

BUDGET ESTIMATES 2022 Supplementary Questions

Portfolio Committee No. 5 – Regional NSW and Stronger Communities

**PAUL TOOLE MP
DEPUTY PREMIER
MINISTER FOR REGIONAL NSW, AND MINISTER FOR POLICE**

Hearing: 31 August 2022

Answers due by: 27 September 2022

RESPONSES TO SUPPLEMENTARY QUESTIONS

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DEPUTY PREMIER, REGIONAL NEW SOUTH WALES, POLICE

Questions from the Hon. Rod Roberts MLC

LECC – Constable Keneally

1. When was Constable Keneally first suspended from the NSW Force?
2. Who suspended Constable Keneally?
3. Why was Constable Keneally suspended?
4. When was Constable Keneally reinstated?
5. Who reinstated Constable Keneally?
6. Why was Constable Keneally reinstated?
7. What is Constable Keneally's current employment status?

Answer (1) – (7):

Constable Keneally was never suspended from the NSW Police Force and is a current serving police officer with the NSW Police Force.

Questions from the Hon. Robert Borsak MLC
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Senior Constable Sachin Raj and Senior Constable Michael Matic

8. In the Budget Estimates hearing on 4 May, 2022 we were advised that S/C Raj and S/C Matic had been referred for investigation by the South-West Metropolitan Region professional standards following revelations they had given untrue evidence under oath in *Kammoun v Commissioner of Police* [2021] NSWCATAD 273.
- a) Has the investigation of these two officers been completed?
 - b) What was the outcome?
 - c) Was any disciplinary action taken?
 - d) What action was taken?
 - e) Are these officers still employed in the NSW Police Force?

Answer:

- a) Yes.
- b) One matter resulted in a sustained finding and the other matter did not have any sustained findings.
- c) The officer in the matter resulting in a sustained finding was provided with formal Advice and Guidance, and the other officer did not have any formal action taken.
- d) See above answers (b and c).
- e) Yes.

NSW Police Force – Medical Officers

9. How many Medical Officers are employed in NSW Police Force?
- a) In which Police Area Commands/Police Districts are they located?
 - b) How many qualified psychiatrists are employed in the NSW Police Force?
 - i. In which Police Area Commands/Police Districts are they located?
 - c) How many qualified psychologists are employed in the NSW Police Force?
 - i. In which Police Area Commands/Police Districts are they located?
 - d) What are the role and duties of Medical Officers, Psychiatrists and Psychologists employed by NSW Police Force?

Answer 9 (a) – (d):

The NSW Police Force employs one Chief Medical Officer and three contracted Police Medical Officers (on demand for service). The Chief Medical Officer is responsible for fitness for duty assessments, and expert medical advice to the organisation on general and corporate police issues for medical/fitness for duty matters. The contracted Police Medical Officers are required to perform fitness for duty assessments of police officers.

Of the three Police Medical Officers, two are psychiatrists whom the NSW Police Force engages on a needs basis. One of the Medical Officers is located in Sydney Police Centre and the other works remotely via telehealth.

There are currently 14 psychologists who undertake fitness for duty assessments or WellCheck assessments for officers in high-risk positions. These positions are located at the Sydney Police Centre, Wollongong, Coffs Harbour, and one is attached to the Child Abuse and Sex Crime Squad.

Prohibited Weapon (“silencer”) permits

10. How many firearm suppressors (“silencer”) permits were issued for Business /Employment Purposes in:

- a) 2015
- b) 2016
- c) 2017
- d) 2018
- e) 2019
- f) 2020
- g) 2021
- h) 2022 (to date)

11. How many firearm suppressors (“silencer”) permits were issued for Sporting/Recreational Purposes in:

- a) 2015
- b) 2016
- c) 2017
- d) 2018
- e) 2019
- f) 2020
- g) 2021
- h) 2022 (to date)

12. Have any firearm suppressor (“silencer”) permit holders ever been charged with a criminal offence involving the use of a suppressor during the commission of a crime?

Answer 10-12:

Data is not readily available.

Domestic Violence Safety Assessment Tool (DV-SAT)

13. In the previous Budget Estimates hearing the Commissioner undertook to review the DV-SAT.
- a) What is the status of the revision of DV-SAT?
 - b) Has the reference to firearms and prohibited weapons been removed?
 - c) When will the new DV-SAT be introduced and in use by operational police?

