

**BUDGET ESTIMATES 2021**  
**Response to Questions Taken on Notice**

**Minister for Police and Emergency Services**

**March 2021**

References in answers to the **NSWPF** refer to the NSW Police Force, **FRNSW** to Fire and Rescue NSW, and **NSW RFS** to the NSW Rural Fire Service.

## POLICE AND EMERGENCY SERVICES

### Question p2

The Hon. ROSE JACKSON: I am comfortable with that. New South Wales police established Strike Force Wyndarra in February 2020 after a woman came forward to allege that she was raped by the Commonwealth Attorney-General in 1988. Is that accurate?

Mr DAVID ELLIOTT: Thanks for the question. As you are aware, this is a matter that is currently in the public domain and the Commissioner has answered many questions about this before. But I invite you to respond if you like, Commissioner.

Commissioner FULLER: I do not have the exact dates in front of me but certainly early in 2020 a woman through South Australia Police made contact with New South Wales police and went to Kings Cross police station, where specialist police sat down and spoke to her. Yes.

The Hon. ROSE JACKSON: So you do not know the exact date in 2020?

Commissioner FULLER: I would have it, I just do not have it in my paperwork. I can take the exact date on notice.

### **ANSWER:**

Please refer to the tabled document for the hearing on 12 March 2021. This document is published on the NSW Parliament website and titled: *Response to questions on notice regarding 'Strike Force Wyndarra' tabled by Commissioner Michael Fuller APM.*

### Question p2-3

The Hon. ROSE JACKSON: Do you know the dates in March when the detectives were due to travel to Adelaide?

Commissioner FULLER: I do not have those dates on me but we do have those dates recorded, so I can take that on notice. I think it would have been post-March. I think the trip was planned for April, which as you can remember was right in the midst of COVID. But we do have that date.

The Hon. ROSE JACKSON: Thank you, Commissioner. Do you have the date on which the complainant indicated to New South Wales police that she no longer wished to proceed with the investigation?

Commissioner FULLER: Yes, I believe that was in June. But again, in fairness, I have that recorded. We can provide that on notice.

The Hon. ROSE JACKSON: Thank you, Commissioner. Do you know how that communication was made? Are you aware of whether it was an email or whether it was a phone call?

Commissioner FULLER: Between the first contact and the time the young lady unfortunately took her life, we had five primary contacts with her by phone and email.

The Hon. ROSE JACKSON: Are you able to take on notice if it was four phone calls and one email or what the detail of those five contacts were, Commissioner? Or if you know, obviously feel free to let us know now.

Commissioner FULLER: I will take it on notice, yes.

#### **ANSWER:**

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#### Question p4

The Hon. ROSE JACKSON: When did New South Wales police learn that the complainant had taken her own life?

Commissioner FULLER: My understanding was it was the same day as she took her life. But if I could take that on notice, just to be sure.

#### **ANSWER:**

Please refer to the tabled document for the hearing on 12 March 2021. This document is published on the NSW Parliament website and titled: *Response to questions on notice regarding 'Strike Force Wyndarra' tabled by Commissioner Michael Fuller APM.*

#### Question p4

The Hon. ROSE JACKSON: Do you know if the victim herself—as you said, trying to be respectful of the alleged victim's wishes—raised the option of: Could I give a formal statement by telephone? Or could I give a formal statement by video? Did she herself request that of police? And perhaps the police indicated, "That might not be possible for these reasons"?

Commissioner FULLER: I have not asked that question. Could I take it on notice?

The Hon. ROSE JACKSON: Yes.

Commissioner FULLER: I will find the answer to that question.

The Hon. ROSE JACKSON: That would be useful.

Commissioner FULLER: The question is primarily whether the alleged victim said, "Is there another way we could do this?"

The Hon. ROSE JACKSON: That is right. Whether she requested of New South Wales police.

Commissioner FULLER: I do not know the answer to the question, nor have I asked it. But I will certainly find out.

#### **ANSWER:**

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## Question p4-5

The Hon. ROSE JACKSON: ... Turning to a bit more recently—obviously, that was all last year—the Prime Minister and others have, reportedly, referred a letter from the complainant's friends and a detailed statement to the Australian Federal Police [AFP] and the Australian Federal Police have then passed that on to New South Wales police. Is that correct?

Commissioner FULLER: I understand that a document the alleged victim had prepared and some other information from friends was passed on to the Australian Federal Police. I understand that at least the document the alleged victim had prepared some years ago is now in the possession of New South Wales police. But I am unsure about what other evidence came with that.

The Hon. ROSE JACKSON: Would you be able to take that on notice because, as you are probably aware, in the public domain there is discussion of a dossier of documents or a series of documents? Which of those were referred to New South Wales police by the Australian Federal Police?

Commissioner FULLER: A question, that is, I can take on notice and answer.

The Hon. ROSE JACKSON: Do you know on what date the Australian Federal Police provided some information to New South Wales police, whatever it was?

Commissioner FULLER: I am happy to chase up the dates where we have received information, in any of that journey, from Australian Federal Police.

### **ANSWER:**

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## Question p5

The Hon. ROSE JACKSON: Are you aware of whether New South Wales police had seen that diary entry previous to it being provided by the AFP?

Commissioner FULLER: I would have to ask the investigators that question.

The Hon. ROSE JACKSON: It would be useful to know what material the AFP provided New South Wales police that New South Wales police had not seen before, what new material—

Commissioner FULLER: If I could take on notice two things, then: Any information that was provided by the alleged victim from our first point to her tragic death; then there is a second set of documents that may have come in through other sources, including AFP to New South Wales police. Is that okay?

The Hon. ROSE JACKSON: That would be fantastic. Thank you. At this point, more recently, as this material is being provided to New South Wales police from the AFP, did the Prime Minister or his office or any other Commonwealth Minister or Federal member of Parliament provide New South Wales police with any material directly?

Commissioner FULLER: Not to my knowledge. Certainly, not through my office. I can certainly quite easily check to see if there was any contact with any other police.

### **ANSWER:**

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### Question p6-7

The Hon. ROSE JACKSON: Yes. There were public reports that New South Wales police sought legal advice after receiving a document purportedly made by the woman; that, perhaps, was the diary entry. Why was legal advice sought in relation to that?

Commissioner FULLER: I have not heard that before, but it is a question I could certainly take on notice.

The Hon. ROSE JACKSON: Yes. As I said, there was some public reporting that the New South Wales police did seek legal advice. So if you could take on notice—

Commissioner FULLER: We certainly did not seek legal advice from the Office of the Director of Public Prosecutions [DPP], but whether we sought internal legal advice is something I can answer easily on notice, if that is okay.

#### **ANSWER:**

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## Question p7

The Hon. ROSE JACKSON: That would be useful, thank you. Just in relation to the AFP referral, obviously Mr Porter was not interviewed and you have referred to why that was. Were any of the complainant's friends or family contacted or interviewed in relation to the material that was given to New South Wales police?

Commissioner FULLER: No.

The Hon. ROSE JACKSON: Did you contact them, even if you did not interview them? Were you in contact with any of the complainant's friends or family?

Commissioner FULLER: My understanding again is that the alleged victim's partner—I apologise, it may be husband or partner, I am not sure—was on the phone. It was a speakerphone conversation and he was part of I think all the conversations that were had.

The Hon. ROSE JACKSON: I am more specifically referring to what action New South Wales police took more recently after the AFP have referred a series of documents. Was anything done at that point?

Commissioner FULLER: I can confirm that there have been no statements taken in terms of what would be an admissible statement in court with a jurat. If there has been phone contact with family members and/or friends or other possible witnesses, could I take that on notice?

The Hon. ROSE JACKSON: Yes, that would be useful.

### **ANSWER:**

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## Question p8

Mr DAVID SHOEBRIDGE: ... Commissioner, public statements made by your organisation suggest that the woman approached the New South Wales police in late February 2020. Would that be right—late February 2020?

Commissioner FULLER: I am not sure what statement you are talking about. Do you have a copy of that for me?

Mr DAVID SHOEBRIDGE: Commissioner, is it true that it was late February 2020?

Commissioner FULLER: I have already taken that on notice, but if you want to show me a document that says something different, I am happy to see that.

Mr DAVID SHOEBRIDGE: Commissioner, I am not going to go through a process of giving you back your own media statements and media releases.

Commissioner FULLER: But you have a habit of getting things wrong, Mr Shoebridge, in fairness. I can take that on notice or you can show me the document.

Mr DAVID SHOEBRIDGE: I am looking forward to your cooperation here, Commissioner. How many police were staffed on Strike Force Wyndarra?

Commissioner FULLER: I will have to take that on notice. Again, if you put it with the other questions, it is one I can probably answer today.

Mr DAVID SHOEBRIDGE: Who was the senior officer in charge of Strike Force Wyndarra?

Commissioner FULLER: Again, if you put that down on a little piece of paper—a question—I will get the answer for that today quite easily.

Mr DAVID SHOEBRIDGE: What contact did Strike Force Wyndarra have and on how many occasions and when with South Australian police?

Commissioner FULLER: That is something I have to take notice. I would assume I could answer that reasonably easily.

### **ANSWER:**

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## Question p9-10

Mr DAVID SHOEBRIDGE: Did you have any role—did your organisation have any role in assessing or reviewing applications or forwarding applications to travel to South Australia?

Commissioner FULLER: I would not imagine we would. I imagine that would be between NSW Health and South Australian Health, I would imagine.

Mr DAVID SHOEBRIDGE: But if you could take on notice if there were any applications made by the New South Wales police to cross the border between March and June of last year?

Commissioner FULLER: Yes. Am I taking that on notice to answer that today as well, or could you just give me a summary of what you want answered today and what you want taken on notice?

Mr DAVID SHOEBRIDGE: I will endeavour to do that, Commissioner.

Commissioner FULLER: So which one was that one?

Mr DAVID SHOEBRIDGE: Of course, my preferred default position would be for you to provide the information today.

Commissioner FULLER: Yes, well, I will stop the organisation turning, trying to answer all your questions.

Mr DAVID SHOEBRIDGE: You did say there were 20,000 people in the organisation, Commissioner.

Commissioner FULLER: They are all now working for you.

Mr DAVID SHOEBRIDGE: Some of them being tasked to provide transparency on this matter—

Commissioner FULLER: They are all now working for you, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: Some of them being tasked to provide transparency on the matter does not seem an unreasonable diversion of your resources, Commissioner. Commissioner, you said that there was contact between the AFP and your organisation in regard to this matter. When did that contact commence?

Commissioner FULLER: I will have to take that on notice.

### **ANSWER:**

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## Question p10

Mr DAVID SHOEBRIDGE: Commissioner, I may have misheard you, but did you say that you understood that the decision by this woman to not proceed was communicated to police through a conversation where her partner was on the phone? Is that your—

Commissioner FULLER: No, my understanding is that it was received via email, but I have to clarify if there was a phone conversation before or after that or around that time confirming that information.

Mr DAVID SHOEBRIDGE: Prior statements by police indicate it was an email, I think, on 23 June 2020. Is it true that the police responded, rather than with a phone call, by email?

Commissioner FULLER: I would have to check that, and I would have to check whether there was an attempt to make a phone call. I will take all that on notice.

Mr DAVID SHOEBRIDGE: Prior statements by New South Wales police indicate the response was by email the following day.

Commissioner FULLER: Can you let me know where that was from, like what you are talking about, so I can at least source check that?

Mr DAVID SHOEBRIDGE: Prior public statements reported in the ABC, amongst other places, indicate that—

Mr DAVID ELLIOTT: You have lost us.

Mr DAVID SHOEBRIDGE: —the police responded by email on 24 June.

Commissioner FULLER: I have moved on now. I will take that on notice.

### **ANSWER:**

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## Question p11

Mr DAVID SHOEBRIDGE: Commissioner, one of the many sources where this police statement was reported is an ABC News article headed:

*NSW Police clarify handling of historical rape allegation denied by Christian Porter*

It was posted on 4 March 2021 at 1.56 a.m. by the political reporter Georgia Hitch, in which it is reported that in the police statement New South Wales police said a detective responded by email the following day. But it may be that there were other responses that you are not aware of. Is that right?

Commissioner FULLER: As I said, I will take that on notice. I cannot remember a time where we put out anything to clarify anything, so I do not know where the word "clarify" comes from. We may have provided additional information because of public interest, but I do not remember at any time putting out information to clarify an error on what we had spoken about.

### **ANSWER:**

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### Question p11

Mr DAVID SHOEBRIDGE: Was any request made by the New South Wales police investigators of the woman for any prior statements that she had made or prior records that she had made of the alleged rape during the course of Strike Force Wyndarra's operations, and if not, why not?

Commissioner FULLER: I will have to take that on notice.

**ANSWER:**

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## Question p11-12

Mr DAVID SHOEBRIDGE: Would it not be usual practice, standard practice, particularly when you are dealing with historical sexual assaults, to seek from the victim and the complainant any prior statements they had made in whatever form they had made? Would that not just be standard practice in a well-resourced, well-considered investigation?

Commissioner FULLER: Absolutely, and in a normal time when there was no COVID and we could travel freely and we had open access to the victim, we would probably take weeks—months, perhaps—to get that statement finished, given the length and breadth of the alleged allegation. So, yes, it would. But it is not something that someone turns up day one to make an historic complaint and they have all the information available. That is not realistic what you are saying.

Mr DAVID SHOEBRIDGE: I was not saying anything, commissioner. But I will quote to you a South Australian police statement, recorded in that same article. It reads:

As previously indicated, it was only following the woman's death that NSW Police came into possession of a personal document purportedly made by the woman sometime prior.

