:** Just specifically on the trial, are you looking to expand that model elsewhere in New South Wales?

**Commissioner FULLER:** I guess the question is: As I increase the size of the NSW Police Force, is it to help with elder abuse, is it to help child protection or is it to help with prisoner transport? There is an impact that that allocation has on things like overtime and public safety. As we roll out numbers in the coming years, it is really about the impact that has. I am certainly not about turning any of the trials off at the moment, but I do not think to expand a trial that is based on paying overtime to officers is a great long-term fix, to be honest with you because, at the same time, if you look at workers compensation—we spoke about one of the three key drivers, and that is workload. You have got to balance annual leave and people taking time off. There is a balance in this, but the good news from my perspective is I have got control over a lot of new positions coming online. The next 250 come online within the 12 months. It is close. It is not four years away.

**The Hon. ROSE JACKSON:** I just want to ask a follow-up from a question that was asked last year. It is about "slow down to 40". You indicated that you would be writing to the then roads Minister, Melinda Pavey, regarding safety issues around the slow-down-to-40 rules. You might recall it was particularly in regards to freeways.

**Commissioner FULLER:** Yes, absolutely.

**The Hon. ROSE JACKSON:** I just wonder whether you did that and did you have a response to that correspondence? Where is that up to?

**Commissioner FULLER:** I spoke personally with the Secretary for Transport, I think, three or four times on this. The NSW Police Force had a working party that consolidated and sent our thoughts through to the roads Minister, then Minister Pavey. All of that information was consolidated and I am still on record saying that, obviously, that was not my idea. I think, notionally, we all wanted something for a better outcome. It is my understanding, I think they are close to realising what a better strategy would look like in that space.

**The Hon. ROSE JACKSON:** I am taking from that last comment that you have not received a formal response to that because it is still under consideration and it is your expectation that there may be further—

**Commissioner FULLER:** Again, I am speaking out of my lane, to be honest with you, but I have a feeling from the last discussion I had with the Secretary for Transport, which was only a few weeks ago, that they are close to resolution on what "40" will look like and emergency services will look like going forward, which I think is a good thing.

**The Hon. ROSE JACKSON:** Yes. Just on drug offences, crime statistics for cultivating cannabis are much higher than for manufacture drugs. In 2018-19 there were 1,241 offences for cultivating marijuana as opposed to 61 for manufacture drugs. Is that the result of detection methods—the use of infrared in helicopters or other factors?

**Commissioner FULLER:** The primary reason is: To become a manufacturer of cannabis, you put a seed in the ground and you water it. To manufacture something like methylenedioxymethamphetamine [MDMA], you need certain precursors that are difficult to get. Cocaine, you cannot manufacture in Australia—I do not think I have ever seen any case of someone manufacturing cocaine in Australia. Heroin is very much the same. Certainly, ice and amphetamines are the primary drugs that are manufactured because you do still need a level of expertise and equipment to do that. But versus growing cannabis, it is really no different to growing hydroponic tomatoes.

**Mr DAVID SHOEBRIDGE:** You would almost think a war against a weed is pretty pointless and soon to be lost.

**Commissioner FULLER:** I think the war against users of weed was useless but, I think, as an organisation and as a government, we have moved a long way away from targeting users of cannabis. I think that the whole drug debate, Mr Shoebridge, will rage on for us going forward. As the Commissioner of Police I am clearly anti-drugs, but I think there is a couple of things in that. I think the ease of growing cannabis and the amount of money that you can make from that is one of the reasons. I think it is much more difficult to manufacture amphetamine-based, ice-based drugs than it is to grow cannabis.

**The Hon. ROSE JACKSON:** It is interesting that it is your contention that it is primarily driven by the ease of manufacture because there has been some concern that police area commands are receiving a large quantity of reports of detection by the aerial patrol and that resources are being diverted to that as a result, and that in some ways that is impacting on other operations; for example, the manufacture of more serious drugs, the manufacture of which is more difficult to detect.

**Commissioner FULLER:** I would say that is incorrect. The idea that with diverting from one thing to another, I think if a police officer has made that statement it is a little naive. What I have done in my time, and previous to becoming commissioner, is really drive mid-level crime units. They are the regional enforcement squads and we now have those across New South Wales. One of their primary roles is looking at cannabis houses and drug houses to a lesser degree. Drug houses are much more complex than cannabis houses because you need the clandestine lab team, which is a State crime asset, because when you go into those you need all the gear on, you need the expertise, you need chemists. They are very dangerous environments.

There is a reason why police at that mid-level can do cannabis houses much more easily than they can do labs because labs really present quite dangerous situations for a whole range of reasons, and you need police that are specifically trained to do that. For you and I to knock on the door and do a search warrant and pull a couple of plants in someone's backyard, outside of the obvious risk of doing the search warrant, there is no risk to doing a drug versus doing a lab job. I think it is slightly more complex than perhaps it was framed with you and, as the commissioner, I would say I do not think they are being unreasonably diverted.

**The Hon. ROSE JACKSON:** Following the restructure in the Crime Scene Services branch of the Forensic Evidence and Technical Services Command, were evidence recovery and drug sampling specialist sections scrapped and absorbed into the generic crime scene section?

**Commissioner FULLER:** I will have to take that on notice. Not to my knowledge, but that certainly could have happened. Do you know what year that—

**The Hon. ROSE JACKSON:** I could check that.

I am advised:

In April 2019, branches from the former Special Services Group (SSG) and the Forensic Services Group (FSG) were restructured to form the Forensic Evidence & Technical Services Command (FETSC).

During that re-engineering process, the West Sydney Crime Section, Evidence Recovery Section and the Drug Sampling Unit located at the Pemulwuy Forensic Laboratory were amalgamated to form the Pemulwuy Crime Scene Zone.

Sydney Crime Scene Section, Chatswood Crime Scene Section and the Drug Sampling Unit-Sydney Police Centre were amalgamated to form the Sydney Crime Scene Zone.

The amalgamations were implemented with a view to simplifying organisational structure and providing greater flexibility in deployment options to improve efficiencies and service delivery. There was no change in the fundamental services performed within the metropolitan crime scene sections and no significant reduction in numbers of operational staff following the restructure, with staff being reallocated and tasked based on their individual skill sets, in consideration of operational needs.