Answer 13 (a) – (c):

In August 2022, the NSW Police Force's Corporate Sponsor for Domestic and Family Violence met with representatives from Legal Aid NSW and the Bureau of Crime Statistics and Research (BOCSAR) to discuss the Domestic Violence Safety Assessment Tool (DVSAT) redesign and to inform future direction and strategy for DVSAT.

Subsequently, the Domestic and Family Violence Reform Project has now been established by the NSW Police Force to run for two years. The Reform Project Team will review and determine whether the current DVSAT is fit for purpose or whether it will be amended to ensure the tool provides improvement in the process map of domestic and family violence (DFV).

The NSW Police Force is committed to working closely with partner agencies to improve information sharing and support for DFV victims.

Firearms Registry – Gun Safe platform

14. On 31 August 2022 Assistant Commissioner Whyte stated: “There’ll be a manufacturer importer bulker upload, individual and witness dealer upload and repairs, consignment, safe storage, significant movement in that space.”
- a) If the NSW Firearms Registry’s intention is for firearm manufacturers and importers to perform bulk uploads into Gun Safe, will manufacturers and importers outside of NSW require a Gun Safe account?
 - b) Will NSW Firearms Registry rely on a Service NSW account for user authentication of interstate firearm manufacturers and importers?
 - c) How does a non-NSW resident get an account on Gun Safe when they can’t get a Service NSW account?
 - d) Can Gun Safe use some other authentication method, such as a Commonwealth MyGov account?

Answer:

- a) The particulars for the importation and manufacturing module for Gun Safe have not been defined as yet. The project team will work with key stakeholders to understand and document high level requirements. While at early stages, it is contemplated that only NSW-based importers or manufacturers would use Gun Safe.
- b) As per the answer above, it is likely that the design will use similar functionality to what currently exists. Dealers have a different portal to customers (via a link) and a two-factor authentication process that they use to enter their portal. It is not through Service NSW.
- c) As per the answer above, Gun Safe remains for use by NSW citizens.
- d) This factor may be considered if a broader roll out is warranted.

Firearms Registry – Backlogs and Delays

15. What are the current time delays and backlog numbers of applications for:
- a) New firearm licences (Category A, B, C, D, H)
 - b) Renewal firearm licences (Category A, B, C, D, H)
 - c) Minor's firearm permits
 - d) Permits to Acquire (PTA's)
 - e) Firearm Registration Certificates
 - f) Prohibited Weapon (silencer) permits
 - g) Museum permits
 - h) Collector's permits
 - i) Ammunition permits
 - j) Work authority permits
 - k) Approved Hunting Organisation (AHO) approval

Answer:

As of 12 September 2022:

- a) Nil.
- b) Nil.
- c) Nil.
- d) Nil.
- e) Nil.
- f) Nil.
- g) Nil.
- h) One matter since Dec 2021.
- i) Nil.
- j) Nil.
- k) Nil.

Firearms Safe Storage Inspections

16. On 24 February 2021 a directive was issued by then Corporate Sponsor, Firearms to all Police Area Commands and Police Districts to undertake firearm safe storage inspections.
- a) What objective evidence does NSW Police have to support the claim in that directive "...the storage of large numbers of firearms presents a significant risk in respect to theft and DV."?
 - b) How many inspections were completed in calendar years 2021 and 2022 (to date)?
 - c) What is the expected date for completion of the inspections?
 - d) How many safe storage facilities of individual licence holders were found to be not compliant with the statutory requirements in 2021 and 2022 (to date)?
 - e) How many safe storage facilities of firearm dealers were found to be not compliant with the statutory requirements in 2021 and 2022 (to date)?
 - f) How many discrepancies were detected between Firearms Registry records and licence holders' records in 2021 and 2022 (to date)?
 - g) What is the estimated cost in police salaries to undertake the inspections in 2021 and 2022 (to date)?
 - h) How many firearm theft incidents occurred in calendar years 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022 (to date) involving the theft of:
 - i. 1-5 firearms
 - ii. 6-10 firearms
 - iii. 11-20 firearms
 - iv. 21-50 firearms
 - v. 51 or more firearms
 - i) What are the qualitative and quantitative criteria used in the risk-matrix of the Risk Based Compliance Model utilised in Operation Gun Check?