Can you provide any explanation about why that document had not come into the possession or the attention of the New South Wales police before the woman passed away?

Commissioner FULLER: I have no idea what you are talking about.

Mr DAVID SHOEBRIDGE: I can see that, Commissioner.

Commissioner FULLER: I have no idea what the South Australian source is. That does not necessarily mean that that is correct. I think the previous questions I have taken on notice will or will not deny whether or not that happened or not. So we are just circling back around to the other questions I have taken on notice.

### **ANSWER:**

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### Question p13

Mr DAVID SHOEBRIDGE: Commissioner, were there any efforts made to speak to any independent witnesses who were at the same event that the woman and Mr Porter were at?

Commissioner FULLER: Again, I have taken that question on notice previously. I will try to answer that question today; otherwise, I will take it on notice.

#### **ANSWER:**

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### Question p13

Mr DAVID SHOEBRIDGE: ... Was consideration given to South Australian police conducting the interviews during the COVID lockdown?

Commissioner FULLER: I apologise, can you just start the question again?

Mr DAVID SHOEBRIDGE: Was consideration given to South Australia police under delegation or at the request of New South Wales police undertaking the role of taking a statement from the woman during the COVID-19 lockdown?

Commissioner FULLER: I am not being cheeky, Mr Shoebridge, but I do not understand the question. Could you ask it again?

Mr DAVID SHOEBRIDGE: New South Wales police were unable to travel to South Australia because of the COVID-19 lockdown.

Commissioner FULLER: Correct.

Mr DAVID SHOEBRIDGE: You say that the work health and safety matters of the New South Wales police were at the fore of your mind and, therefore, to the best of your knowledge, an application was not made to travel interstate. Is that correct?

Commissioner FULLER: Yes.

Mr DAVID SHOEBRIDGE: In those circumstances, was a request made to South Australia police for them to undertake the task—the highly skilled, sexual assault investigators in South Australia—of taking a statement from the woman?

Commissioner FULLER: I will take it on notice. But could I also say that I would not have been supportive of that if I was the investigator. There is a real link between the investigator and the alleged victim and they go on a journey. It is a very challenging time for the victim. Victims do not want to be passed on to other police because it is convenient. So I will take on notice the question whether that was scoped and was the question asked. But if I was the investigator that would have been the last thing I would have wanted.

#### **ANSWER:**

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## Question p15

The Hon. ANTHONY D'ADAM: Of course. Minister, I want to take you back to December 2020. Do you have a Christmas party on the street where you live?

Mr DAVID ELLIOTT: Probably.

The Hon. ANTHONY D'ADAM: A street party?

Mr DAVID ELLIOTT: Yes.

The Hon. ANTHONY D'ADAM: Yes? Can you recall making a request for a fire truck to be dispatched to that street party?

Mr DAVID ELLIOTT: There may have been a request made, but fire trucks go to a lot of community events, and Christmas parties in my electorate across the streets often enjoy the SES or the RFS or the Volunteer Rescue Association [VRA] or the police attending.

The Hon. ANTHONY D'ADAM: So you have no recollection of making that request?

Mr DAVID ELLIOTT: Normally, whenever there is a neighbourhood Christmas party in Kellyville, if they asked me to request a fire truck, normally I do.

The Hon. ANTHONY D'ADAM: You do? And did you do that in December 2020?

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

### **ANSWER:**

I made a request on behalf of the community. I note that because of operational activity, the truck did not attend the community event. It is not uncommon for Fire and Rescue NSW, Police Force NSW, NSW SES or other emergency services to attend community events.

## Question p20

The Hon. ROSE JACKSON: Why are clearance rates so low for sexual assault crimes? You have acknowledged in your previous answers that they are. They have been low and flat for a long time. We have not seen a lot of improvement on that. Why is that?

Commissioner FULLER: And at the same time adult sexual assault and child sexual assault are the two crimes that are getting worse exponentially, right?

The Hon. ROSE JACKSON: That is right.

Commissioner FULLER: So it does come back to what we can proceed on: the evidence today, the case law, the DPP's position in relation to what they think they can win, the victim and the forensics. Even with sexual assaults that have happened recently that we are prosecuting, they are very difficult to prosecute.

The Hon. ROSE JACKSON: Yes. In relation to the reporting numbers for sexual assault, just to clarify—so, for example, in 2019 there were 8,269 sexual assault offences involving a victim under 16. Those figures include historical sexual offences where the victim is now an adult but the alleged assault occurred when the victim was a child. Is that correct?

Commissioner FULLER: I would have to take it on notice but I am assuming that data is correct.

### **ANSWER:**

I am advised:

In 2019, there were **7,079** sexual assault and indecent assault incidents involving a child victim under 16 reported to police. This total includes **1,896** incidents where the victim reported a historical child sexual assault as an adult.

## Question p22-24

The CHAIR: That's all right. You may need to take these on notice. How many internal reviews is the Firearms Registry currently dealing with?

Assistant Commissioner COOK: I will take that on notice.

The CHAIR: When will all these be finalised? I think that is the same answer—you have told us what has been done to lift the backlog. How many applications for internal review were received in 2017, 2018, 2019 and 2020? You can take that on notice.

Assistant Commissioner COOK: I will have to take that on notice.

The CHAIR: And how many internal reviews were completed within 21 days over the same period—2017, 2018, 2019 and 2020.

Assistant Commissioner COOK: I will have to take that on notice.

The CHAIR: I am surprised you don't have that in your head! What's the matter?

Mr DAVID ELLIOTT: I'm not.

The CHAIR: During the Edwards' inquest the counsel assisting the coroner was utterly dismayed about that ordinary citizens have been given authority as delegates of the commissioner to grant and issue firearms' licences. How many employees in the Firearms Registry have delegated authority to act and make decisions on behalf of the commissioner?

Assistant Commissioner COOK: I will have to take the actual number on notice. But the people who have delegated authority are the adjudicators, who are delegated as adjudicators. It is not the entirety of the civilian staff there but it is a large percentage.

The CHAIR: If you could give us the numbers and perhaps their job description titles.

Commissioner FULLER: Would it be helpful if we provided information around the new decision-making tool that gives some sense of certainty—

The CHAIR: Absolutely. The decision-making tool is one of the things that has come out of this whole process—whatever decision-making tool or training that was there in the past, et cetera. It would be a very good idea if you, commissioner, promulgated that online, if it is not already there, for people to have a look at and say, "These are the things I have got to tick the boxes on if I am going to get it done".

Commissioner FULLER: I will give Mr Cook credit. He is the one who smoothed this out, put the tool in place and put the training in place. We are happy to give you the information.

The CHAIR: If you could make that tool a public document. I do not think there are any surprises in it—this is what the police will look at if you want to apply for your licence.

Commissioner FULLER: But if there was some sense of methodology, then we could still just take a small part out and put the rest on.

The CHAIR: Absolutely.

Commissioner FULLER: But nevertheless, we can have a look at that and I will come back to you.

The CHAIR: There might be parts obviously you do not want to disclose; that is fine.

Commissioner FULLER: I understand.

The CHAIR: But you can put general headings in there, so that if someone has a police record of some sort they might say, "Well, there is no point in me even applying because of X, Y, Z". Who knows?

Mr DAVID ELLIOTT: They still apply, Robert, as you well know.

The CHAIR: I know that.

Mr DAVID ELLIOTT: They go to you and you write to me and then I have to go through their record.

The CHAIR: That is right. A lot of that, of course, has been brought about over the years because of the delays and I do not have the insight that you get in terms of the reports on the background of the people that write to me. But I can tell you there are quite a lot that write to me and when I background check them, in the limited way that I can, I do not write to you about.

Assistant Commissioner COOK: Can I just clarify, the decision-making guidelines are already available publicly on the website. That explains how police make those decisions and the people who actually make those decisions.

The CHAIR: Is that the tool that the commissioner is talking about?

Assistant Commissioner COOK: The decision-making tool is an internal tool that guides the adjudicators through making their decision process. So they are two different documents. But the material you are talking about is publicly available.

Commissioner FULLER: We will provide that to you and the link, so you have an understanding and your office does. Then if that does not explain the information around the minutia of the tool, then we will take that on notice as well.

**ANSWER:**

- a) As at 25 March 2021, the number of current Internal Reviews was: 464.
- b) Number of requests for internal review received:
  - 2017 - 375
  - 2018 - 344
  - 2019 - 416
  - 2020 - 803
- c) Number IRs completed within 21 days
  - 2017 - 14
  - 2018 - 16
  - 2019 - 35
  - 2020 - 48

- d) The ability to complete Internal Reviews is impacted by many factors including, but not limited to, business / employment related applications, NCAT directions and timetables to supply specific information for hearings (Sect. 58 bundles); Ministerial responses, etc.

A recent Supreme Court NSW decision of Justice BASTEN in the matter of SOLOMON, published 17 March 2021 referenced the following regarding internal reviews:

**Para 44:** " . . . the 21-day period reveals a legislative expectation that a review should be completed within such a period. The existence of such a constrained timetable is inconsistent with an intention to permit the adjudicator to collect relevant material, consider which if any of the documents obtained internally should be relied upon in undertaking the internal review, provide that material to the affected party, give that party an opportunity to respond and then prepare a decision based upon the material and the party's response. "

Staff at the Firearms Registry with the delegated authority to act and make decisions on behalf of the Commissioner:

(06) x sworn officers.

(77) x unsworn employees.

- e) The Decision Making 'Guidelines' are available on the NSWPF Firearms Registry website.

## Question p25

The CHAIR: That is a perfectly reasonable approach to take. Turning now to safe storage inspections, certainly from a pistol club's point of view, to the Public Accounts Committee on 27 July 2020 Deputy Commissioner Hudson said:

There would not be a corner of New South Wales that would not have a firearm that would need to be checked—

we know that; it happens regularly—

The frontline police, which obviously have a presence across the State, are best placed to do inspections.

Would it not be better for the New South Wales police to certify pistol storage arrangements, which at the moment in accordance with the Act have to be done by pistol club officials? There seems to be an anomaly in the Act somewhere that says if you are a member of a pistol club, if you shoot pistol competition at the club, when you go through the application process you obviously have to get the right safe storage. But that safe storage has to be certified by the club, rather than the police. The police will come and inspect the safe at some stage anyway. Would it not be better from a security point of view, public safety point of view, if we changed it so that the police actually did the initial inspection rather than asking club members or executives of clubs to certify that the safe has been installed and is in accordance with the Act?

Commissioner FULLER: Could I take it on notice, so I can make some inquiries about it?

The CHAIR: It is a proposition I am putting to you.

### **ANSWER:**

The 2003 National Handgun Agreement established criteria for the ownership and use of handguns which were incorporated into the 2017 National Handgun Agreement. One requirement introduced in 2003 and reflected in the *Firearms Act 1996* since that time was for clubs to certify the safe storage requirements of an applicant for a Category H firearm (handgun). This is legislated in section 31 (3A) of the *Firearms Act 1996*, which provides that:

#### **31 Permits to acquire firearms**

...

(3A) Without limiting subsection (3), the Commissioner must not issue a permit authorising a person who is the holder of a category H (sport/target shooting) licence (including a probationary pistol licence) to acquire a pistol unless the application for the permit is supported by a written statement by the secretary or other relevant office holder of the pistol shooting club in respect of which the person's genuine reason for having the licence has been established—

- a) confirming that the person has adequate storage arrangements (as specified under this Act) in relation to the safe keeping of the pistol, and

b) specifying the shooting activities for which the pistol is required.

In recognition that clubs wish to negate the risk of confirming an applicant's safe storage if they have not physically conducted a site inspection themselves or offer on-site safe storage for members, NSW Police recommend that the club only endorse an application that has a safe storage inspection "event number" included in the application, which indicates whether the safe storage meets the requisite threshold. Information has been provided to clubs and Category H applicants about this process. The launch of Gun Safe has made it easier for clubs to provide this confirmation by enabling clubs to confirm by return email.

### Question p31

Mr DAVID SHOEBRIDGE: Through you, Minister, to Commissioner Barnes. Commissioner, in 2016 the Crime Commission established a strike force into concerns about match fixing and organised crime and the NRL. What has happened to that task force?

Commissioner BARNES: I could not tell you off the top of my head, Mr Shoebridge. I will take that on notice.

Mr DAVID SHOEBRIDGE: For assistance, my understanding is that it was called Strike Force Nuralda.

The Hon. TREVOR KHAN: Where do they get these names from?

Mr DAVID SHOEBRIDGE: That is a separate budget estimates hearing, Trevor. The strike force was looking into allegations of NRL match fixing claims. Is there any ongoing investigation by the Crime Commission into NRL match fixing?

Commissioner BARNES: Not that I am aware of, but I would want to check that before giving a firm answer.

#### **ANSWER:**

The NSW Crime Commission's Raglan Reference to investigate alleged match fixing of National Rugby League games in 2015 and 2016 was discontinued in October 2017. The investigation was conducted jointly with Strike Force Nuralda of the NSW Police Force Organised Crime Squad, Casino and Racing Investigation Unit. There is no ongoing investigation by the NSW Crime Commission into National Rugby League match fixing.



**Question p31**

Mr DAVID SHOEBRIDGE: Alright. Is the Crime Commission undertaking any other ongoing investigations of the gambling industry involving the NRL?

Commissioner BARNES: Not that I am aware of.

Mr DAVID SHOEBRIDGE: What about involving horseracing?