Effectively, the responsibilities and functionalities of the amalgamated units, specifically that of the Evidence Recovery Section and Drug Sampling Units, have remained unchanged but are performed administratively by all members of the newly formed metropolitan Crime Scene Zones.

With regards to the issue of recovery rates of fingerprints from crime scenes, please note that during the initial transition process, there was a statistical decrease in recovery rates from scenes but that has now been rectified through additional training and supervision practices.

I am specifically interested because there are reports that recovery rates of fingerprints from crime scenes dropped following the restructure. I understand there were drops from around 60 to 70 per cent recovery to around 20 per cent, so that is obviously quite a concerning drop if that has occurred.

**Commissioner FULLER:** One of the great challenges is that in those houses you will get hundreds and hundreds and hundreds of fingerprints that take police hundreds and hundreds and hundreds of hours, and none of those will be the primary offenders who are organising these criminal enterprises, and we have to chase every one of those down. One of the great challenges at the moment is that law enforcement around the world is filling jails with drug sitters and drug runners, which is counterproductive to the justice system, it is counterproductive to public spending, and we need to spend more time focusing on the principals, the mid-level criminals and the principals of those enterprises, and there are not many but there is a percentage of those that are operating offshore now, so there is a change in crime environment and we could take all of those fingerprints and chase all of those people down all the rabbit holes, but none of them will be the principal brains behind the operation.

**Mr DAVID SHOEBRIDGE:** Commissioner, the March report on crime from the Bureau of Crime Statistics and Research [BOCSAR] shows that the New South Wales police are still aggressively targeting cocaine use or possession. Do you agree with that?

**Commissioner FULLER:** I would disagree that targeting users of drugs is our primary focus. It just isn't. A by-product of our activity may pick those up, Mr Shoebidge.

**Mr DAVID SHOEBRIDGE:** Well, 17,106 offences in the last 12 months for possession and/or use of cannabis, so that is the police officers doing the arrest, police officers doing the charge, police officers attending



**Commissioner FULLER:** Did you say cocaine or cannabis?

**Mr DAVID SHOEBRIDGE:** Cannabis.

**Commissioner FULLER:** Sorry, I thought you were talking about cocaine.

**Mr DAVID SHOEBRIDGE:** If I misspoke earlier—

**Commissioner FULLER:** You said cocaine earlier.

**The Hon. ROSE JACKSON:** You did say cocaine.

**Mr DAVID SHOEBRIDGE:** I will start again.

**Commissioner FULLER:** No, no, I am on board.

**Mr DAVID SHOEBRIDGE:** I meant to say cannabis.

**Commissioner FULLER:** I was going to say wastewater testing probably justifies it.

**Mr DAVID SHOEBRIDGE:** I am looking at a list which has "Cocaine" at the top.

**The CHAIR:** I thought there was a twist in this question.

**Mr DAVID SHOEBRIDGE:** No, that would be if you focused on the electorate of Wentworth.

**Commissioner FULLER:** I am listening to you.

**Mr DAVID SHOEBRIDGE:** Yes, so 17,106 prosecutions for the possession and/or use of cannabis. That is an extraordinary amount of police resources.

**Commissioner FULLER:** I would have to look at the weights. We were huge supporters of the cannabis cautioning scheme. I was a detective working at Kings Cross when that came in. I would have to do some reviews in terms of the weights and the reasons why these people are not getting cannabis cautions because you are entitled to three, et cetera, so I am happy to have a closer look at that. I certainly do not want to fill our courts or our prisons with users of cannabis.

**Mr DAVID SHOEBRIDGE:** In terms of drugs that are being targeted or prosecutions for possession and/or use—so this is not supply; this is just possession and/or use—the 17,000 for cannabis is more than all of the charges for cocaine, narcotics, amphetamines and ecstasy put together.

**Commissioner FULLER:** I would have to look at the reason why. It is certainly not a directive, it is not something that the deputies and I talk about, it is not something that the assistant commissioners talk about. If it is a by-product of operational activities, it is an unintended consequence, but I am happy to have a look at it and find out the reason why.

I am advised:

In 2018-19:

- 60% of legal actions for cannabis possession were dealt with by way of a charge
- 32% were dealt with by way of a cannabis caution
- 8% were dealt with by a diversion under the Young Offenders' Act

Of the charges, 49% involved the possession of another drug in addition to cannabis or an offence other than drug possession.

**Mr DAVID SHOEBRIDGE:** We can look at the national reporting data about crime and every year it shows that 80 per cent of all of the drug convictions in this country are for cannabis use or possession—80 per cent—and that has been consistent for over a decade. It is not doing anything useful, is it?

**Commissioner FULLER:** Again I would have to really look at the reasons why, Mr Shoebridge. We are pro cannabis cautions and we probably give out a lot more cannabis cautions than we do charge people, but I am happy to pull that apart and have a look at the reasons why.



**Mr DAVID SHOEBRIDGE:** Could you provide the number of cannabis cautions so that we get some perspective?

**Commissioner FULLER:** Yes, I agree.

I am advised:

4,839 in the 2018-19 financial year.

**Mr DAVID SHOEBRIDGE:** I am not going to suggest it is all bad news; there has been a 5 per cent reduction in the last 12 months of people being charged with possession and/or use of cannabis, so there is a minor trend.

**Commissioner FULLER:** Did we get that on the record?

**Mr DAVID SHOEBRIDGE:** There is a minor trend in the right direction.

**The Hon. TREVOR KHAN:** It is just to lull you into a false sense of security.

**Mr DAVID SHOEBRIDGE:** I put it to you again: If nothing else, for police the opportunity cost—let alone seeing 17,000 people potentially get a criminal record because they had a joint in their pocket—

**Commissioner FULLER:** Yes. Look, Mr Shoebridge, it was my initiative to start giving tickets to young people at dance parties for possession. It was my idea to look at low-range prescribed concentration of alcohol and get that out of the judicial process. It is not as though I have been against trying to get minor matters out of the judicial process, I have been a supporter of it, so I am happy to look at this.