Answer:

- a) A large number of firearms located at a single location increases the amount of firearms that could be stolen, which in turn can increase the consequence of such a theft as the stolen firearms have the capacity to be utilised in an unlawful manner. There are multiple instances of theft of firearms.
- b) A total of 24,763 safe storage inspection incidents were undertaken in 2021.
A total of 15,869 safe storage inspection incidents have been undertaken from 1 January until 7 September 2022.
- c) Safe storage inspections are ongoing.
- d) and e) The NSW Police Force is unable to differentiate the data between individual licence holders and firearm dealers with regards to safe storage compliance.
- f) It would require significant analytical work to obtain this data. The standard search capacities and recording do not allow a simple analysis to determine this data.
- g) There are too many variations to elements involved in attempting to provide an estimate of this cost.
- h) Included below:

Grouped by number of firearms stolen

Event Reported Year	Number of Firearms stolen					Total
	No. 1-5	No. 6-10	No. 11-20	No. 21-50	No. 51+	
2015	201	19	3	1	0	224
2016	177	26	6	3	1	213
2017	148	19	7	2	0	176
2018	137	26	2	0	0	165
2019	141	19	3	0	0	163
2020	89	10	6	1	0	106
2021	113	13	3	0	0	129
2022 (to 7/9/2022)	79	5	3	1	0	88
Total	1085	137	33	8	1	1,264

- i) This information is subject to legal professional privilege.

Firearms Registry – Performance Measures

17. Why do the Firearms Registry's Performance Measure Reports re-introduced earlier this year not include the same detailed information as the earlier reports up to December 2020?
18. Will the Registry be including the same metrics as in earlier reports?
19. When could this be done?

Answer 17-19:

The previous reports were compiled through data obtained from the Integrated Licensing System, which included permits, minors permits, new firearms licence and renewal applications.

As of March 2022, the new report has been developed on data from the Gun Safe system. As reporting functionality in the Gun Safe system allows for further reports, it is anticipated that all previous areas will be added to the public facing reporting dashboard in late 2022.

Firearms Registry – Interpretation of professional medical reports

20. Regarding my letter to Assistant Commissioner Whyte dated 27 June 2022 and the refusal decision by adjudicator AJT dated 17 March 2022 on a firearms licence application:

- a) Is AJT a commissioned officer in the NSW Police Force?
- b) Is AJT employed in the Senior Executive Service?
- c) If yes, what rank?
- d) Has AJT ever submitted a conflict of interest declaration?
- e) Does AJT hold any formal qualification in medicine, psychiatry or psychology?
- f) Does AJT hold any formal legal qualification?
- g) Is AJT a Government Legal Practitioner employed by the NSW Police Force?
- h) In which office of the NSW Police Force is AJT located?
- i) Is AJT employed in the Police Prosecutions, Licensing and Enforcement Command (PPLEC) at Sydney Olympic Park?
- j) Did AJT act as police prosecutor in the case against the Bastille Gun Shop in the Dubbo Local Court on 31 March 2011?

Answer:

- a) No.
- b) No.
- c) Not applicable.
- d) No.
- e) No.
- f) No.
- g) No.
- h) The NSW Firearms Registry.
- i) No.
- j) No.

Questions from Ms Abigail Boyd MLC

Police use of AI and facial recognition technologies

21. Does the NSW police use facial recognition software?

Answer:

The NSW Police Force has had a facial recognition capability since 2004.

22. In what contexts is facial recognition systems used?

Answer:

Facial Recognition is used to identify potential suspects of crime, unidentified deceased and missing persons. Information is used for intelligence purposes only.

23. Is there a principles, policy or guidance document used by NSW Police to guide the ethical use of facial recognition, biometric data, or other computer-mediated or assisted technology including but not limited to Artificial Intelligence for the use of police operations and investigations?

a) Please provide all relevant policies, guidances and frameworks

Answer:

The NSW Police Force established a Governance Board in 2020 with the objective of providing oversight for the use of biometrics capabilities within the NSW Police Force.

Further information about the NSW Police Force's use of biometrics cannot be provided as this would disclose operational tactics relevant to law enforcement.