Commissioner BARNES: Again, not that I am aware of, but I will check that.

**ANSWER:**

I am advised:

There is no ongoing investigation by the NSW Crime Commission into gambling and the National Rugby League, nor gambling involving horseracing.

### Question p31

Mr DAVID SHOEBRIDGE: What about involving the current Star casino? Are there any Crime Commission investigations looking into any conduct relating to the current Star casino?

Commissioner BARNES: I know that some of our current references target individuals who, from time to time, frequent The Star casino and engage in activities there that could lead to prosecutions. So they are not targeting The Star casino as such but rather individuals who might go there from time to time.

Mr DAVID SHOEBRIDGE: Would that largely be, in that context, laundering money through the casino and using that as a way of laundering money?

Commissioner BARNES: There is drug trafficking and money laundering occurring between people who frequently attend casinos.

Mr DAVID SHOEBRIDGE: Alright. Does that include drug trafficking and laundering at the casino?

Commissioner BARNES: Possibly money laundering, not drug trafficking.

Mr DAVID SHOEBRIDGE: One of the persons of interest in the Strike Force Nuralda was Eddie Hayson. Do you know if he is still the subject of any investigation by the State Crime Commission?

Commissioner BARNES: I could not say, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: Alright. Would you mind taking that on notice?

Commissioner BARNES: Certainly.

#### **ANSWER:**

I am advised:

The NSW Crime Commission does not have any current investigations into any conduct relating to the Star casino. Such investigations are the responsibility of the NSW Police Force Organised Crime Squad, Casino and Racing Investigation Unit.

It would be inappropriate for the NSW Crime Commission to confirm whether a particular individual is being investigated or not.

### Question p33

Mr DAVID SHOEBRIDGE: How many hours a week were your Police Bank duties—your board membership—taking?

Commissioner FULLER: I would have to take that on notice.

#### **ANSWER:**

As per the Police Bank Annual Report for 2019-20, the position carried a commitment for 16 meetings in that financial year. Hours would be variable according to the meeting agendas and any relevant preparation.

### Question p34

Mr DAVID SHOEBRIDGE: What was the pay you were receiving on the Police Bank?

Commissioner FULLER: I would have to take that on notice.

#### **ANSWER:**

Police Bank publicly disclose total remuneration and share details for Directors as part of annual reporting processes.

At the November 2019 Annual General Meeting for Police Bank, Mr Fuller's nomination and election was prior to an agenda item that sought approval by the members to approve a remuneration pool for all Directors' fees for \$736,000 for the period 1 December 2019 to 30 November 2020.

While Police Bank disclose a remuneration pool, the entity does not disclose individual remuneration packages. It would be appropriate that any disclosure of individual remuneration would require consultation with Police Bank, if requested.

#### **Question p34**

Mr DAVID SHOEBRIDGE: **When did you first start being paid by the Police Bank?**

Commissioner FULLER: I will take that on notice.

Mr DAVID SHOEBRIDGE: Can you provide how much you have received in total from the Police Bank over the course of your engagement with it?

Commissioner FULLER: I will take that on notice.

#### **ANSWER:**

Commissioner Fuller served as a Director at Police Bank from 29 August 2019 to 12 February 2021. This information is public on the Police Bank website. Documents and open source information relating to Mr Fuller's appointment are public on the Police Bank website, and note his election at the 2019 annual general meeting.

Mr Fuller notified the Minister for Police of the position.

As per the previous question, total remuneration details as an individual figure are unable to be provided and would need consultation with Police Bank before disclosure.

### Question p35

The CHAIR: ... Are licence holders who own 20 or more firearms—maybe this is through the Minister to you or maybe to Mr Cook—being singled out and targeted for inspections by police?

Commissioner FULLER: I will start off. We are certainly not targeting anyone in a sense, Mr Borsak, but with nearly 250,000 licence owners you need a process to assess risk. It does not mean the individual is more of a risk but, certainly, if a house got broken into and they have 50 firearms then you lose 50 firearms. It is a risk-based approach, but it is not about profiling gun owners with more than 20 from a character perspective any less than someone with less than 20. It is just a risk-based approach to auditing 240,000 individual owners of firearms. Do you want to hear more succinctly from Mr Cook or are you happy with the answer?

The CHAIR: Only if he has something to add to that. No, nothing to add? Okay, thanks. **Do you have any data showing that the risk of theft of firearms is related to the number of firearms owned?**

Commissioner FULLER: I suspect that is not the case, but can I take that on notice?

The CHAIR: Yes, please and, if you do, could you provide it?

Commissioner FULLER: Yes.

The CHAIR: **Is there a policy in the police force, or in the registry through to the police, to push licence holders to reduce the number of firearms they own?**

Commissioner FULLER: No, but let me take it on notice. It would clearly come down to the licences they hold and their ability to secure them lawfully. I am not aware of any policy. There is certainly not a policy push from my office and Mr Cook is saying no—I appreciate he is not at the bench. I will take that on notice as well.

#### **ANSWER:**

The NSW Police Force does not capture the data requested.

No, there is no policy administered by the NSW Police Force in relation to the numbers of firearms owned by licence holders. The purpose and functions of the Firearms Registry is to ensure the lawful compliance of licence holders with respect to any firearms they own.

### Question p38-40 (part a)

The Hon. MARK BUTTIGIEG: Thank you, Chair. For abundant clarity, let me be very specific about what that latest iteration of that line of questioning was.

Commissioner FITZSIMMONS: The section 52 order—

The Hon. MARK BUTTIGIEG: There is a Standing Order 52 call for papers from the House specifically referring to information pertaining to that bushfire report and Noetic was specifically referred to in the request. The papers were returned without the report, but you are telling me the report exists.

Commissioner FITZSIMMONS: I will take that on notice and clarify, but I am sure you will give me a bit of latitude because I think across government we have been the subject of about 180 section 52 orders of notice to produce. So there are a lot of different orders that we run concurrently.

The Hon. MARK BUTTIGIEG: Sure. We work very hard up here, Commissioner, to try and keep you accountable.

Commissioner FITZSIMMONS: I will be happy to take that on notice and give you the details.

The Hon. MARK BUTTIGIEG: Yes, thank you. The report was produced—can I ask you, Minister, did that report inform what you have just given as evidence to the Committee, that is, you are backing all the recommendations? Is that the report you used to inform you backing in those recommendations?

Mr DAVID ELLIOTT: I will take that on notice.

The Hon. MARK BUTTIGIEG: We have a situation here where we have got the Keelty review handed down in July 2018. We then fast-forward. We pay for a report into the report. The report exists but we actually have not seen the report yet. So when are these recommendations going to be implemented?

Mr DAVID ELLIOTT: I think I just answered that, but Commissioner Fitzsimmons—

Commissioner FITZSIMMONS: If I might just add, and the other commissioners can add, the engagement of Noetic was not to deal with the Keelty review. The engagement of Noetic was to assist with call taking and dispatch based on costings and analysis, which was just an element of the broader Keelty review. The Keelty review resulted in 12 recommendations, which the Government has reviewed and endorsed. The Emergency Services Board of Commissioners has been tasked with implementing the 12 recommendations, which included, amongst a whole range of things, matters pertaining to fire district boundaries for the purposes of dispatch, rollouts of automatic vehicle location services and technology platforms, the consolidation and integration of comms centres, and revising public information and warnings. There was a broad remit there and the support engaged with Noetic was really centring around the call taking and dispatch arrangements.

The Hon. MARK BUTTIGIEG: So the subset of the recommendations, thank you, Commissioner. You will undertake to provide the report, will you?

Commissioner FITZSIMMONS: No, I am happy to take it on notice. The status of the report is still a confidential working document with the board.

Mr DAVID ELLIOTT: That is right. The commissioners are working to develop and implement the plan. But I can confirm that we recently announced \$8.3 million for the integrated dispatch system, which will fast-track the relevant part that I just mentioned that the report handed down.

The Hon. MARK BUTTIGIEG: I have just one final question.

Mr DAVID ELLIOTT: You can have another 10 if you want.

The Hon. MARK BUTTIGIEG: No, I do not want to use up my colleagues' time. The Noetic report, which has been the subject of a request from the upper House to be provided—

Mr DAVID ELLIOTT: SO 52, yes.

The Hon. MARK BUTTIGIEG: You are saying that you will not provide it?

Mr DAVID ELLIOTT: No, we are taking that on notice because I do not know the reasons—I do not even know if it has been withdrawn. I am just taking your say-so. So let us find out if it has been withheld and there may be a reason why it was not put forward with that SO 52. There are a lot of reasons that information is not returned with an SO 52. I will not bore the Committee with all of them. But let us take it on notice and let us find out. And if there is no reason for you not to see it, well, you can have a look at it. But I do not think you will see any State secrets that should be of concern to you. As I said, the Government has already released \$8.3 million to extend the integrated dispatch system, which is what the Keelty report was primarily about.

**ANSWER:**

I am advised:

The Standing Order 52 Order for Papers was processed by Resilience NSW in accordance with the standard guidelines issued by the Department of Premier and Cabinet. All documents that were lawfully required to be produced were provided in accordance with the majority decision in *Egan v Chadwick & Ors* [1999] NSWCA.

**Question p38-40 (part b)**

The Hon. ROSE JACKSON: Minister, in 2018 you promised an additional 1,500 police officers in four years. Do you recall that announcement?

Mr DAVID ELLIOTT: No. In 2018 the former Minister Troy Grant promised an extra 1,500 police officers.

The Hon. ROSE JACKSON: But you are aware of the commitment that the Government gave in 2018?

Mr DAVID ELLIOTT: Absolutely.

The Hon. ROSE JACKSON: In 2018-19 there were 323. In 2019-20 there were 237. So two years into that four-year commitment, you have delivered 560.

Mr DAVID ELLIOTT: Sorry, are you counting the most recent passing-out parade or at a station parade?

The Hon. ROSE JACKSON: No, I am counting 2018-19 and 2019-20, which obviously ends last year. I am just indicating that you are going to need to deliver an additional 940 over the second half of that four-year commitment. How far off track are you? You are delivering 1,500 additional officers in four years from 2018.

Mr DAVID ELLIOTT: The commissioner can go into further detail but, let me tell you, I feel like I spend my life in Goulburn at passing-out parades swearing in police officers. But the commissioner might want to address the specific figure.

Commissioner FULLER: Just working backwards, so 250 come on 1 July this year and 550 new positions come on 1 July 2022, and that reconciles the 1,500. I am happy to take on notice the breakdown of the previous years, but 250 this year for 1 July and 550 for 1 July next year, and that reconciles the 1,500. I will say that the 550 next year will be an enormous task, but we have lots of people who want to join.

The Hon. ROSE JACKSON: That was going to be my follow-up question because it was 320-ish in 2018-19 and 230-ish in 2019-20. It is 250 this year. To jump that up to 550 seems quite unrealistic, would you not agree, Minister?

Commissioner FULLER: Last year was 250 as well, and I will take the first year on notice. But I guess it is 750—550 less the first year. But, yes, the 550 to recruit will be a challenge. But nevertheless, even through COVID we still recruited and turned out 1,000 new police, ma'am. So lots of good people want to join. But it is our challenge next year to make sure we recruit the 550, plus obviously making up for those that retire and/or resign.

**ANSWER:**

Currently, NSWPF is on track to deliver the 1,500 additional police officers as per the government commitment in November 2018.

While announced in 2018, it should be noted that the commitment commenced in the 2019-2020 financial year.



The NSW Government's \$583 million commitment in funding is represented in the allocation of an additional 1,500 Authorised Police positions to NSWPF for it to recruit to, which has been scheduled as follows:

- **First Year Allocation (FY19/20)** involves allocation of an additional +450 Authorised Police Positions, which will increase **Authorised Police Positions from 16,845 to 17,295.**
- **Second Year Allocation (FY20/21)** involves allocation of an additional +250 Authorised Police Positions, which will increase **Authorised Police Positions from 17,295 to 17,545.**
- **Third Year Allocation (FY21/22)** involves allocation of an additional +250 Authorised Police Positions, which will increase **Authorised Police Positions from 17,545 to 17,795.**
- **Fourth Year Allocation (FY22/23)** involves allocation of an additional +550 Authorised Police Positions, which will increase **Authorised Police Positions from 17,795 to 18,345**
- Over the four financial years, this will increase NSWPF Authorised Police Positions from **16,845 to 18,345 (+1500)**. NSWPF will recruit up to the new Authorised Police positions.

## Question p41

The Hon. ANTHONY D'ADAM: Minister, there was no mention of the Oran Park fire station in the most recent State budget. Is the Government still committed to building a fire station at Oran Park?

Mr DAVID ELLIOTT: Yes.

The Hon. ANTHONY D'ADAM: So when will construction commence?

Mr DAVID ELLIOTT: I know there are people in the union and your party that have made up a bit of misinformation about that but the commitment was to purchase the land. That has been done, and now the commitment is to construct Oran Park. But if you are concerned about the response times in that growing community—

The Hon. ANTHONY D'ADAM: No, I am after an answer about when construction is going to commence.

Mr DAVID ELLIOTT: In due course.

The Hon. ANTHONY D'ADAM: In due course.

Mr DAVID ELLIOTT: There will be an announcement in due course.

The Hon. ANTHONY D'ADAM: In due course. How long is due course. Is that one year? Two years?

Mr DAVID ELLIOTT: I am certainly not going to pre-empt anything.

The Hon. ANTHONY D'ADAM: Not in the forward estimates? You are not prepared to give any undertaking around Oran Park?