**Mr DAVID SHOEBRIDGE:** I asked you some questions earlier about the Suspect Targeting Management Plan [STMP]. I know some time last year you were talking about having an assistant commissioner required for any child 12 years or under.

**Commissioner FULLER:** I thought it was 14 or under, to be honest.

**Mr DAVID SHOEBRIDGE:** It has now moved to 14, has it?

**Commissioner FULLER:** I am all but sure, because the statistics on 14-and-under have gone from 23 to one, but I will double-check that and if I have misled you it was by error only.

**Mr DAVID SHOEBRIDGE:** From memory, you were talking about transitioning to 14 at some point.

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** So that may have happened, which is what I am asking you about.

**Commissioner FULLER:** I feel as though it has, but if you let me take that on notice I will double-check that.

I am advised:

In April 2018, an Intel Note was released in relation to STMP nominations of POIs 12 years and under. The Intel Note required that all STMP nominations for POIs 12 years and under require assessment and approval from the Assistant Commissioner, Capability, Performance and Youth Command. The Intel note stated that from 1 May 2018 if a command nominated a STMP aged 12 and under, all supporting documentation should be sent to Y&CP Command for review and final approval by the Commander (Assistant Commissioner) CPYC.

In October 2018, the Intel Note was updated to apply to YPs under the age of 14 years. Further documentation was distributed state-wide from 13 August 2018 that all Commands were to comply with the new (age) criteria. On 22 October 2018, Assistant Commissioner disseminated further correspondence to all Commanders and Directors advising of the previous Intel Note and asking for them to reinforce with relevant commands.

**Mr DAVID SHOEBRIDGE:** One of the concerns that is repeatedly raised with my office is the number of Aboriginal and Torres Strait Islander people who are arrested for a technical breach of bail only, that is, a breach that does not involve any further offending other than a breach of bail conditions. Do you have a handle

**Commissioner FULLER:** Mr Coutts-Trotter and his predecessor and I have had conversations about remand centre numbers and the impact that police activities have, particularly looking at broader judicial breaches, and I say the challenge is that crime is stable and decreasing, and over the last 20 years we have made significant inroads to that, and the reality is that continuing to focus on certain groups of people who are continually not applying the laws of the country, the laws of the State, is an important part of reducing crime. I mean you may say—

**Mr DAVID SHOEBRIDGE:** Are you saying that arresting people and putting them back in jail for a technical bail breach is part of your crime reduction strategy?

**Commissioner FULLER:** I would say that there is no such thing as a technical breach, to be honest with you. I understand your point on it, but the reality is that the magistrate will say to a 15-year-old who is continually offending after 9.00 p.m. that they want them to be home with their parents. Being out at midnight offending is not a technical breach. From my perspective—

**Mr DAVID SHOEBRIDGE:** When I say "technical breach" I mean a breach of bail with no further offending, so I am not talking about a further offence, I am just talking about not complying with a bail condition.

**Commissioner FULLER:** But if the bail condition was not important, why would a magistrate or a judge set it?

**Mr DAVID SHOEBRIDGE:** I am asking you if putting people back in jail for technical bail breaches— and I have described what I mean by that—is part of your crime reduction strategy. You say yes, is that right?

**Commissioner FULLER:** I would put a line through "technical" because again it is either a breach or it is not a breach. You may call it a minor breach, but I do not see it as technically legally correct by saying it is a technical breach.

**Mr DAVID SHOEBRIDGE:** There was a trial I think at least in 2017 about individuals having two addresses for bail.

**Commissioner FULLER:** Yes, out of Wagga, or the mid-western district?

**Mr DAVID SHOEBRIDGE:** Yes. What was the result of that trial and, if the results were positive, why has it not become a statewide initiative?

**Commissioner FULLER:** We are still working with Justice on these things. We had plenty of people, including the Attorney General, that visited Bourke to see what great things the police were doing there. It is up to us to review those things and to distribute them wider, but it is often not just my decision. It is about the local courts, it is about the district courts, it is about the chief magistrates—there are often many stakeholders in this. We are working on trying to remand young people into the police citizens youth clubs, not into remand centres, working with a judge of the Children's Court, and I am on board and the judge is on board, but sometimes those things are very difficult to operationalise.

**Mr DAVID SHOEBRIDGE:** Commissioner, could you provide us on notice—I do not expect you to have it in your brain at the moment; if you do, that is great—with some details about what happened with that trial?

**Commissioner FULLER:** Yes.

I am advised:

This is a matter for the Attorney General.

**Mr DAVID SHOEBRIDGE:** That was a trial where individuals were able to record two addresses for the purpose of their bail conditions.

**Commissioner FULLER:** I will be honest with you. There are some kids who probably need three addresses. The secretary and I—

**Mr DAVID SHOEBRIDGE:** Particularly First Nations kids, who may—

**Commissioner FULLER:** I agree.

**Mr DAVID SHOEBRIDGE:** And so I suppose that is where I was going to get with this. Is there some kind of structured review—either within the police or maybe Mr Coutts-Trotter might talk about it—about doing

**Commissioner FULLER:** Our first meeting, we spoke—and I will throw to the secretary, but we have spoken about this—about pathways. There are 140 young people who have pretty bad histories and have now got employment because of what I have done with the PCYC. Right? There is another pathway there. So with some of these young people and, I guess, some of the challenge for us is about what is an alternate pathway. Where is a safe home I can take them? And then I do not have to put them in custody.

**Mr DAVID SHOEBRIDGE:** Yes.

**Commissioner FULLER:** So I will take that and throw to the secretary if that is all right.

**Mr COUTTS-TROTTER:** I was not aware of the trial in the Central West, but there is work going on between our agencies to look at the value of making more practical the conditions that attach to bail. If a young person is living between two or three locations, you do not want to impose bail conditions on them that they cannot meet.

**Mr DAVID SHOEBRIDGE:** Yes.

**Mr COUTTS-TROTTER:** So that work is going on between the agencies.

**Mr DAVID SHOEBRIDGE:** One of the hopeful benefits of this larger cluster is particularly in the youth. For policy issues for people up to the age of 18, I would hope that there is more communication between police and what used to be FACS or the community sector.