24. What data is facial recognition software used by NSW Police built on?

a) Who built it?

b) Have you assessed it for bias? If yes, what were the findings of this assessment, and did it inform any future changes or developments in the software or method of use?

Answer:

(a)(b) Further information about the NSW Police Force's use of biometrics cannot be provided as this would disclose operational tactics relevant to law enforcement.

25. How many people have police stopped, searched or arrested on the basis of facial recognition software that then turned out to be false?

26. How many successful arrests have been made using facial recognition technology?

Answer 25-26:

Facial Recognition Software is used by the NSW Police Force for intelligence purposes only.

27. Is NSW Police aware of facial recognition being banned in other jurisdictions due to its in-built biases? Does NSW Police need greater regulation to ensure that facial recognition is not misused?

Answer:

No, the NSW Police Force is not aware of facial recognition being banned in other jurisdictions due to its in-built biases. The NSW Police Force is committed to the responsible and ethical use of facial recognition technology.

28. What has NSW Police done to ensure that facial recognition technology is not misused?

Answer:

The NSW Police Force minimises information provided to examiners and follows the standards of the Facial Identification Scientific Working Group (FISWG).

The NSW Police Force also ensures supervisors review all examinations.

29. Does NSW Police use any form of technology assisted analysis, including Artificial Intelligence or deep-learning technology, for predictive policing?

Answer:

Yes. The NSW Police Force utilises artificial intelligence to predict the day, time, type and location of crimes to assist in resource allocation and deployment of staff.

30. Does NSW Police have any plans to expand the use of technology into predictive policing?

Answer:

The NSW Police Force continually reviews new technology to assist police in their role, and will consider expanding the use of technology, as required.

31. Are you aware of the Human Rights Commission's call for a freeze on the use of 'high-risk' facial recognition, which include a moratorium on the use of biometrics, including facial recognition, in 'high-risk' areas including policing?

- a) Will NSW Police suspend its use of facial recognition technology until the recommendations of the Human Rights Commission are implemented?
- b) Has NSW Police responded to the recommendations of the Human Rights Commission in any way, including through updating its policies, procedures and guidances to reflect community concerns regarding facial recognition technology by police?

Answer:

Yes, noting that the definition of 'high risk' is not agreed upon.

The NSW Police Force will continue to use commercially available technologies in its mission to ensure a safer NSW community.

- a) No. However, the NSW Police Force will consider any recommendations made by the Human Rights Commission in order to improve its practice and governance around the use of this type of technology.
- b) No. However, the NSW Police Force Governance Board for facial recognition technologies considered the report in August 2021. The Board noted that the use of facial recognition capability by law enforcement had been misunderstood, and the concept of 'high risk' facial recognition has not been effectively described, nor does it reflect the way in which the NSW Police Force uses this technology.

Protest Laws and the operations of Strike Force Guard

32. Following the introduction of the Roads and Crimes Legislation Amendment Act 2022, and subsequent relevant regulations specifying the operation of S144G, there

was considerable confusion and uncertainty as to when this newly amended law would apply.

- a) How many times was clarification on any aspect of the new laws sought by police commanders?
- b) How many times since its introduction has s144G been invoked when interacting with protesters or potential protesters?
- c) How many times was s144G improperly invoked when warning, or arresting and charging individuals?

Answer:

Since 6 April 2022, 36 people have been charged under section 144G of the Roads Act 1993. For Strike Force Guard specifically, 27 people have been charged and two charges were withdrawn.

33. What is the constitution of Strike Force Guard?

- a) How many police officers are involved in Strike Force Guard?
- b) What is the chain of responsibility for Strike Force Guard?

Answer:

There were over 400 police deployed during Strike Force Guard.

The Commander of Central Metropolitan Region was the commander for Strike Force Guard.

34. What is the budget allocation for Strike Force Guard?

- a) Is this recurrent funding?

Answer:

There was no specific budget allocated for Strike Force Guard.

35. What training was provided to police officers seconded into Strike Force Guard?

Answer:

Police Officers are trained and experienced law enforcement officers. They were inducted into the Strike Force, and provided regular intelligence and operational briefings.