Mr DAVID ELLIOTT: I have just told you that we are going to build a fire station there.

The Hon. ANTHONY D'ADAM: In due course.

Mr DAVID ELLIOTT: We would not have bought a block of land there unless we were going to build something.

**ANSWER:**

Refer to my answer to supplementary question 51.

### Question p41

The Hon. ANTHONY D'ADAM: You put up a sign though, didn't you, Minister?

Mr DAVID ELLIOTT: Yes, there was a sign put up but—yes, there was a sign put up.

The Hon. ANTHONY D'ADAM: Is that a decision your office would have anything to do with—the decision to put a sign up on the site?

Mr DAVID ELLIOTT: Sorry, can you ask the question about the sign again?

The Hon. ANTHONY D'ADAM: I said was that a decision that your office would have been involved in—to put up a sign at the site?

Mr DAVID ELLIOTT: The sign? I am glad you asked that because I have got advice from the property developers that the sign was actually tampered with and had a little bit of misinformation on it that was not Government policy.

The Hon. ROSE JACKSON: That was in no way the question that was asked.

Mr DAVID ELLIOTT: Yes, it was.

The Hon. ROSE JACKSON: Did your office instruct—

Mr DAVID ELLIOTT: You're running shotgun for him now, are you?

The Hon. ROSE JACKSON: We're a team.

Mr DAVID ELLIOTT: Come on, you ask the questions, Anthony.

The Hon. ROSE JACKSON: We're a team over here.

The CHAIR: Order!

The Hon. ROSE JACKSON: Did your office instruct for the sign to be put up?

Mr DAVID ELLIOTT: Do you need her help or are you going to ask the questions?

The Hon. ANTHONY D'ADAM: No, come on, just answer the question.

Mr DAVID ELLIOTT: I have just told you I have been advised that the sign may well have been tampered with, and does not have information—

The Hon. ANTHONY D'ADAM: And the question was: Did your office have any role in having the sign put up?

Mr DAVID ELLIOTT: How could I when it was before I was the Minister?

The Hon. ANTHONY D'ADAM: Okay. The sign has been altered. Did your office have any involvement in the instructions to alter the sign?

Mr DAVID ELLIOTT: I will have to take that on notice. I suspect there are a lot of locals that were a bit confused that somebody had altered the sign.

#### **ANSWER:**

I am advised that the sign is not a NSW Government sign.

## Question p42

The Hon. ANTHONY D'ADAM: Can I ask about Huskisson Police Station? Where is that up to, Minister?

Mr DAVID ELLIOTT: If you would just give me a moment. I will take that on notice, unless the Commissioner—

Commissioner FULLER: No. Sorry.

The Hon. ANTHONY D'ADAM: Minister, you would be aware that the local member in The Entrance has corresponded with you about the state of The Entrance Police Station. When is that upgrade likely to be completed?

Mr DAVID ELLIOTT: I will take that on notice. You are quite right, it is on the radar, but you have got to understand that we have already committed to record funding for infrastructure.

### **ANSWER:**

I am advised:

- a) There are no current plans to undertake capital works at Huskisson Police Station. NSWPF delivered the new Bay & Basin Police Station in 2019. Huskisson Police Station is a current operational station.
- b) The Entrance Police Station is included in the NSWPF Capital Investment Plan as a future consideration under Phase 2 of the Multipurpose Police Station Program.
- c) The redevelopment of the Helensburgh Police Station project is currently subject to ongoing processes relating to Aboriginal Land Claims.

### Question p43

Mr DAVID ELLIOTT: Which promise did I make about The Entrance Police Station?

The Hon. ANTHONY D'ADAM: Have you not promised to do an upgrade there?

Mr DAVID ELLIOTT: Yes.

The Hon. ROSE JACKSON: Why haven't you done it?

The Hon. ANTHONY D'ADAM: Why haven't you done it?

Mr DAVID ELLIOTT: Because, as I said, I cannot burden the taxpayers of New South Wales with everybody having a police station upgraded overnight.

The Hon. ANTHONY D'ADAM: I will just clarify you are going to take on notice the date that the upgrade is going to be undertaken. Is that right? You will come back to us with some information about that?

Mr DAVID ELLIOTT: Yes.

The Hon. ANTHONY D'ADAM: What about Helensburgh Police Station. When will that project be completed?

Mr DAVID ELLIOTT: We have got \$549 million being invested in infrastructure in the police at the moment. So everybody will be taken into consideration, priorities will be established and the work will be done.

The Hon. ANTHONY D'ADAM: So Helensburgh Police Station—a date. Are you going to come back to us with that in due course?

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

The Hon. ANTHONY D'ADAM: Thank you. What about Singleton Police Station? When is that upgrade going to be done?

Mr DAVID ELLIOTT: I will take that on notice as well.

#### **ANSWER:**

Please refer to the previous question for answers relating to The Entrance and Helensburgh Police Stations.

Singleton Police Station is in the NSWPF Capital Investment Plan as a future consideration under the Major Upgrade Police Station Program.

### Question p43

The Hon. ANTHONY D'ADAM: What about Cessnock Police Station? What is the current status of that?

Mr DAVID ELLIOTT: I am looking forward to going up there very soon to open it.

The Hon. ANTHONY D'ADAM: And what is the total cost for that station?

Mr DAVID ELLIOTT: Cessnock? I will take that on notice but it was a significant build and a significant spend, as you would appreciate.

#### **ANSWER:**

I am advised:

The redevelopment of Cessnock Police Station was delivered under the Multipurpose Police Station Program. The estimated total costs for the project is \$16.93 million. Practical completion was achieved in February 2021, and external landscaping works are currently in progress. The police station is operational.

### Question p43

The Hon. ANTHONY D'ADAM: And Woy Woy Police Station? Is there a proposal to upgrade Woy Woy Police Station?

Mr DAVID ELLIOTT: I will take Woy Woy on notice.

The Hon. ANTHONY D'ADAM: Has there been any work done to assess the upgrade?

Mr DAVID ELLIOTT: I will take it on notice.

The Hon. ANTHONY D'ADAM: What about Blacktown Police Station? Has there been any work done to assess the need for an upgrade to Blacktown Police Station?

Mr DAVID ELLIOTT: That area has just had—I will take that on notice.

#### **ANSWER:**

I am advised:

Redevelopment of Woy Woy Police Station is included in the NSWPF Capital Investment Plan as a future consideration under the Multipurpose Police Station Program Phase 2.

There are no plans to undertake major capital works at Blacktown Police Station. A minor capital works project to upgrade the female amenities is currently in planning and the project is scheduled for completion in September 2021.

## Question p44

The CHAIR: I will go through and dig out some of the stuff we have got. I will not go down that line any further, then. You will get something from us. Regarding the Lithgow Small Arms Factory Museum and other small regional firearms museums, what is their current licensing status at this time?

Assistant Commissioner COOK: I will have to take that on notice.

The CHAIR: Do you still want—or does the commissioner, through his delegates, still want—to see all of those historical items in those museums permanently deactivated to maintain their licences in the long run?

Assistant Commissioner COOK: In terms of safety, I am sure the legislation requires them to be deactivated.

The CHAIR: There is a difference between temporary deactivation and permanent deactivation. Temporary deactivation used to be the situation that was a couple of years ago, changed to a requirement that they be permanently deactivated. Here you are talking about some of the most historical firearms that have ever been manufactured or used in Australia going right back to the Boer War. What I am trying to discover off you is—and I know you have taken it on notice—what is the current licensing status that is keeping those museums intact and their firearms not being destroyed?

Assistant Commissioner COOK: I undertake to take that on notice and make further inquiries for you.

The CHAIR: Regarding national police checks, what guarantees can you give that the same risks of a phishing attack and other cybersecurity breaches that occurred to Service NSW employees will not occur with NSW Police Force employees sending sensitive documents by email relating to national identity checks?

Mr DAVID ELLIOTT: I will take that on notice, Chair. They are separate systems. The police go to the nth degree to protect the integrity of their data.

The CHAIR: If I can get some detail on that please.

### **ANSWER:**

I am advised:

There are currently 66 Firearm Museum Permit holders, with 22 permit applications pending. Of the pending applications, seven require an initial review to be conducted and 15 have been reviewed and pending further information from applicants.

The Lithgow Small Arms Factory Museum firearms museum permit renewal application was received at the Firearms Registry on 21 September 2020. The permit expired on 22 October 2020 and there is continuing authority under the permit. The hands-on display (general permit) renewal application was received on 23 April 2019, which had expired on 20 April 2019. There is no continuing authority for this permit.



As a separate application, the public museum permit renewal application was received on 21 September 2020 and expired on 19 October 2020, with continuing authority.

The *Firearms Amendment (Museum Firearms Permits) Regulation 2019* was introduced on 30 August 2019 to protect the value of firearms held by museums by providing an exemption for museums from permanently deactivating certain firearms. This exemption has been secured by 13 Museums, thus ensuring that valuable firearms are preserved. A further eight (8) applications for exemption are currently pending awaiting the supply of requested information, and three (3) Museums applied but the exemption was not required.

*(5A) Subclause (4)(a) does not require pistols or prohibited firearms that are part of, or become part of, the collection of a public museum to be rendered permanently inoperable if—*

- (a) the public museum holds a museum permit for the collection, and*
- (b) the Commissioner has, by notice in writing, granted the permit holder an exemption under this paragraph (a **museum exemption**).*

*(5B) The Commissioner may grant a museum exemption if satisfied that it is reasonable in the circumstances.*

*(5C) The museum exemption may be granted unconditionally or subject to conditions and may be amended or revoked at any time.*

*(5D) The Commissioner may revoke the museum exemption if satisfied the exemption is no longer reasonable in the circumstances.*

*(5E) Subclause (4)(b) applies to any pistol or any prohibited firearm that is part of the collection of the public museum at any time during which a museum exemption is in force in respect of the museum.*

## Question p44-45

Mr DAVID SHOEBRIDGE: Sorry, Deputy Commissioner Mal Lanyon gave some evidence to another parliamentary committee earlier this year about the project to replace the New South Wales Computerised Operational Policing System [COPS]. In the course of that he said that the budget to replace the COPS system with the integrated policing operating system [IPOS], was a billion dollars. **Can you provide any detail about what the actual budget is?**

Commissioner FULLER: I will have to take that on notice. It is a complex arrangement about costs savings from turning off the current system. There are also some contractual licensing issues where if the system itself is on sold, then the licence is reduced. It is much more complex than just throwing out a number Mr Shoebridge, but I will take it on notice to give you a better answer.

Mr DAVID SHOEBRIDGE: Part of the cost is New South Wales police agreed to pay IBM another \$50 million to keep the current COPS system running to the end of 2024, is that not right?

Commissioner FULLER: I do not know if that figure is correct, but we do have to keep our current operating system working and functional until the new system comes online.

Mr DAVID SHOEBRIDGE: Has the tender for the new IPOS been completed?

Commissioner FULLER: Yes, it has.

Mr DAVID SHOEBRIDGE: **Who is the successful tenderer?**

Commissioner FULLER: Could I just take it on notice to make sure it is not commercial in confidence at this stage? I am happy to provide it to you in writing but I just do not know if any of the other contractors have been made aware that they are not successful. But I can certainly give that to you in writing.

Mr DAVID SHOEBRIDGE: The tender must have had a contractual value associated and attached to it.

Commissioner FULLER: The tender is done in segments, Mr Shoebridge, because we are building this not like a big white elephant like COPS. It is being built in a bespoke way using the cloud. It is cutting-edge type technology. It is much, again, more complex than saying "I am buying a car"; it is not like that.

Mr DAVID SHOEBRIDGE: When you have a tender and you enter into a contract, there is normally a price.

Commissioner FULLER: But the contract is in phases. Just assume for one minute it is going to cost a billion dollars—assume you are correct.

Mr DAVID SHOEBRIDGE: Assuming Deputy Commissioner Lanyon is correct.

Commissioner FULLER: The contract in the first phase is not going to be a billion dollars because what we need initially is a call dispatch and that could cost \$150 million. That will be the first contract signed. No contract has been signed for a billion dollars.

Mr DAVID SHOEBRIDGE: Then **could you provide on notice what the value of the contract is that has been signed and what the anticipated costs of the project will be?**

Commissioner FULLER: I can do that.

**ANSWER:**

- a) The total estimated capital and operating cost to transition off the old systems (including COPS system) and implement the Integrated Police Operating System (IPOS) over 18 years (FY2021-FY2038) is \$1.235bn.

In the first six (6) years (FY2021 to FY2027) the cost estimates show a net additional funding requirement of \$308 million during the implementation of IPOS.

The NSWPF has obtained approval to bring forward funding with a repayment to NSW Treasury in the following nine (9) years (FY2028 to FY2036).

In effect, the IPOS program will be self-funded from the NSWPF capital and recurrent allocation over a 16-year timeframe (FY2021 – FY2036).

- b) The successful tenderer is Mark43, a company that specialises in law enforcement operational software.
- c) A contract between Mark43 and the NSW Police Force for the delivery of Phase 1 was entered into on 1 March 2021.

The Phase 1 engagement of Mark43 is AUD \$161,604,213.11 (excl. GST) for a term of eight (8) years.

An initial payment was made to Mark43 for a total of \$6,416,923.82 AUD (exc. GST) at contract execution.

The Phase 1 engagement costs includes implementation, software licensing, and ongoing managed service fees. Payment is based on successful implementation, and delivery of product and services.

The second part of the question about the anticipated cost of the project has been answered previously.