**Mr COUTTS-TROTTER:** No, it is our intent that the whole be much greater than the sum of the parts with the cluster. There was and is a lot of good work happening between the agencies, but the creation of the cluster does make it easier for some of these issues to stay on the radar of very senior people. You cannot run away from it.

**Mr DAVID SHOEBRIDGE:** So, sitting down and working out the next set of standard operating procedures on bail for police, is there a proposal that there will be not just the police informing that but also the balance of the department and an engagement broadly across the department to make sure the standard operating procedures take on board the broader learning and a greater sort of social input rather than just a policing input?

**Mr COUTTS-TROTTER:** And also the experience of the Local Court magistrates, the views of the Chief Magistrate. As the commissioner said, there are a whole range of people like the Aboriginal Legal Service and many others who have deep experience on this and a real perspective on it. There are, as I am discovering, so many levers inside a justice system and if you do not align them all, good ideas fail pretty quickly. But it is apparent that there is an opportunity to think hard about how we connectively ensure that bail conditions act to keep people safe and keep the community safe, but do not impose upon people essentially a trip-wire that they are bound to fall over. So there is work going on with that.

**Mr DAVID SHOEBRIDGE:** I suppose it is really—

**The Hon. TREVOR KHAN:** There is uproarious agreement, though, to—

**Mr DAVID SHOEBRIDGE:** That is okay. It is all right, Trevor. Relax. This is actually good.

**The Hon. TREVOR KHAN:** I do not think they need a lecture.

**Mr DAVID SHOEBRIDGE:** It is not a lecture; it is a question. What are you doing in terms of have you got a structure in place? You often hear about task forces or some other kind of grouping. Is there a kind of formal structure being put in place to make this happen? I mean, it sounds good, as Trevor says. We kind of are in broad Kumbaya agreement about the direction. What are the structures in place to make it happen? Because it is not fair to just put it on the police, because it is really your job to bring the agencies together.

**Mr COUTTS-TROTTER:** No, that is right. There is a group of officials across the agencies, and through me and others we have contact with the judiciary to bring them into it as well.

**Mr DAVID SHOEBRIDGE:** Does that mean, Mr Coutts-Trotter, that you are getting the data about technical bail breaches, you are requesting this kind of data and that you are breaking it down by age and by First Nations grouping so you can actually do that analysis?

**Mr COUTTS-TROTTER:** Yes. And as a new arrival in the Justice world, I have been impressed by the quality of the quantitative analysis. So the data that you have described and other sources of evidence are what the group is working on.

**Commissioner FULLER:** I will give you an example of how it is moving quicker: One of the roadblocks we have at the moment on cautioning juveniles is that if they do not admit the offence then they get

charged. Right? I have said to the secretary, "Well, as long as they do not say they did not do it, why can't I just apply the same rule?" You know? Because they may ring a lawyer who says, "God, do not talk to the police." So I have asked the secretary for some legislative change that says if a young person comes in with an adult and they say, "I am not saying I did not do it, I am just remaining silent," then we go, "Okay. We are going to caution you for this and do not do it again," and "Here are some programs we would like to put you on, and off you go." At the moment if they ring a lawyer and the lawyer says, "Do not talk to the police" then we have to process them. We have to charge them. So there are things like that where I go to the secretary and say, "Look, if you can fix this, I can divert another couple of thousand kids from being charged." And the secretary goes, "Great. I am onto that." So I think in the cluster—

**Mr DAVID SHOEBRIDGE:** I look forward to seeing the legislation nextweek.

**The Hon. ROSE JACKSON:** Is there another legislative change that you might consider, which is a removal of a limit on cautions under the Young Offenders Act?

**Commissioner FULLER:** We are looking at more broadly the age of what a juvenile should be—you know, are boys stupid till they are 21? I do not know. So there are things—

**The Hon. ROSE JACKSON:** They are stupid forever.

**Commissioner FULLER:** That is right.

**Mr DAVID SHOEBRIDGE:** At least 21, I think Rose would agree on.

**Commissioner FULLER:** We are having these conversations. But you cannot rush into them. But I think we need to rush into removing this thing where you have got to admit the offence when lawyers are going to probably give you advice not to talk to police. And there are police who are actually going in the grey area, saying to the kids, "Go away. Come back tomorrow. Just think about this. Because we can let you go. We can caution you." So there are things like that where the big cluster is working, where the secretary gets it and he will rally, talk to the Attorney General and get the changes. I think that is one example of where the big cluster is working well.

**Mr DAVID SHOEBRIDGE:** And as I said at the beginning, there is a number of people who are looking to see whether or not this experiment in putting the two of you together is actually going to produce positive results or not. So—

**Commissioner FULLER:** I hope there are more than two of us.

**Mr COUTTS-TROTTER:** It sounds like it is just me, Mick.

**Commissioner FULLER:** He did say the two of us.

**Mr DAVID SHOEBRIDGE:** Could I ask about responses by local area commands to notifications under the Liquor Act about a local impact assessment for gaming machines? Are you aware of that process?

**Commissioner FULLER:** I am aware it happens, but I cannot say that I am proficient in the process.

**Mr DAVID SHOEBRIDGE:** Commissioner, would you know, and if you do not then maybe take it on notice, how often in the past five years—perhaps I will make it clearer, in the past three financial years—has any local area command received a notification of an application for increased numbers of gaming machines at a venue? It is a local impact assessment.

**Commissioner FULLER:** I will take it on notice. I have to say, as I have been a commander for many years, I cannot remember one coming over my desk. But obviously I was a commander a few years ago. But I am happy to take that on notice.

I am advised:

In total, there were 16 notifications of an application for increases in gaming machine thresholds received by Districts in Northern Region, Southern Region and Western region over the previous three financial years.

**Mr DAVID SHOEBRIDGE:** In doing that, could you provide us with how many have responded to the application, how many have objected to the application and if there are any criteria that would elicit a response from a local area command?