36. What are the operational roles and responsibilities for members of Strike Force Guard?

Answer:

The aim of Strike Force Guard was to prevent, disrupt and respond to unlawful protest activity.

37. What role does Strike Force Guard have in relation to surveillance and identification of participants following a protest action?

- a) Does Strike Force Guard provide briefings, or issue directions, to other police units and Local Area Commands who then undertake activities on identified suspects/individuals?

Answer:

The identification of persons committing offences was the primary function of Strike Force Guard.

Strike Force Guard worked collaboratively with a range of generalist and specialist units across the NSW Police Force during the whole operation.

38. What are the operational guidelines for police dealing with climate protesters/interest motivated groups?

Answer:

Strike Force Guard was guided by existing operational practice and policy in response to public order management.

39. Please provide the operational documents for police surveillance and associated warrant for the police raid on the Colo camp on 19 June 2022.

40. What was the legal foundation for the surveillance on the Colo camp in the days leading up to 19 June 2022?
41. How many days had surveillance been carried out on the Colo camp leading up to 19 June?
42. How many officers were deployed to surveil the Colo camp?

Answers 39-42:

As these matters are currently before the Courts, they are sub judice and therefore, it would be inappropriate to produce any documents that may be called upon as evidence.

43. When were police in surrounding areas provided with a briefing, or forward warning, of an impending large scale operation to raid the Colo camp?

Answer:

See answer to Question 37.

44. How many officers were on standby in preparation for a raid on the Colo camp in the days leading up to 19 June 2022?

Answer:

See answer to Question 33.

45. What was the cost of the large scale deployment of police officers to raid the peaceful encampment at Colo on 19 June 2022? Please break down the costs by type, eg the cost of the use of helicopters, canine units etc?

Answer:

The majority of the police involved in the operation on 19 June 2022 were on rostered shifts.

46. Which guideline, policy or training manual document provided the instruction to police officers to drive their vehicle through a group of people, striking and injuring a number of them, on 19 June 2022?

Answer:

See Answer to Questions 39 to 42.

47. At least 14 home visits were undertaken by police in the week prior to 28 June 2022 to provide Form 1's and warn them against undertaking 'illegal' protests. What was the legal basis for those visits?
- a) What operational guidance was given to the police officers conducting those visits?

Answer:

Police have a lawful right to speak with people in these circumstances and warn them against undertaking illegal protests.
Police were provided with operational information to assist them in the task.

It should be noted that authorised public assemblies are recognised under Part 4 of the *Summary Offences Act 1988*. The legislative context in which these provisions apply encourage the mutual cooperation between protestors and police, where an authorised public assembly notifies the Commissioner of Police about the assembly.

48. Please detail the NSW Police activities regarding anti-protest enforcement in the weeks leading up to the planned Blockade Australia actions at the end of June 2022.

Answer:

The NSW Police Force facilitates numerous lawful protests on a weekly basis, noting the response to Question 47. Within the Sydney CBD, that amounts to approximately 1,000 per year.

49. Over 10 people were stopped and searched around Sydney in the week of 28 June 2022 under the excuse of RBT's or other 'random' searches. Under whose direction was this undertaken?
- a) What was the legal basis for these seemingly targeted 'random' stop and searches?

Answer:

This question does not contain sufficient information to allow the NSW Police Force to undertake further investigation in relation to those referred to in this question.

50. What guidance have police been given as to the application of s144G of the Roads Act?

Answer:

On 7 April 2022, the provision of section 144G was communicated to employees of the NSWPF.

51. How many people have been charged under the offence prescribed in s144G?

- a) How many people have been charged under s144G and then had their charges dropped?
- b) How many were denied bail?

Answer:

- a) Since 6 April 2022, 36 people have been charged under section 144G of the *Roads Act 1993*.
For Strike Force Guard specifically, 27 people have been charged and two charges were withdrawn.
- b) 17 people were refused police bail.

52. Have police been adequately briefed on the application of s144G, and the roads they apply to?

Answer:

See answer to Question 50.

53. What briefings related to legal observers did police receive in the leadup to planned protest actions? (Note: a legal observer arrested on 28 June 2022 had her charges dropped on the basis of her being a legal observer)

Answer:

No specific briefings were given in relation to 'Legal Observers' nor was any advice provided to police that any such persons would be present.