### Question p46-47

Mr DAVID SHOEBRIDGE: Did Mr Morgan give you any details about the exchanges between Mr Lanyon and the paramedics and police at that event?

Commissioner FULLER: No, but I asked both parties was there any criminal behaviour, was there any behaviour not becoming of a senior police officer that I need to take action on, and the answer was no. In saying that, we still had communication with our oversight in relation to it and I received correspondence back from them in relation to it.

Mr DAVID SHOEBRIDGE: What were the details of that correspondence?

Commissioner FULLER: From my perspective, there was nothing identified under part 8A. I am unsure of the detail. They looked into this matter but they were not considering opening a matter based on the information they had, so the matter was closed.

Mr DAVID SHOEBRIDGE: Can you provide or table the correspondence you had detailing the investigation into the event?

Commissioner FULLER: The Law Enforcement Conduct Commission [LECC] letter, is that what you are asking for?

Mr DAVID SHOEBRIDGE: Yes, if that is where it was.

Commissioner FULLER: There is a letter from LECC. I am happy to provide that.

Mr DAVID SHOEBRIDGE: Was a police report made by any of the police who attended?

Commissioner FULLER: I am unsure. I will have to take that on notice.

Mr DAVID SHOEBRIDGE: Was a report made by any of the paramedics who attended?

Commissioner FULLER: I have to take that on notice. I have no idea.

**ANSWER:**

There was no COPS event recorded for this matter.

A copy of the LECC letter relating is attached at **Tab B**.

### Question p48

Mr DAVID SHOEBRIDGE: When did you last have shares in racehorses, or ownership?

Commissioner FULLER: Probably last year.

Mr DAVID SHOEBRIDGE: How many horses have you owned, do you think?

Commissioner FULLER: I think I have owned 2 per cent of a trotter and 2 per cent of two racehorses, I think.

The Hon. TREVOR KHAN: Two per cent too much.

Commissioner FULLER: I agree.

Mr DAVID SHOEBRIDGE: Can you remember the names of the three?

Commissioner FULLER: No, but on notice I will find those for you.

Mr DAVID SHOEBRIDGE: Have you held those interests in racehorses in syndicates that involve other police?

Commissioner FULLER: Yes.

Mr DAVID SHOEBRIDGE: Can you advise which other police it was?

Commissioner FULLER: I will take that on notice. Some of them were two, three, four or five years ago.

Mr DAVID SHOEBRIDGE: At any time did you hold in common with a former police officer called Mr Damion Flower?

Commissioner FULLER: No.

Mr DAVID SHOEBRIDGE: But you will provide the details on notice, will you?

Commissioner FULLER: I do not own any of Snitzel unfortunately, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: Will you provide the details on notice of the officers you have held the racehorses with and the time at which you have held them?

Commissioner FULLER: Are you making an allegation that I have an interest with him?

Mr DAVID SHOEBRIDGE: I am asking you whether or not that is true. I am not making that allegation, no.

Commissioner FULLER: Is that something you read in the paper or do you have a sourced document to help me?

Mr DAVID SHOEBRIDGE: You are denying it, Commissioner, are you not?

Commissioner FULLER: Yes, absolutely.

Mr DAVID SHOEBRIDGE: I will leave it there and I will wait for your answers on notice about who you own it with.

#### **ANSWER:**

Ownership details relating to registered race horses is disclosed on the Racing NSW website.

### Question p51

Mr DAVID SHOEBRIDGE: Commissioner Barnes, has the Crime Commission done any analysis of what, if any, impact there is likely to be in terms of organised crime activities with the opening of the second casino?

Commissioner BARNES: Not that I am aware of, no.

Mr DAVID SHOEBRIDGE: Was the Crime Commission advised in any way of a police task force being established to target problems of alcohol and drug use at The Star casino?

Commissioner BARNES: I have heard something about that but I would want to check the details before I gave an answer.

Mr DAVID SHOEBRIDGE: Alright. Could you give details about whether or not the Crime Commission understands that task force is still operating and if it ceased to operate then the circumstances in which it ceased to operate, Mr Barnes? Commissioner Fuller, if you are in a position to provide answers to that on notice then that would be useful as well.

**ANSWER:**

I am advised:

The NSW Police Force Organised Crime Squad, Casino and Racing Investigation Unit's standing Task Force Antree does investigate short term jobs involving criminal activity at The Star, such as money laundering, cash drops or casino staff related allegations.

## Question p50-51

Mr DAVID SHOEBRIDGE: Alright. Will you advise how many police have been promoted to an inspector level, a deputy commissioner level and an assistant commissioner level under the new promotions system? You will probably have to take that on notice.

Commissioner FULLER: Yes. Do you want all ranks, just to be sure?

Mr DAVID SHOEBRIDGE: I was really looking for inspector up, so it might also include superintendent.

Commissioner FULLER: Inspector, super, assistant commissioner [AC]—yes. Just to be clear, the ACs and the deputies do run under an independent system to the new promotions system. They are different positions.

(part b)

Mr DAVID SHOEBRIDGE: Was there a task force established to target concerns about alcohol and drug use at The Star casino by the New South Wales police in the past two years?

Commissioner FULLER: As in police behaviour or the public's behaviour?

Mr DAVID SHOEBRIDGE: No, general behaviour concerning alcohol and drug use at the casino.

Commissioner FULLER: I will take it on notice.

### **ANSWER:**

a) *The following table (as at 17 March 2021) shows the number of Police Officers promoted under the new promotions process, broken down by the rank that they were promoted to.*

<b>Promotions under the new Promotions System</b>	<b>Police Officer Headcount</b>
Superintendents	6
Inspectors	16
Sergeants	9

*As mentioned in the Budget Estimates Hearing, the promotions system for the Assistant Commissioner and Deputy Commissioner rank is not the same as the promotion system for Superintendent, Inspector and Sergeant ranks.*

*Since 16 October 2020, there were four (4) new Assistant Commissioners promoted.*

b) The NSWPF's Casino and Racing Investigation Unit (CRIU) have not established a stand-alone task force in the last two years to target alcohol and drug concerns at the Star Casino. CRIU have active generic investigations referred to as Strike Force 'Antree' and Strike Force 'Tulsk'.

These Strike Forces include reviews of suspicious financial activity within the Casino, and the criminal activity of employees, including significant intelligence for probity and assessment for exclusion for premium players and casino junket participants.

The regulation of public order and licensing issues at the Star and Crown Casinos is managed by the Sydney City Police Area Command, who indicate no specific Task Force was established to manage enforcement of licensing requirements within the Casino precinct and the surrounding area.



## Question p51

Mr DAVID SHOEBRIDGE: Commissioner Barnes, has the Crime Commission done any analysis of what, if any, impact there is likely to be in terms of organised crime activities with the opening of the second casino?

Commissioner BARNES: Not that I am aware of, no.

Mr DAVID SHOEBRIDGE: Was the Crime Commission advised in any way of a police task force being established to target problems of alcohol and drug use at The Star casino?

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Mr DAVID SHOEBRIDGE: Alright. Could you give details about whether or not the Crime Commission understands that task force is still operating and if it ceased to operate then the circumstances in which it ceased to operate, Mr Barnes? Commissioner Fuller, if you are in a position to provide answers to that on notice then that would be useful as well.

Commissioner FULLER: Sorry, I was just talking to the Minister. Could you just repeat that one? The question was not directed at me.

Mr DAVID SHOEBRIDGE: No, I accept that. Whether or not the task force targeting problems with alcohol and drug use at the casino is still operating, and if it is not operating, the circumstances in which it ceased operating and the reasons why.

Commissioner FULLER: Okay.

### **ANSWER:**

The NSW Police Force was involved in the Bergin Inquiry into the Barangaroo restricted gaming facility granted to Crown Sydney Gaming Pty Limited pursuant to Section 143 of the *Casino Control Act 1992* (NSW). The analysis for information provided as a protected disclosure contained analysis derived from the Australian Criminal Intelligence Commission and the State Intelligence Command of the NSWPF.

This question refers to the alcohol and drug taskforce referred to in question 36b. As previously stated no such stand-alone Task Force has been established in last two years to target alcohol and drug concerns at the Star Casino.

### Question p52

The Hon. ANTHONY D'ADAM: I understand that there were 169 private security officers who were removed from hotel security for various infractions. That was as of 30 October 2020. Do you have the numbers of private security guards who have now been removed, in total?

Commissioner FULLER: I would not have. I can get that for you on notice.

**ANSWER:**

NSWPF was advised by Public Works Advisory on 25 March 2021 that 238 security operatives have been stood down from the Hotel Quarantine Program.

### Question p53-54

The Hon. ANTHONY D'ADAM: I have been provided with WhatsApp posts from a security firm called Number 1 Services, asking for guards for hotels in the CBD for 12-hour night and day shifts. Is Number 1 Services one of the firms that has been contracted?

Mr SMITH: No, it is not.

The Hon. ANTHONY D'ADAM: Has there been any investigation about this Number 1 Services seeking to procure security guards for hotel security, but it not actually one of the contractors?

Mr SMITH: I will have to take that one on notice. I am not sure whether we have in our possession those WhatsApp messages you have got.

Commissioner FULLER: If you are happy to divulge your informant and if you provide that for us, we will investigate it.

#### **ANSWER:**

NSWPF has not seen the Whatsapp messages referred to by The Hon. Anthony D'Adam and has neither received nor obtained any other information to suggest the company has been engaged in procuring security guards for hotel security.

### Question p54

The Hon. ANTHONY D'ADAM: Mr Smith, have you investigated Allsite Protection Services? Has there been an investigation involving Allsite Protection Services?

Mr SMITH: I will take that question on notice, if I may.

#### **ANSWER:**

NSWPF has not investigated Allsite Protection Services Pty Ltd.

SLED did conduct investigations involving the company; specifically whether it had been engaged as a subcontractor by either of two Master licensees contracted to provide security services to the Hotel Quarantine Program.

## Question p55-56

The Hon. ROSE JACKSON: And an excellent review it was. I am obviously just interested to see the follow-up that has occurred since the report was handed down. Is the turnover of female sworn officers in the NSW Police Force higher or lower than their male counterparts? It is obviously going to be proportionally because the overall numbers are much lower. Proportionally is the turnover higher or lower?

Commissioner FULLER: Are we just talking about sworn officers, ma'am?

The Hon. ROSE JACKSON: Yes.

Commissioner FULLER: At the moment, women make up about 35.4 per cent of the workforce, which is a great result. We continue to recruit large numbers of women of all ages to join the organisation. I see this as an organisation of choice and much of that is around change management. If you look at North America, their average percentage of female workforce is 8 per cent. I know it should be 50 per cent and that should always be an aspirational goal, but we do not have problems in recruiting women continually to come into the organisation. The exact separation figures I will take on notice because I do not know. But I do know there is not a systemic issue with women particularly leaving the organisation.

The Hon. ROSE JACKSON: It is your contention that you do not have a problem recruiting women and you do not have a problem retaining women in New South Wales police?

Commissioner FULLER: No, but I need to look at the percentages. But it is not a damning percentage where 90 per cent of the people leaving the organisation are women. I can quite easily get you that on notice as well.

### **ANSWER:**

As of 19 March 2021, women make up 35.7% of the NSWPF workforce. There are 4,926 female police officers and they make up 28.1% of the police workforce. There are 2,810 female admin officers and they make up 67.2% of the admin workforce.

Currently, female police officers separate at a proportionally lower rate than their male counterpart.

For FY19/20, the overall attrition rate for Police Officers was 4.0%. For FY19/20, attrition rate for Female Police Officers was 3.89%. For FY19/20, attrition rate for Male Police Officers was 4.06%. More importantly, currently the number of new female police officers being recruited each year is higher than the number of female police officers separating from NSWPF.

Over the past two financial years (FY18/19 to FY19/20), on average:

- NSWPF recruits around 320 female police officers annually
- Around 185 female police officers separate from NSWPF annually

As a percentage:

- Female recruits make up 33% of annual total police recruitment.
- Out of the total police officers separating in the Financial Year: Female police officers make up around 26% to 27% of total annual police officer separations Male police officers make up around 73% to 75% of total annual police officer separations.

## Question p59

Mr DAVID SHOEBRIDGE: Given that, I will ask again: Will you seek that the officers who were previously investigating this make contact with Mr Hooke to determine whether or not the investigation should be reopened?

Commissioner FULLER: From my perspective, if New South Wales police—the officers who were investigating this matter—have already spoken to him, and he fully disclosed all of the information that is in this report, I do not think it changes it. If he, for some reason, withheld an enormous amount of information, inculpatory evidence, that we can use, then that is a different case. But I would have to talk to the investigators to see: Did he not disclose something that is in the media today? That is the question, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: On the face of it, he is not saying that he disclosed that material to the police. On the face of the record, he is saying that he has made himself known to the New South Wales police. They seem quite distinct things, would you agree?

Commissioner FULLER: I would have to take it on notice, in fairness to try to get to the bottom of what he has said today in its entirety and then work out whether we were aware of that or not.

### **ANSWER:**

On 2 July 2020, investigators received an email from a person who identified as a friend of the victim. This email was a 'forwarded' email which Mr James Hooke had originally sent this friend. Mr Hooke did not of his own accord email investigators, nor was he copied into the forwarded email to investigators.

On 2 and 4 March 2021, investigators received further emails from the same friend of the victim. This friend copied (cc'd) Mr Hooke in on these emails he sent to investigators. Mr Hooke did not of his own accord email investigators.