**Commissioner FULLER:** Yes.

I am advised:

**Northern Region:**

- Standard Operating Procedures require Police Districts to respond to all such applications, however with the short timeframe available to respond to this question, it is not possible to acquire accurate data regarding the number of Police objections made.
- What can be provided with accuracy is that of the 11 applications, two were refused; three were withdrawn with the remaining six being approved.
- As a key stakeholder, NSW Police submissions to these applications are given significant weight in determinations by Liquor & Gaming NSW to approve or refuse applications. Whilst each application is assessed by Licensing Police on its individual merit, criteria referred to in responses typically will involve socio-economic factors of the local area surrounding the premises, crime including domestic violence rates, current venue GMTs and the availability of other existing gaming facilities within that community.

**Southern Region**

- All applications are assessed and any submission is forwarded to Independent Liquor and Gaming Authority for their adjudication. None of four applications were objected to by police (to our knowledge). There is no set criteria that would require an objection. Each assessment of application is based on each individual premises and generally encompasses issues surrounding poor compliance history and alcohol related crime associated or linked to the premises or nearby local area.

**Western Region**

- The two applications did not elicit a response by the District. As indicated, one application was approved, one was declined. Local Council objection was the determining factor in the one that was declined.

**Mr DAVID SHOEBRIDGE:** Commissioner, are you aware of the data that suggests that an increase in gaming machines in an area will lead to, almost inevitably, an increase in the rate of domestic violence?

**Commissioner FULLER:** Yes. I suspect it has an impact negatively on a whole range of social issues. I would assume that would be correct.

**Mr DAVID SHOEBRIDGE:** So I suppose I am going to ask you have you got people looking into that link or at least getting their head around the link between gambling and family violence from a policing perspective?

**Commissioner FULLER:** Again, I suppose there is that golden thread on are we being asked the question and, if we are not, then I suspect that the second part of your question is redundant.

**Mr DAVID SHOEBRIDGE:** Yes.

**Commissioner FULLER:** I will look into, obviously, the two steps of questions.

**Mr DAVID SHOEBRIDGE:** Yes. And I am not trying to have a debate with you about this, but there are a number of occasions where a local area command's objection has been crucial to actually defeating an application for additional or the transfer of gaming licences. And when the local area command fails to act then that can sometimes allow the gaming machines to come into their local community and then there will be an increase in domestic violence. That is the problem I am putting to you.

**Commissioner FULLER:** I know in terms of new licensed premises we normally always get requests either from local government or from the regulator. I have to say that that is a norm for me. The poker machine ones is something that is a little unusual to me—and I have seen a fair bit. But I will take that away on notice, as discussed.

**Mr DAVID SHOEBRIDGE:** I will put these further to questions on notice to link those two.

I am advised:

NSWPF is unable to provide any substantial information or data to respond to this question.

Where there is an application for a liquor licence and gambling machines, are police made aware a venue has applied separately but simultaneously for both?

**Commissioner FULLER:** Unaware.

**Mr DAVID SHOEBRIDGE:** How many local area commands have received a community impact statement notification for extended or changed liquor trading laws and checked to see if there was a parallel avocation for additional gaming machines for the same venue that did not require the local police to be notified, which might have influenced their response?

**Commissioner FULLER:** We would not have the system and processes to do that, I would assume, but I will still take that on notice.

I am advised:

### **Northern region**

None of the 11 licensed premises that applied for increases to their Gaming Machine Thresholds during the previous three financial years, have had any application to increase authorised liquor trading hours.

### **Southern Region**

Southern Region is not aware of any extended trade applications that correlate with gaming machine increases.

### **Western Region**

Nil

**Mr DAVID SHOEBRIDGE:** I suppose on that last one, I agree that it is not really numbers but could you respond to that issue: If police are not been notified about the gaming machine application, do you think they should, or is there a process that can be put a place to make that happen?

**Commissioner FULLER:** Okay.

**The Hon. ROSE JACKSON:** I want to ask a couple of questions about the Public Transport Command, if that is okay.

**Commissioner FULLER:** Absolutely.

**The Hon. ROSE JACKSON:** First off, I am interested to know authorised and actual strength of the Public Transport Command.

**Commissioner FULLER:** I know it is around 600 but I will take that on notice in terms of how many people you pay for and how many you have.

**The Hon. ROSE JACKSON:** Particularly for 2017-18 because, in fact, it has been 610 very consistently. From 2014, it does not really look like it has changed very much over that time.

**Commissioner FULLER:** In the 1,500 I have forecast an increase. I think the public transport system in the metro area will increase by around 20 per cent. I think I have factored in an increase out of the 1,500. It is similar to that but I am not locking myself in.

I am advised:

All police resources attached to Police Area Commands and Police Districts are flexible resources available to respond to incidents across the district. All local resources are also supplemented by specialist police (highway patrol, major crime squads, covert resources and



the like) who are managed centrally but can be deployed across boundaries to meet the changing community needs and respond to changing crime patterns and emerging issues. These factors should preface any analysis or assessment of police resources at a specific location. Actual police numbers and rostered officers fluctuate daily.

**The Hon. ROSE JACKSON:** Where is the command situated for north-west Sydney, western Sydney and south-western Sydney?

**Commissioner FULLER:** I think it is Parramatta, Bankstown and city but again, I will ensure that I give you the correct information on notice.

I am advised:

PTC North-West Sector has satellite offices at Parramatta, Penrith and Quakers Hill.

PTC South/South-West Sector has satellite offices at Bankstown, Campbelltown, Hurstville, Cronulla, Wollongong and Cabramatta.

PTC North/Central Sector has satellite offices at Central Railway Station, Hornsby, Gosford, Broadmeadow, and Morisset

**The Hon. ROSE JACKSON:** I suppose this is similar to a question that we asked earlier. I am interested to know why the authorised and actual strength figures are not published any longer.

**Commissioner FULLER:** It is the same answer: It is such a sore tooth. To do that I need to put more people behind desks reporting; nevertheless, I still take on board that whether it is a section 52, whether it is a Government Information (Public Access) Act [GIPAA] request or whether it is an annual report, we should report on that.

**The Hon. ROSE JACKSON:** In the 2017-18 annual report, it appears that potentially there is a new command called Police Transport & Public Safety Command. Is that a result of a merge or does that have the same responsibilities as the Public Transport Command?

**Commissioner FULLER:** Through the re-engineering process, we have flattened our structure and tried to reduce the amount of silos we had, which makes it much more complex and when you centralise there are certain efficiencies that come out of that as well. We also tried to make some sense of why we put certain groups together. Assistant Commissioner Karen Webb oversees that command, which is all the police who work on public transport—the Marine Area Command, which is all of our boats; PolAir, which is all our helicopters; and State Planning. We have, at best, tried to join up, I suppose, our like commands because they have very similar capability needs and big capital expenditure needs. We are trying to bring them together.

**The Hon. ROSE JACKSON:** So, there were no new responsibilities; it was just a combination of the existing—

**Commissioner FULLER:** That is correct.

**The Hon. ROSE JACKSON:** Do transport regulatory offences only involve public transport?

**Commissioner FULLER:** No, we do operations with taxis as well. They are not as regular as we would on trains and buses but we certainly do run joint operations with—I cannot think of their name at the moment—a regulatory group for cabs and taxis. We do operations with them as well.

**The Hon. ROSE JACKSON:** Does that include ridesharing services such as Uber?

**Commissioner FULLER:** It would but from a percentage perspective, it would not come close to probably the amount of patrols, legal actions and actions we take on public transport.

**The Hon. ROSE JACKSON:** Do the BOCSAR crime statistics for taxis include ridesharing services such as Uber?

**Commissioner FULLER:** I would have to double-check, if that is okay. I will take that on notice.



I am advised:

No.

**The Hon. ROSE JACKSON:** According to the 2017-18 annual report, over half the population felt that they did not feel safe on public transport alone at night. I can only imagine that for women that statistic would be closer probably to 80 per cent or 90 per cent. That figure is from your annual report. What sort of measures have you introduced to improve that?

**Commissioner FULLER:** One is marketing the changes in the public transport command, the amount of police that we do have on the services and the operations that we run. Having that visible presence really is so important, as is the relationship with the transport network and the trains, where the security guards are, the blue lights, the CCTV and that entire package of the relationship that we have with the transport system. To my mind, it is about recognising that they have got a statutory obligation to make people safe and also to make them feel safe. This is why I have clearly allocated in my mind a percentage of staff out of the 1,500 to ensure that there is growth on what is an already growing network.

**The Hon. ROSE JACKSON:** I have a couple of questions on the Firearms Registry. I am interested in the Audit Office review, which found some gaps and shortcomings.

**Commissioner FULLER:** There were 10 recommendations, yes?

**The Hon. ROSE JACKSON:** Yes. I am interested in what actions you have taken on those recommendations?

**Commissioner FULLER:** In relation to all the 10 recommendations, one through nine have been reconciled and completed, and the tenth is partially completed. At the end of the day, we welcome the audit. I met with the Auditor-General and I said, "The sooner you do it the better". It is certainly an area that I have spoken about—I actually GIPAA-ed it—that consumes a disproportionate amount of time for the size of the unit. I want it improve. I want there to be the appropriate standard of applying the Firearms Act and at the same time providing the appropriate level of service for all those gun owners and shooting clubs et cetera.

**The Hon. ROSE JACKSON:** Particularly the one thing that was identified was the safe storage inspections. I think the Audit Office said that since January 2017 the registry has generated these inspections less frequently and none since July 2018. Has the program ceased? If not, when will it be restored or when can we expect these inspections to start occurring with some frequency again?

**Commissioner FULLER:** We made a decision that gun storage and any inspection of it is a real shared responsibility across NSW Police Force. If I had to set up a new unit just to inspect a million firearms, that would be another 200 or 300 police who would be just inspecting firearms. We commenced Operation Armour this year and we have already conducted 1,700 inspections, which is probably triple what we did for the entire year last year. We are making progress to ensure that we are conducting the appropriate inspections.

**The Hon. ROSE JACKSON:** Perhaps this is a question to you, Mr Coutts-Trotter. I understand that the cluster is responsible for Surf Life Saving NSW.

**Mr COUTTS-TROTTER:** We have a funding relationship with Surf Life Saving NSW, yes.

**The Hon. ROSE JACKSON:** I am interested in the progress of the so-called opt-in mandatory life jacket laws. I wonder who takes responsibility. Do you take responsibility for those?

**Mr COUTTS-TROTTER:** We have some information on them. I was talking to my colleague Feargus O'Connor about this the other day. I think it is three local government organisations that have drawn down on a legislation to opt in?

**Mr O'CONNOR:** That is correct: Randwick, Richmond Valley and Northern Beaches.

**The Hon. ROSE JACKSON:** Have you been identifying areas where there are high rates of drownings or near-drownings by people engaged in rock fishing where the local government area has not opted in, considering there are only three that have but presumably there might be quite a few where—

**Mr O'CONNOR:** We do expect a number of other ones to approach government wishing to opt in, in the near future as well.

**The Hon. ROSE JACKSON:** That is your expectation because they have signalled that or—

**Mr O'CONNOR:** That is right. They have seen the trial roll out and now it will be taken up in several areas. They are aware that they may have perhaps levels of fatality that they need to be concerned about and,

**The Hon. ROSE JACKSON:** But you are not proactively identifying areas where there are higher risks and then approaching those local government areas to try to engage them in the program? Are you still waiting for local government areas to come to you?

**Mr O'CONNOR:** I suppose there is a general conversation going on but it is still essentially not in the scheme.

**The Hon. ROSE JACKSON:** Do you have a view about whether the opt-in mandatory—which almost

sounds bizarre in its name—is working or whether, in fact, it would be preferable for life jackets to be mandatory for rock fishing in every local government area?

**Mr O'CONNOR:** The Government did consider making it mandatory and has very cleverly decided to make it an opt-in scheme.

**The Hon. ROSE JACKSON:** And your view is that from an agency perspective that is working? There are only three; Randwick is very small, Coogee and—

**Mr O'CONNOR:** If you look at the statistics there will be some coastal local government areas where it probably is not justified on the basis of fatalities. We are always very happy to see more people wearing life jackets, absolutely, because the public safety benefit is real. But the Government has taken an important policy position to leave it as an opt-in scheme.