On 5 March 2021, Mr Hooke made telephone contact with investigators. This was the first occasion that Mr Hooke had made contact of his own accord with the NSWPF. During this discussion Mr Hooke did not wish to discuss the allegations made by the victim but rather wanted to let investigators know that he understood why the investigation had been closed. Further, he rang to thank investigators for the support and respect that was shown to the victim.

On 12 March 2021, Mr Hooke released a statement to various media outlets containing information investigators were not privy to.

On 17 and 22 March 2021, Mr Hooke met with investigators and supplied a formal statement in relation to the matter.

## Question p59

Mr DAVID SHOEBRIDGE: Commissioner, on the assumption that that relevant material had not been provided to police, and the statement not provided to police, if that is the case will you be seeking that the police who were investigating this matter reopen the investigation and make contact with Mr Hooke and take a statement with Mr Hooke to determine if that changes their position on a potential prosecution?

Commissioner FULLER: I am more than happy to look into it. I know it is a matter of Australian significance. I am not going to say on the record that we are reopening the case, but I am more than happy to talk to Deputy Commissioner Hudson and then through chain of command to ensure that all information has been properly assessed in terms of arriving that there is not enough admissible evidence to go forward. But I will not be saying today that we are reopening the investigation. I am saying I will take on notice all the information you give me to ensure that that is properly assessed.

### **ANSWER:**

On 17 and 22 March 2021, Mr Hooke met with investigators and supplied a formal statement in relation to the matter. This statement provided by Mr Hooke does not change the position of the NSW Police Force. The investigation remains closed.

On 23 June 2020, the victim clearly communicated to investigators that she no longer felt able to proceed with the report.

The relationship that evolves between an investigator and a victim of historical sexual assault is built on a foundation of trust. In investigations of this nature it is important that investigators listen to and respect the wishes of the victim, particularly when it comes to decisions made surrounding the ongoing investigating of their matter. The last communication had by investigators with the victim was that she no longer felt able to proceed with the report. Investigators will continue to respect this request.

## Question p60

Mr DAVID SHOEBRIDGE: Commissioner, on the assumption that that relevant material had not been provided to police, and the statement not provided to police, if that is the case will you be seeking that the police who were investigating this matter reopen the investigation and make contact with Mr Hooke and take a statement with Mr Hooke to determine if that changes their position on a potential prosecution?

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### **ANSWER:**

On 17 and 22 March 2021, Mr Hooke met with investigators and supplied a formal statement in relation to the matter. This statement provided by Mr Hooke does not change the position of the NSW Police Force. The investigation remains closed.

On 23 June 2020, the victim clearly communicated to investigators that she no longer felt able to proceed with the report.



## Question p60

The Hon. ROSE JACKSON: Can I just ask two questions about that matter? Were you aware of anyone else who made themselves known to police? This man has said that he made himself known to the police subsequent to the complainant's death. Are you aware of anyone else proactively making themselves known to police?

Commissioner FULLER: I would have to take that on notice.

The Hon. ROSE JACKSON: Secondly, he refers to understanding why the police were unable to interview him. Can you shed any light on what that might be in reference to?

Commissioner FULLER: I would assume it is COVID.

The Hon. ROSE JACKSON: At this point the investigation was closed, I understand, because it was after the complainant's death.

Commissioner FULLER: Yes.

The Hon. ROSE JACKSON: Perhaps is that what it is a reference to? Why were police unable to interview him?

Commissioner FULLER: I can answer, I just cannot answer the question for you now.

The Hon. ROSE JACKSON: Yes, if you could take that on notice that might be useful.

Mr DAVID SHOEBRIDGE: Whilst we are in the taking-on-notice mode, commissioner, can you take on notice—it is a little unclear from Mr Hooke's statement why a statement was not taken from police at the time. Can you shed any light on that?

### **ANSWER:**

One friend of the victim actively made himself known to NSWPF shortly after the victim's death. This friend was not Mr Hooke.

Mr Hooke indicated in his media release on 12 March 2021 that he understood why police were unable to interview him. From a conversation had by investigators with Mr Hooke on 5 March 2021 investigators believe Mr Hooke is referring to the victim no longer wanting to proceed with her report and the subsequent investigation being closed.

A statement was not taken from Mr Hooke prior to the investigation being closed as in the majority of historical sexual assault investigations the first statement to be taken is normally the victim's statement. This allows investigators to gain a proper understanding of the allegations before determining what other statements are required. When the victim informed investigators that she no longer felt able to proceed with the report no further witness statements were obtained.

## Question p62

Mr DAVID SHOEBRIDGE: Commissioner, just because a victim has passed away does not mean you cannot have a case and there is no victim. But what I am asking you is you indicated earlier that you had received internal advice that the diary entries would not be admissible. I am asking: How was that the case if you had determined before you received the diary entries not to proceed with the prosecution?

Commissioner FULLER: I do not think that lines up right chronologically, Mr Shoebridge, but I will take that on notice in terms of the chronology. But I am all but sure that chronologically all the information was assessed and it was assessed that without the victim, without the signed statements there is no admissible evidence for us to interview any person criminally.

### **ANSWER:**

On 2 April 2020, investigators had a teleconference with the victim. During this teleconference the victim declined to provide investigators with copies of her diaries and notes.

On 23 June 2020, the victim clearly communicated to investigators that she no longer felt able to proceed with the report.

On 24 June 2020 the victim took her own life.

On 2 July 2020 one of the victim's friends sent by email to investigators a copy of a 'document' which had been prepared by the victim detailing the allegation. This document contained a number of diary entries. The victim did not provide this document to investigators prior to advising she no longer wanted to proceed with the report.

### Question p62-63

The Hon. ANTHONY D'ADAM: Mr Smith, I refer back to my earlier line of questioning. I mentioned an incidence of this allegation of time and attendance fraud. I am advised that that issue related to ISEC Pty Ltd. Are they a security contractor for the purposes of hotel security?

Mr SMITH: Yes.

The Hon. ANTHONY D'ADAM: Those allegations, were they referred to SLED?

Mr SMITH: I will take that question on notice, if I may.

The Hon. ANTHONY D'ADAM: And if you could also provide some details about the outcome of that investigation if they were referred.

Mr SMITH: Certainly.

The Hon. ANTHONY D'ADAM: Mr Smith, I wanted to ask you about Unified Security Group. Actually, I might ask the commissioner. Do Unified Security Group provide hotel quarantine security?

Commissioner FULLER: My understanding is that is correct. They are certainly part of the contract group is my understanding.

The Hon. ANTHONY D'ADAM: And one of the principals of that organisation is David Millward. Is that correct?

Commissioner FULLER: I would not know.

The Hon. ANTHONY D'ADAM: You do not know.

Commissioner FULLER: I can take that on notice or—

#### **ANSWER:**

SLED did receive and investigate allegations of timesheet fraud involving security guards provided to the Hotel Quarantine program by ISEC Pty Ltd. SLED's investigation found that while the timesheets were incorrectly completed, all guards worked the required (and charged for) number of hours.

Note that the Commissioner did not take on notice the question as to whether David Millward was a principal of Unified Security Group. The Director, SLED gave evidence that this was a matter that was under investigation.

### Question p63

The Hon. ANTHONY D'ADAM: I was going to ask you, Mr Smith, about whether you are aware of the minutes of a meeting of creditors of an organisation with a similar name, USS Risk Pty Ltd that was formerly the Unified Security Group (Australia). In those minutes there is a note that that body, which I understand has similar principals to the Unified Security Group (Australia) Pty Ltd went into liquidation owing \$4.5 million to the Office of State Revenue. Are you aware of that particular issue?

Mr SMITH: I will take the specifics of that on notice, if I may. I am certainly aware of related matters.

**ANSWER:**

SLED is aware of the issues raised by the Hon Anthony D'Adam.

### Question p63

The Hon. ANTHONY D'ADAM: Mr Smith, you will be able to provide on notice some details about the extent of that investigation—where it is up to and, if it is concluded, what the outcome has been.

Mr SMITH: I can provide you some information now that the company has been subject to a second notice to show cause by SLED and their response to that is due by close of business today. So the matters remain under investigation.

**ANSWER:**

SLED issued a Notification of Revocation of Licence to Unified Security Group (Australia) Pty Ltd, in relation to the company's Master security licence, on 19 March 2021 with an effective date of (5:00pm) 2 April 2021.

#### **Question p64**

The Hon. ANTHONY D'ADAM: Have you undertaken any work with other communities, particularly the Islamic or the Jewish communities, in relation to this issue around right-wing extremism?

Commissioner BARNES: I would have to take that on notice. Off the top of my head I am not aware of any projects focusing on protecting those communities, but I can look into that for you.

#### **ANSWER:**

The NSW Crime Commission's involvement in counter terrorism is limited to participation in investigations referred to the Joint Counter Terrorism Team which comprises the NSW Police Force, the Australian Federal Police and the Australian Security Intelligence Organisation.

Community engagement is undertaken by other units in the NSW Police Force, the Department of Communities and Justice and the Australian Federal Police.

**Question p67**

The Hon. ANTHONY D'ADAM: In terms of the recent shootings across Auburn and Cumberland, have any of the firearms that were used—do we know what the source of those weapons have been? Are they weapons that have been previously reported as stolen, or are they weapons that you do not actually know the origin of?

Commissioner FULLER: The great challenge with that question is that if there is a drive-by shooting and we do not seize the weapon and make an arrest, we do not have the answer to that. We do attempt at every crime scene to process it, find the shell and, if there is a casing, to test that forensically in terms of linking it. Gun control in Australia is still extremely strong. Importing firearms is one of the primary ways of getting illegal firearms, and secondarily is that of breaking into homes and stealing them.

The Hon. ANTHONY D'ADAM: In terms of that, from the data where you do recover casings and you have some indication, what is that telling you in terms of whether there is an increase in imported arms or—

Commissioner FULLER: Can I take it on notice just to give you a more succinct answer?

The Hon. ANTHONY D'ADAM: Sure.

**ANSWER:**

The Ballistics Investigation Section can match scene to scene links based on seized casings. These may be matched to firearms if and when those firearms are seized.

The NSW Police Force is unable to disclose information on ballistic matching related to the recent shootings, as these are still part of an active investigation.

### Question p67

Mr DAVID SHOEBRIDGE: All right. There have been a series of attacks against the Sikh community in western Sydney—an attack on the Sikh temple at Glenwood, two attacks on young Sikh men in Harris Park, and I am aware of yet another attack. Have those attacks upon the Sikh community been brought to your attention or the Crime Commission's attention?

Commissioner BARNES: I am not aware of whether the JCTT has looked at that or not. I can take that a notice.

#### **ANSWER:**

These matters have not been referred to the NSW Crime Commission or the Joint Counter Terrorism Team, but are being investigated by the NSW Police Force.

### Question p68

Mr DAVID SHOEBRIDGE: There is a question that comes back to Commissioner Fuller on this, that's all. Sorry, Commissioner Fuller. Have any concerns been raised with you about far right extremism coming from certain political elements in the Indian diaspora in New South Wales, Mr Barnes?

Commissioner BARNES: Not that I can immediately recall but I can check that for you.

#### **ANSWER:**

These matters have not been referred to the NSW Crime Commission or the Joint Counter Terrorism Team, but are being investigated by the NSW Police Force.

### Question p69

Mr DAVID SHOEBRIDGE: Commissioner, what, if any, disciplinary action has been taken against police involved in the assault of a young Aboriginal man that was filmed in Surry Hills on 1 June 2020? That was the young man who was thrown to his face in the park.

Commissioner FULLER: That matter was investigated by Professional Standards Command, overseen by the Law Enforcement Conduct Commission. It is my understanding that that information collected has been sent to the office of the Director of Public Prosecutions to assess whether or not that matter was an assault matter. My understanding is that the officer is still in the workplace on restricted duties, but the second part I am happy to take on notice.

Mr DAVID SHOEBRIDGE: My understanding is that the matter was referred to the DPP some substantial time ago. Do you know when it was referred to the DPP?

Commissioner FULLER: I would have to take it on notice.

Mr DAVID SHOEBRIDGE: Has there been a response from the DPP?

Commissioner FULLER: Not to my knowledge, but I will take that on notice as well. These matters normally take six-plus months—as in the answer.

**ANSWER:**

The matter was referred to the Office of the Director Public Prosecutions (ODPP) on 11 August 2020.

A response was received from the ODPP on 23 February 2021. The matter is currently under consideration.



### Question p69

Mr DAVID SHOEBRIDGE: Do you have any data about how long it is taking to get those responses from the DPP?

Commissioner FULLER: It is another agency. It is, in fairness, out of my control. Obviously we would like to get things back quicker, but they no doubt balance workloads like we do.

Mr DAVID SHOEBRIDGE: I am certain they do not have unending resources, but do you track how long it is taking?

Commissioner FULLER: No, we do not.

Mr DAVID SHOEBRIDGE: Have you noticed whether or not that period has been getting longer or shorter?

Commissioner FULLER: No. To be honest, Mr Shoebridge, it is not something that I am involved in every day. But Professional Standards could have a better understanding of that because they deal with them on a regular basis. I think it is group six. I am more than happy to take that away to see if there has been a trend.

#### **ANSWER:**

For the period 31 January 2019 to 22 March 2021, 26 matters were identified that have been referred to the Office of the Director of Public Prosecutions (ODPP).

Of the 26 matters identified, eight took longer than the Protocol 'maximum' time for ODPP advice being six months.