**The Hon. ROSE JACKSON:** Just a final question, to Commissioner Baxter. The Treasurer, Mr Perrottet, in the past has characterised government efforts to respond to climate change as a gratuitous waste of money. I wondered if you could give us some information about what planning Fire and Rescue does in respect of the impact of climate change on the fire risk across the State.

**Commissioner BAXTER:** The majority of the climate-impacting emergencies probably sit more with RFS than—

**The Hon. ROSE JACKSON:** Commissioner Fitzsimmons can add anything.

**Commissioner BAXTER:** To a degree, the SES as well. Obviously it impacts on us; we have a large bushfire responsibility as well where we work very closely with the RFS. What I can say is that we are noticing more frequent and more severe weather-related events, which are a result of the change in climate. So, particularly from a Fire and Rescue point of view, we are heavily involved in supporting the operations of both RFS and the SES, and that obviously has an impact on our services in terms of supporting those activities. I think the structure of the three agencies works really well together because primarily we are a paid or career service, so we have some advantages in terms of our speed of response to be able to assist both SES and RFS in the early stages of those events and both SES, and particularly RFS, have a huge weight of response which they can bring in over a longer term. The upshot is that the change of climate has affected our operations, and continues to.

**Mr DAVID SHOEBRIDGE:** My question was going to be on the same front, Commissioner, but it was about the statutory fire season. It has traditionally run from 1 October until 31 March, but did you say 21 local government areas have now already commenced their fire season and I think you might have said there are another 37 that are going to commence before 1 October?

**Commissioner FITZSIMMONS:** Twenty-one started the bushfire danger period in August this year and another 53 will commence on 1 September.

**Mr DAVID SHOEBRIDGE:** Is that a record?

**Commissioner FITZSIMMONS:** I would take that on notice. I do not believe it would be but I will take it on notice. It could be.

I am advised:

Historical data on Bush Fire Danger Period (BFDP) applications prior to 2004 is limited due to council and district amalgamations. Further, previous record management systems were predominately paper based and these records have since been archived.

**Mr DAVID SHOEBRIDGE:** Is it an indication that so many local government areas starting their bushfire danger period prior to 1 October is an indication that we are now facing—or your members in particular, your employees and members are facing—the impacts of climate change right now?

**Commissioner FITZSIMMONS:** We have been monitoring seasonal activity for decades now, and particularly in the last decade or so we have noticed a trend to fire seasons starting earlier, not just in northern New South Wales, which is traditionally the case—

**Mr DAVID SHOEBRIDGE:** I know some local government areas in the very south of the State commenced last month.

**Commissioner FITZSIMMONS:** Correct, but also in the south of the State. The other thing we are also seeing is in a number of areas the fire season is extending beyond the end of March. We also see though that many

local government areas will finish their fire season early subject to the seasonal activity. What we do have to keep in mind, and not only are we absolutely conscious of longer fire seasons and therefore shorter windows of opportunity for mitigation programs and prescribed burning and those sorts of things, is we are seeing that ignitions are invariably human activity related. So quite often when conditions are particularly dry, local government areas are bringing in early the bushfire danger period because you can bring in the imposition of permits being required so there is much greater visibility and local officers have the capacity then to meet with landholders and landowners and provide guidance and issue permits stipulating conditions around the safer use of fire.

So the early start to the fire season does a range of things. But I am not disagreeing at all: It is indicative of longer, more protracted seasons, and that goes to the heart of our business cases. Particularly over the last decade or so in my tenure as commissioner we have been very conscious of this and we have introduced a whole range of different technologies, different strategies, different techniques at a multiagency level, knowing that the sooner we can get onto fires we can stop them becoming large fires and problematic fires. Early intervention makes proactive use of aircraft, plant, technology. The dedication of the large air tanker, the foundation to that business case and the support we got from government was in recognition that not only are we being challenged with a longer, more protracted fire season, but where we traditionally hire or lease those high-capacity assets, like the United States or the Northern Hemisphere, they similarly are having them. So the overlap period was proving quite challenging. Having a dedicated asset but still being able to lease in the core elements is going to give us a much better capacity throughout our seasons.

**Mr DAVID SHOEBRIDGE:** But our ability to have our assets leased out during the so-called off-season is becoming more and more limited, is it not?

**Commissioner FITZSIMMONS:** We are about to test that because this is the first season we have got it. It arrived here only in the last few weeks and it has become operational.

**Mr DAVID SHOEBRIDGE:** What has been the acquisition cost and what is the operational cost of that new 737?

**Commissioner FITZSIMMONS:** We were given a budget of \$26.3 million to procure the large air tanker and the two lead planes, or Bird Dog planes. We have procured the large air tanker—it is probably a commercial-in-confidence figure—

**Mr DAVID SHOEBRIDGE:** Within that budget?

**Commissioner FITZSIMMONS:** It was within that budget. We have been allocated that budget, and then the operating budgets we have for aircraft assets I will have to give you a breakdown cost on hourly rates and those sorts of things, but we have that factored into our budget.

I am advised:

The acquisition cost of the 737 Large Air Tanker 'Marie Bashir' was a commercial in confidence contract and was within the budget allocation.

**Mr DAVID SHOEBRIDGE:** The earlier start to the fire season is not just about having greater visibility over permits and the like but also has the impact of limiting hazard reduction work as well, does it not?

**Commissioner FITZSIMMONS:** No, that is not correct.

**Mr DAVID SHOEBRIDGE:** It puts additional restrictions on hazard—

**Commissioner FITZSIMMONS:** No, it does not, sorry. There is nothing in an instrument sense that stops us and other fire agencies and land management agencies burning 12 months of the year when it comes to prescribed burning or hazard reduction burning. The single biggest impediment to us getting burning done is the weather conditions. The reason we typically do not burn as we get into the warmer months or the early start to the season is it is too dry and too dangerous and what we do not want to do is have legacy fire in the landscape that could become a problem and flare up in two, four, six weeks time. Having said that, this week alone, even with all the early starts to the fire season, I think looking at the website last night there might be 30 to 50 prescribed burns being scheduled over the coming week around New South Wales, if that makes sense. Equally, when we go into winter it can be too wet and too cold to get them done as well.