Quarterly meetings are held between NSWPF and the ODPP to discuss the status of ODPP file reviews so that the NSWPF can keep track of matters that may be taking longer than usual.

### Question p70

Mr DAVID SHOEBRIDGE: Can you provide on notice the number of bullying and harassment complaints that have been received on a command-by-command basis over the past two financial years?

Commissioner FULLER: Yes.

#### **ANSWER:**

Please refer to the table attached at Tab C.

**Question p71**

Mr DAVID SHOEBRIDGE: Can you identify how many police have retired from the police on medical grounds where part of their concern is bullying and harassment from the Wagga Wagga command in the past three years?

Commissioner FULLER: I will endeavour to get that information for you.

**ANSWER:**

There were 10 officers (2018 - 2020) from Wagga Wagga who have nominated bullying and harassment as a contributing factor to their primary medical condition, however of these 10 officers only 3 officers identify this as wholly a contributing factor.

Of the remaining seven matters, analysis indicates that officers have experienced traumatic incidents over a number of years and issues of bullying and harassment appear to be secondary to the primary medical condition of PTSD.

## Question p71

Mr DAVID SHOEBRIDGE: But unlike other big inland city commands, like Dubbo or Tamworth, there has been a spate of complaints about bullying and harassment out of the Wagga Wagga command, which is of a different order to what you find in other big inland city commands like Dubbo and Tamworth. Is that not right, Commissioner?

Commissioner FULLER: To be honest with you, you have asked me: Is Wagga Wagga is on my radar? Yes, it is. To do the comparative analysis, in fairness, I will take that on notice.

### **ANSWER:**

For the 2018-2019 and 2019-2020 financial years there were no identifiable trends in relation to bullying and harassment complaints received at the Wagga Wagga Command, nor when compared to Dubbo or Tamworth Commands.

For the current financial year (2020-2021), there has been an increase in incidents relating to 'bullying' and 'sexual harassment – other', at the Wagga Wagga Command. This was not replicated at either Dubbo or Tamworth Commands. Six incidents have been recorded.

The NSW Police Force has rolled out a number of key measures since through 2020 to date as improvements to address matters of misconduct, workplace equity and workplace bullying. These are also in proactive response to related LECC inquiries and include:

- Implementation of the Misconduct Matters Management Framework;
- Trial of the Enhanced Resolution and Procedural Fairness program;
- Implementation of the Respectful Workplace Behaviour Management Model;
- Establishment of the Safe Reporting and Advisory Unit;
- State wide roll out of the Enhanced Resolution and Procedural Fairness program;
- Publication and State-wide roll out of the NSWPF Statement of Commitment;
- Launch of the PSC Speak Up Campaign – See it, Say it, Stop it.

Southern Region also continues to work closely with Police Districts (PDs), including Riverina PD that incorporates Wagga Wagga Police Station, with the following:

- Monthly teleconferences with the region commander and the police district commanders;
- One-on-one quarterly reviews between the region commander and Riverina commander relating to targeted performance areas;
- 'Zone' (eastern and western) meetings between region commander and district commanders, held twice a year to focus on areas of risk and improvement;
- In September 2020, a targeted performance review of Riverina was undertaken with the next scheduled for May 2021.

**Question p72-73**

The Hon. ANTHONY D'ADAM: Commissioner Baxter, can I ask you about call-out times. Do you have data on how many calls are received by Fire and Rescue NSW by local government area? Do you collect that data?

Commissioner BAXTER: We would have. I do not have those to hand currently, but we could take on notice and provide that.

The Hon. ANTHONY D'ADAM: Could you provide on notice the calls data for the Camden Council area?

Commissioner BAXTER: Sure. I do have some information on Camden that I could probably give you now—specifically, over the last period of time, 2019 to 2020, 880 incident responses. I just have to add that that might not be the full Camden local government area [LGA]. That might be the Camden station's response area.

**ANSWER:**

I am advised:

Information relating to the number of call outs can be found in Fire and Rescue NSW's Annual Report.

### **Question p76**

The Hon. ANTHONY D'ADAM: Is this a regular thing? How many times have you dispatched a vehicle to a Kellyville street party that the Minister—

Commissioner BAXTER: I am not sure on that specific one, but we undertake thousands—

The Hon. ANTHONY D'ADAM: Can you take that on notice?

Commissioner BAXTER: Happy to—thousands of community activities every year.

The Hon. ANTHONY D'ADAM: Can you perhaps provide on notice over the last five years the number of street parties that appliances have been dispatched to, and other community events, perhaps with some indication of the type of event that they are dispatched to and the specific purpose?

Commissioner BAXTER: Most of them within our system, in order to be able to retrieve them, would only come back out of our data system as community engagement events. I am not sure that we could get to that level of detail. We will look at that. I will take that on notice and look to see whether we can give specifics, but I would imagine it would be rolled up to just a community engagement activity.

#### **ANSWER:**

I am advised:

Data relating to Fire and Rescue NSW attendance at community events prior to 2019-20 is available in FRNSW annual reports.

In 2019-20, FRNSW attended 109,808 community events. In the current financial year (to 31 January), FRNSW attended 23,072 community events, lower than previous years due to the impacts of COVID-19.

**Question p76**

The Hon. ROSE JACKSON: One measure of the impact of this work on the workforce is workers compensation claims, particularly for psychological injury. Has there been an increase in workers compensation claims for psychological injury?

Commissioner BAXTER: Look, what I can say is—and I am happy to give you the exact figures on notice.

The Hon. ROSE JACKSON: That would be useful. Thank you.

**ANSWER:**

I am advised:

Information relating to workers compensation claims for psychological injury can be found in Fire and Rescue NSW Annual Reports.

### Question p78-79

Mr DAVID SHOEBRIDGE: Was that the woman contacting the New South Wales police or was it New South Wales police contacting the woman?

Commissioner FULLER: Again, I would have to take it on notice; not being difficult, but I said when I read this I knew there would be more questions. That is a fair question. I can get the answer to it.

Mr DAVID SHOEBRIDGE: Alright. The other question I have is: Can you explain why there was a three-month delay between the transfer of the matter from South Australia Police at the end of November 2019 and the first contact between the woman and New South Wales police on 26 February 2020? Can you explain the three-month delay?

Commissioner FULLER: I will be able to, but I will have to take that on notice.

#### **ANSWER:**

There was no delay in the contact between NSWPF and the victim.

When the victim first engaged with South Australia Police (SAPOL) in November 2019, she made it clear she was only seeking information on the process involved in reporting a sexual assault and that she did not want to make a formal report at this stage. She indicated at the time she may decide to make a formal report to NSW Police at a later stage.

SAPOL forwarded this initial contact/report to NSWPF. A COPS event was created and NSWPF confirmed with SAPOL that they would continue with their victim management and should the victim decide to formally report the matter that they would again contact the NSWPF to commence an investigation.

On 25 February 2020 at 10pm in the evening, NSWPF received email contact from SAPOL indicating that the victim was in Sydney and had decided she wanted to meet with NSWPF to formally report the matter.

On 26 February 2020 NSWPF made the necessary enquiries with SAPOL. On this same day at 3.24pm, three NSWPF Detectives had a teleconference with the victim and arrangements were made to meet with her in the AM on 27 February 2020. Two Detectives met with the victim on 27 February 2020 at Kings Cross Police Station.

### Question p79

Mr DAVID SHOEBRIDGE: I accept that we have had good-faith engagement from the commissioner to give us information. I want to be clear about that. I have heard the point of order and I think it is in order. I suppose the commissioner has heard the exchange between members. Did you want me to put the question to you again, Commissioner?

Commissioner FULLER: From my perspective, this has been a very complex case, not because the alleged offender is who he is. This was a complex case. The difficulty in discussing this and not getting into a victim-bashing mode is very difficult. The alleged victim in this matter was engaged and disengaged during this process, which is totally acceptable. For you to conclude at the moment, Mr Shoebridge, that police were slack in this, I think is unfair. But I will take on notice to answer the question about what happened during that time frame.

**ANSWER:**

Please refer to the answer to the previous question.



### Question p80

Mr DAVID SHOEBRIDGE: ... Commissioner, to get it in context, perhaps you could take this on notice: Is there a policy about proactive engagement in these circumstances? Because I can see that it would be very difficult for a complainant if there was a three-month delay between the matter being transferred to a police force and actually hearing anything back. Is there a policy about proactive engagement and support of complainants?

Commissioner FULLER: Absolutely, but there are plenty of cases—and this could be one—where the victims do not want to engage.

#### **ANSWER:**

There was no delay in the contact between NSWPF and the victim.

When a victim of a sexual assault makes a report to the NSWPF and wishes to engage with the investigative and court process, victim care and support is provided as per the NSWPF Charter of Victims Rights.

### Question p80

Mr DAVID SHOEBRIDGE: Commissioner, the second and final question I have at this stage on the answers is, in answer to question 28—the question was, "How many applications have been made by New South Wales police to South Australia in March to June 2020? How many and when?"—there is a reference there to one application to travel on 16 March declined on 13 March 2020. I am assuming that that is a request related to this matter.

Commissioner FULLER: Correct.

Mr DAVID SHOEBRIDGE: Do you know who it was who declined the request?

Commissioner FULLER: It was Deputy Commissioner Dave Hudson on the basis of the rules that I put in place broadly on travel outside of the State of New South Wales. I am 99 per cent sure that that was a State Government edict in terms of travel. But I will take that on notice.

**ANSWER:**

There was only one application made by Strike Force Wyndarra for travel to South Australia. This application was made on 10 March 2020 and declined on 13 March 2021.

### Question p80-81

Mr DAVID SHOEBRIDGE: Commissioner, the financial year 19/20 annual report for New South Wales police shows the number of public service senior executives in the force was 74. Do you have any data at the moment about the number of senior executives in the New South Wales police?

Commissioner FULLER: I could answer that on notice.

Mr DAVID SHOEBRIDGE: Well, the earlier annual report from financial year ending June 2018—so two years earlier—the number of senior executives in the public service part of the New South Wales police was 23. How is it that the number of senior executives has risen from 23 in June 2018 to 74 in June 2020?

Commissioner FULLER: It could have been just that reporting standards changed, Mr Shoebridge. I know that during re-engineering in the 18/19 financial years we removed 100 senior positions and converted those to constables. So I would have to take it on notice.

Mr DAVID SHOEBRIDGE: Well, you have had a more than tripling of senior executive salaries in just three years.

Commissioner FULLER: Again, it does not make sense because I deleted 100 through re-engineering, so I would have to take it on notice. We deleted 100 positions, delivering a potential savings of \$54 million, but Cabinet made a decision that they be returned to constables, so I made a \$14.4 million savings.

Mr DAVID SHOEBRIDGE: Well, these are public service executives, these are not uniformed.

Commissioner FULLER: I accept everything you are saying and I will take it on notice in terms of getting you an answer.

#### **ANSWER:**

As of 19 March 2021, there are 74 x Senior Executives in NSWPF, which is made up of 24 x Senior Executive Police and 50 x Senior Executive Admin.

As of 30 June 2018, there were 38 x Senior Executives in NSWPPF, which is made up of 23 x Senior Executive Police Officers and 15 x Senior Executive Admin Officers. However, this excludes Senior Officers who are not classified as Executives, since they are Award Employees & not on Executive Contracts.

As part of the implementation of Government Sector Employment Legislative Amendment (GSELA) which aligns NSWPF with the *Government Sector Employment Act 2016* (GSE Act). Eligible Senior Officers were transitioned onto the Senior Executive bands and are now on Executive Contracts.

**Question p82**

Mr DAVID SHOEBRIDGE: Is it your understanding that New South Wales police are bound by and comply with the Model Litigant Policy?

Commissioner FULLER: I would have to take that on notice. I am not a lawyer like you, Mr Shoebridge. I am just a simple commissioner. But I would have to take that on notice.

Mr DAVID SHOEBRIDGE: It would be interesting to get that on the record.

Commissioner FULLER: Done. Noted.

**ANSWER:**

The NSW Police Force is bound by the Model Litigant Policy and complies with it.

### Question p83

Mr DAVID SHOEBRIDGE: I don't pretend it is. Commissioner, I will not ask you to read it in detail but I might ask you to take it on notice and I will set out the circumstances. This gentleman made a claim to the Office of Emergency Management asserting that his house had burnt down in the fires, and the conclusion was that because he had not been living in it at the time that the house had burnt down that he was not able to receive any relief, even though it was his only residence that he owned. Could I ask you if you could review the case and then could I ask you now, is that the case that even if it is your only home that burnt down—you may be living in rental accommodation—if you were not living in the house that burnt down during the bushfires, in the lead-up to the fires, that you not entitled to that emergency relief?

Commissioner FITZSIMMONS: I am familiar with the fellow. Did you just name the fellow? I will not name him.

Mr DAVID SHOEBRIDGE: I did not, and I am consciously not doing that.

Commissioner FITZSIMMONS: So will I. This is a matter that has been reviewed extensively. I am happy to comment further on notice, but as a general rule principle support is around primary place of residence, not about alternate dwellings or homes that people might own, whether they are holiday homes or other alternate homes. It is about the primary support, about principal place of residence, particularly around a number of the relief support packages. I will be more specific on notice.

#### **ANSWER:**

I am advised:

Applications for a Disaster Relief Grants can only be made in relation to an individual's primary place of residence. Further details on the eligibility criteria for Disaster Relief Grants are available at [emergency.nsw.gov.au](http://emergency.nsw.gov.au).