**The CHAIR:** Commissioner, just talking about fires, have you got any statistics on how they start and who starts them? There was a piece in the media last week where I think two young girls were caught and charged with setting as many as 10 or 12 fires. The discussion so far has been around so-called climate change in relation to causing fires. I think what we really should do is get some transparency into what actually starts those fires as opposed to somehow or other a magic wand, climate changes, drought, et cetera, et cetera. Do you have anything like that?

**Commissioner FITZSIMMONS:** There is material available; we share that nationally through the Institute of Criminology. We have also got datasets here in New South Wales. To be really clear, to quote an old colleague of mine, I think the three principal causes of fire right across Australia are man, woman and child. That does not mean they are all deliberate or malicious; it can be behaviour related, activity related and then you have other things like—

**The CHAIR:** What about lightning strike?

**Commissioner FITZSIMMONS:** Lightning is a significant issue.

**The CHAIR:** Lack of maintenance on powerlines?

**Commissioner FITZSIMMONS:** And we have seen those sorts of things or trees in powerlines or, indeed, big wind events that cause arcing and things. So there is a variety of reasons. There are datasets available on those ignitions.

**The CHAIR:** Army explosive shells?

**Commissioner FITZSIMMONS:** I can take on notice, if you like, the provision of the sorts of things that start fires, as a percentage.

I am advised:

Incidents by Suspected Fire Cause as Recorded in ICON for 2018/19 Financial Year

Note: All incident types have been included (for example bush fires, structure and vehicle fires).

Suspected Fire Cause	Percent	Suspected Fire Cause	Percent
Accidental	3.5%	Incendiary	0.09%
Arson	1.3%	Juvenile (fire play)	0.57%
Burning Off - Illegal	8.3%	Lightning	7.6%
Burning Off - Legal	13.3%	Machinery/Slasher	1.1%
Campfire	3.9%	Miscellaneous/Other	34%
Debris Burning	1.8%	Motor Vehicle	5.3%
Electrical	2.2%	Natural	1.6%
Equipment Use	0.76%	Power Line	0.67%
Escaped Hazard Reduction	0.43%	Rail	0.09%
Escaped Permit	0.11%	Smoking	0.43%
Escaped Pile Burn	1.3%	Suspicious	4%
		Undetermined	7.5%



**The CHAIR:** Yes, please.

**Mr DAVID SHOEBRIDGE:** I think the data is fairly conclusive that many of the fires are deliberately lit but the fact is with an increasingly dry continent as a result of the climatic changes we are witnessing those fires can become more vicious, and more vicious earlier, as a result of the drying we are seeing.

**Commissioner FITZSIMMONS:** We can see fires start easily and spread very quickly when things are hot, dry and windy and the landscape is particularly dry. At the moment we have got a landscape that is significantly moisture depleted. The drought is having a profound affect. Having said that, in many chunks of Australia, and New South Wales particularly, the drought is so deleterious that there is little to make do on the ground, so grasslands and pasture and those sort of things—

**Mr DAVID SHOEBRIDGE:** Grass fires with no grass. You will not get that.

**Commissioner FITZSIMMONS:** That is correct.

**The CHAIR:** You are going to get dirt fires.

**Commissioner FITZSIMMONS:** The forested country is still quite difficult. We need to be careful when we use the phraseology "deliberately lit" though because a camp fire is deliberately lit and careless, but not necessarily malicious.

**Mr DAVID SHOEBRIDGE:** Yes, it can be deliberate and stupid. Human activity is not always a conscious decision to make a bushfire.

**Commissioner FITZSIMMONS:** Correct.

**Mr DAVID SHOEBRIDGE:** Mr Coutts-Trotter, earlier the Minister said that there had been some \$16 million of State Government funds to Surf Life Saving. What, if anything, has your department done to ensure that there are fraud controls and accounting controls, given that the former general manager of surf life saving siphoned off the better part of \$3 million or more in a brazen practice over the course of 10 years—I think from 2007 at least until 2016?

**Mr COUTTS-TROTTER:** The sort answer is an awful lot. I will invite Fergus O'Connor to give a bit more detail. But there has been a lot of work done with the management and the board of Surf Life Saving NSW to ensure that we can be satisfied on the taxpayers' behalf that government funding to the organisation is separately identified; that the organisation has a governance environment that is appropriate, which includes the members of the board committing to governance training, committing to having two independent members on the board, allowing us to be able to see and audit a range of financial and other risk management mechanisms inside the organisation.

**Mr DAVID SHOEBRIDGE:** Could you identify: Did the fraud happen when the New South Wales Government was a main funder for Surf Life Saving NSW throughout that whole period and none of this was in place? Is there some reflection as well?

**Mr O'CONNOR:** Yes, I think that is true. We have always had a funding agreement with Surf. We have funded them for a long time but I think the Government accepts that it did need to increase, and certainly the Minister has been very clear about the need to increase, the level of oversight and also the professionalisation of the board. What we have now is a four-year funding agreement. That will be both a sort of umbrella four-year picture from Surf and then an annual budget, which they will need to provide to my office. As the Secretary indicated, there has been reform to the actual board so there are now two independent board members—and all of this written into the funding agreement so funding and reform are inextricable linked.

All of the board has had to go and do the Australian Institute of Company Directors basic course, and the chair and the chief executive officer have done a more intensive course. It is written that if there are changes to board membership then the new board members will have to do that training as well. As the Secretary indicated, they are subject to annual audits and provision of that expenditure data to my office. We also have a review of their audit arrangements underfoot by one of the large audit firms. That will continue, I think, to increase our sophistication of understanding of where they can make ongoing improvements.

**The CHAIR:** Are they subject to Auditor General overview as well?

**Mr O'CONNOR:** I would have to take that on notice.



I am advised:

No.

**The CHAIR:** This has been a very good experiment today on the implementation of the new sessional orders. I note that as a combined group you have taken over 90 questions on notice. The secretariat will be in contact with you all in due course.

**(The witnesses withdrew.)**

**The Committee proceeded to deliberate.**