#### **Question p84**

Mr DAVID SHOEBRIDGE: Can you indicate on notice—and I do not expect you to have the numbers in your head—how many times the situation arose where someone was living in rental accommodation and the only home that they owned burnt down and they have been denied relief on that basis?

Commissioner FITZSIMMONS: I do not know that I will be able to give you a comprehensive picture because we are talking about people that make applications and we consider applications and people will often self-assess, looking at criteria about whether they will proceed with an application for support on properties or buildings that they own.

Mr DAVID SHOEBRIDGE: I am only talking about applications that were made and then rejected on that basis.

Commissioner FITZSIMMONS: That we may have reviewed?

Mr DAVID SHOEBRIDGE: Yes.

Commissioner FITZSIMMONS: I will take that on notice, absolutely.

Mr DAVID SHOEBRIDGE: That was probably not worth while waiting for, commissioner, but that was the only question I had of you.

#### **ANSWER:**

I am advised:

Of the 842 applications received for Disaster Relief Grants following the 2019-20 bush fires, 18 applications were declined on the basis that the application did not relate to the applicant's primary place of residence.

**Question p86**

The Hon. ROSE JACKSON: Thank you. Commissioner York, how many incidents were logged with the SES during flood events in 2020?

Commissioner YORK: The figures I have—and I can get some further figures—are between 1 July 2020 and 31 December 2020, so that is a six-month period. There were 42 operational events and we received over 49,800 calls, operational on 143 days. We responded to 21,539 requests for assistance including 197 flood rescues, 353 general land rescues, 332 road crash rescues, 27 vertical rescues and 241 Community First Responder activations.

The Hon. ROSE JACKSON: Do you have any information on how many calls went unanswered?

Commissioner YORK: No, I do not have that information.

The Hon. ROSE JACKSON: It would be useful to take that on notice perhaps.

Commissioner YORK: Yes, I can take that on notice.

**ANSWER:**

I am advised:

260,570 calls were answered by NSW SES; 27,671 calls were terminated by the caller whilst in the queue.

### Question p86

The Hon. ROSE JACKSON: I just have a couple of questions, Commissioner Fuller. How many legal firms are there on the legal panel utilised by New South Wales police?

Commissioner FULLER: For which activity, sorry?

The Hon. ROSE JACKSON: For example, in cases regarding subpoenas involving the Police Force. We can start there.

Commissioner FULLER: It is a complex question because you have—Crown Sols do a lot of pieces—

The Hon. ROSE JACKSON: Do you have an internal panel?

Commissioner FULLER: We do in terms of employment law use a panel to get advice at times in terms of what likely action I should take for an officer's—so I guess for employment law we would. For other matters, it could be. I am happy to take that on notice.

The Hon. ROSE JACKSON: Yes, that would be useful.

#### **ANSWER:**

For civil claims relating to intentional tort claims (assault, battery, unlawful imprisonment, malicious prosecution, breach of statutory duty, conversion, intimidation, injurious falsehood, collateral abuse of process, negligence, trespass, misfeasance in public office and claims in negligence brought by former officers who are eligible to sue at Common Law rather than through Workers Compensation legislation, and claims of historical sexual assault) the State is represented by panel law firms from the TMF panel. There are 5 firms on the panel and one firm on the supplementary panel.

For claims that are not covered by TMF (such as Employment Law, Property Law, Administrative Law), the NSW Police Force accesses the NSW Government Legal Services Panel which has 40 panel firms



**Question p86**

The Hon. ROSE JACKSON: What is the dollar amount that you have spent with the firm Makinson d'Apice in the last three financial years? I presume you will have to take that on notice.

Commissioner FULLER: I have never heard of them. I am sorry to them, but I will take that on notice.

**ANSWER:**

\$5,154,776.

**Question p87**

The Hon. ROSE JACKSON: How many matters have been assigned to Makinson d'Apice in the last three financial years?

Commissioner FULLER: Sorry?

The Hon. ROSE JACKSON: I imagine you will have to take that on notice as well.

Commissioner FULLER: Absolutely.

**ANSWER:**

1,686.

### Question p88

Mr DAVID SHOEBRIDGE: Commissioner Fuller, is there a current panel of lawyers—private law firms—who do police civil claims work?

Commissioner FULLER: I will take it on notice. My understanding is the way it works is that there is an insurance company and there is a part of government that looks after the settlement side of it, but I will take it on notice if that is okay.

Mr DAVID SHOEBRIDGE: If there is a panel, can you identify if it was established under a tender or some kind of public process?

Commissioner FULLER: Is that the same question that I was asked from Labor, or is it a different question?

Mr DAVID SHOEBRIDGE: I think we may be cutting across each other, ...

#### **ANSWER:**

For civil claims relating to intentional tort claims (assault, battery, unlawful imprisonment, malicious prosecution, breach of statutory duty, conversion, intimidation, injurious falsehood, collateral abuse of process, negligence, trespass, misfeasance in public office and claims in negligence brought by former officers who are eligible to sue at Common Law rather than through Workers Compensation legislation, and claims of historical sexual assault) the State is represented by panel law firms from the TMF panel.

That panel is established through a tender process run by TMF.

### Question p88-89

Commissioner FULLER: Panel of lawyers—I will find out how many we have.

Mr DAVID SHOEBRIDGE: Who is on it and the extent to which they have each been—the sums paid to those panels.

Commissioner FULLER: But if the panel of lawyers are government lawyers, that does not count, right?

Mr DAVID SHOEBRIDGE: I am asking if there is a discrete police panel—

Commissioner FULLER: Yes. External lawyers?

Mr DAVID SHOEBRIDGE: —of external lawyers.

Commissioner FULLER: Yes.

Mr DAVID SHOEBRIDGE: And if so, what is that panel and the quantum of fees paid to that panel if you can go back over the last two years? I am not asking about Insurance for NSW

Commissioner FULLER: No, I understand. But if, say—okay, I will do that. I am just thinking that there could be a panel of lawyers that are used by Crown Solicitor's from time to time that we use but do not employ.

Mr DAVID SHOEBRIDGE: I am asking if there is a discrete police panel. I am not asking if there is—

The Hon. TREVOR KHAN: And David, this is in the context of personal injuries.

Mr DAVID SHOEBRIDGE: This is in the context of civil claims.

The Hon. TREVOR KHAN: Yes, sure.

Mr DAVID SHOEBRIDGE: Not necessarily personal injuries but civil claims. And I am not asking about those lawyers that are appointed through the Treasury Managed Fund and Insurance for NSW. I am asking about a police panel.

Commissioner FULLER: Yes. I cannot answer that but I can take it on notice. I think it is the same answer to an earlier question.

#### **ANSWER:**

The NSW Police Force does not use any other lawyers for civil claims involving intentional torts (assault, battery, unlawful imprisonment, malicious prosecution, breach of statutory duty, conversion, intimidation, injurious falsehood, collateral abuse of process, negligence, trespass, misfeasance in public office and claims in negligence brought by former officers who are eligible to sue at Common Law rather than through Workers Compensation legislation, and claims of historical sexual assault) other than those from the TMF Panel.

### Question p89

Mr DAVID SHOEBRIDGE: At the end of last year the Government said that it was responding in part to the ice inquiry recommendations by considering drug law reform measures. Do you recall that?

Commissioner FULLER: I remember that the ice inquiry delivered a report and I believe that we were given an opportunity to respond to that, which we did.

Mr DAVID SHOEBRIDGE: Can you provide that response to the Committee?

Commissioner FULLER: I think it is already on public record.

Mr DAVID SHOEBRIDGE: Well, if so, can you point to where it is available?

Commissioner FULLER: Yes, and if not, we will provide it. I mean it is all in the media anyway.

Mr DAVID SHOEBRIDGE: Indeed. At the end of last year in late November or early December a matter went to Cabinet considering a depenalisation approach, particularly to drug possession.

Commissioner FULLER: Yes.

#### **ANSWER:**

The closing submissions of the Commissioner of Police to the “Special Commission of Inquiry into the Drug “ICE” and other amphetamine type substances” is available on the Special Commission’s website.

This is accessible via: <https://www.iceinquiry.nsw.gov.au/assets/scii/closing-submissions/Closing-submissions-on-behalf-of-the-Commissioner-of-the-NSW-Police-Force.pdf>

### Question p89

Commissioner FULLER: Just about the position that I took in response to the ice inquiry around the issuing of infringements for certain offences was my preferred option with proper diversion programs.

Mr DAVID SHOEBRIDGE: And I think from memory that was recommendation No. 12 of the ice inquiry?

Commissioner FULLER: I could take it on notice—12 or 13, yes.

#### **ANSWER:**

The relevant Recommendation of the “Special Commission of Inquiry into the Drug “ICE” and other amphetamine type substances” is Recommendation 12:

In the alternative to Recommendation 11, in conjunction with increased resourcing for specialist drug assessment and treatment services, that the NSW Government introduce a legislated police diversion scheme for use and possession for personal use of prohibited drugs with the following elements:

- mandatory referral by police of people detected in possession of a prohibited drug to an appropriately tailored health/social and/or education intervention
- a maximum of three times that a person may be diverted
- threshold quantities that do not unduly limit access to diversion
- no requirement to admit guilt.

**Question p90**

Mr DAVID SHOEBRIDGE: Were all the items that were in Mr Loy's car, all the police items at least, where they all recovered?

Commissioner FULLER: My understanding is that nothing was stolen. His car was full of personal items at the same time that I think he had removed from his office. My memory is, and I will take notice, that nothing personal or owned by the Government was stolen.

**ANSWER:**

No items were stolen.

### Question p91

Mr DAVID SHOEBRIDGE: How many of them have been remediated? I assume that if they are still on the list that none of them have been remediated, is that right?

Commissioner BAXTER: My understanding is that some have, but I could, on notice, provide you with further information on that.

Mr DAVID SHOEBRIDGE: Could you provide on notice a breakdown of the buildings that are on high risk. I will not ask for their address, but could you provide a breakdown by postcode?

Commissioner BAXTER: I will take that on notice.

Mr DAVID SHOEBRIDGE: And could you provide a breakdown of the buildings that are on the list identifying, again by postcode, the numbers that are class 2 and the numbers that are other buildings? Here I would be asking particularly about aged care centres, public buildings, hospitals and the like.

Commissioner BAXTER: Yes. I would have to take that on notice as well.

Answer

[N/A FOR NSWPF. QUESTION WAS DIRECTED TO FRNSW]

**ANSWER:**

I am advised this is a matter for the Minister for Better Regulation and Innovation as the Minister responsible for the NSW Cladding Taskforce.



## Question p91

(Part a)

The Hon. ANTHONY D'ADAM: While local residents understand the need for special commands to combat gang violence, it seems to come at the expense of local commands. The Auburn PAC has lost one SAP position and the Burwood PAC has lost two SAP positions. Are you willing to review this decision, given the events in the Auburn Police Area Command?

Commissioner FULLER: I could take on notice those losses. What I would say, following that shooting, is we fast-tracked our response to State and transnational organised crime through putting 10 additional staff and creating a new command for Raptor, including a superintendent. Another 30 positions will go into a mix of Raptor and organised crime on 1 July, so that is just part of our 2020 response to organised crime. We are currently working with the Australian Government on some other strategies. In terms of the loss of those SAP positions, if I could just take that on notice and confirm that is correct?

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(Part b)

The Hon. ANTHONY D'ADAM: Sure, that is fine. There were 15,628 prohibited and regulated weapon offences in the year up to September 2020. How many of those weapons were identified as weapons that had illegally entered Australia.

Commissioner FULLER: Can I take that on notice?

The Hon. ANTHONY D'ADAM: Sure.

### **ANSWER:**

a) Two (2) authorised Police Positions from Auburn Police Area Command (PAC) and three (3) authorised Police Positions from Burwood PAC were relocated to the South West Metropolitan (SWM) Operations Support Group (OSG), which is a centralised resource dedicated to providing operational support on a 24-hour basis to resolve public order incidents and operational policing issues within the SWM Region. This was effective as of 19 April 2020.

NSWPF prioritise the allocation of police resources based on operational requirements. It is important to note that the relocation of these positions to this specialist group based in South West Metro region will ultimately support all Police Area Commands within the region. It strengthens NSW Police Force's effort in the disruption of criminal activities and provide a more centralised response to public order incidents & operational other policing issues.

As part of the 1,500 Second Year Allocation in FY2020/21, Auburn PAC were allocated two (2) General Duty authorised Police positions which replaced the positions lost from the aforementioned relocation.

b) The NSW Police Force understands that the figure quoted in the question includes a broad range of offences including: not keeping firearms safe,

altering firearms and possession of prohibited weapons – it does not reflect a number of prohibited weapons in the community.

NSW Police Force can trace the origin of firearms by having possession of that firearm (eg. If effected through a seizure), and if that firearm possesses sufficient identifiers to perform the trace.

**Question p92**

The Hon. ROSE JACKSON: Will the report be made publicly available?

Commissioner FULLER: I am happy to take that on notice. There was nothing particularly dramatic in the report. It was just looking at potential options. When the highway patrol was set up, it was set up with all the right intentions but perhaps not the right investment, and so we have been tweaking it since, I think, 2012. We made a decision to make some fairly big changes and they have been implemented, I think, to the benefit of road safety.

**ANSWER:**

The Deloitte review of the Traffic and Highway Patrol Command was completed to the final draft stage, and therefore will not be publicly released.

The operating model ultimately determined by the NSWPF Executive and implemented was determined based on operational, organisational, and stakeholder functionality and incorporated strategies relevant to Deloitte's review and consultation process