There was one person who was charged under s144G, but later had the matters withdrawn. However, they were not withdrawn on the account of the person being a 'Legal Observer'.

54. Has a review been undertaken into the excessive use of force by NSW Police against legal observers and peaceful protesters in the Sydney CBD in the week of 28 June 2022?

Answer:

One complaint was made by a person in custody in relation to the alleged failure of police to provide medical assistance and that the food supplied did not meet their vegan dietary requirements. That matter was dealt with through normal complaint handling processes.

The complaint in relation to the failure to provide medical assistance was not sustained. Ambulance attended to the person in custody, although they were not conveyed to Hospital.

55. What was the total cost of the increased police presence across Sydney on the week of 28 June 2022, in preparation for planned protest actions?

Answer:

The majority of the police involved in the operation on 28 June 2022 were on rostered shifts.

56. How many times have NSW Police used pepper spray in the last 3 years?

Answer:

FY2019-20:	2,977 Unique Incidents
FY2020-21:	2,587 Unique Incidents
FY2021-22:	2,767 Unique Incidents

57. How many times have NSW Police used pepper spray during interactions with peaceful protesters and rally participants in the last 3 years?

Answer:

This data is not held.

58. On Tuesday 30 August, NSs Police used a large amount of pepper spray on student protesters as they rallied outside Doltone House in Pymont. The 2019 NSW Police Force Training Manual for Oleoresin Capsicum Defensive Spray states that 'defensive' sprays may be used for: protection of human life; a less than lethal option for controlling people where violent resistance or confrontation occurs or is likely to occur; protection against animals.

- a) What was the justification for the police judicious use of pepper spray against student activists on this occasion?
- b) Will a review be undertaken, and appropriate actions taken against police if they are found to have breached the guidelines outlined in the training manual?

Answer:

- a) Oleoresin Capsicum Spray was used in accordance with the NSW Police Force Handbook 'where violent resistance or confrontation occurs (or is likely to occur).'
- b) One complaint of unreasonable use of force was received on 1 September 2022, and this is currently being assessed under the normal complaint handling processes.

WDVCAS co-location pilot

59. During the Deputy Premier, Regional NSW and Police Budget Estimates hearing on 31 August 2022, Commissioner Webb stated that the Women's Domestic Violence Court Advocacy Service (WDVCAS) co-location pilot is taking place in 14 locations, but the domestic violence sector understands that it is instead the WDVCAS hearing support pilot which is taking place at 14 locations with a start date of 'by the end of the year', and the co-location pilot is taking place at 4-5 locations with a previously scheduled start date of 5 September 2022. Please clarify the scheduled locations and start dates for the:

- a) WDVCAS hearing support pilot
- b) WDVCAS co-location pilot

Answer:

a) The Women's Domestic Violence Court Advocacy Service (WDVCAS) hearing support pilot is a Legal Aid initiative. Information about the WDVCAS locations in NSW is available on the Legal Aid website.

b) See the Answer to Question 60.

60. The WDVCAS co-location pilot was due to begin on 5 September 2022, a start date which had the support of all stakeholders except the NSW Police.

a) Why was the decision made to delay this start date?

b) Whose decision was it to delay the start of this pilot?

c) Will Police be meeting with relevant stakeholders including the WDVCAS peak body DVNSW to discuss the pilot and/or its delay? If yes, when is this meeting scheduled for or when did this meeting occur? If no, why not?

d) Is there a new start date confirmed? If not, when will this date be decided and upon what criteria will the new date be determined?

Answer:

In late August 2022, the NSW Police Force postponed the commencement of the co-location pilot for a short period, whilst the organisation internally reviewed and undertook consultative processes with Legal Aid and Domestic Violence NSW prior to implementation at all locations.

All agencies involved will work towards setting a new date for the pilot commencement.

Edwards Coronial Inquiry

61. During Budget Estimates on 4 May 2022 questions from Ms Boyd relating to the Edwards Coronial Inquiry were taken on notice, with a commitment made by Commissioner Webb provide on notice 'a list of the [Edwards Coronial Inquiry] recommendations and then where we are up to'. The response provided included a link to where coronial recommendations generally can be found, and stated that '[a] number of the Government's response to the recommendations have been completed, with others partially completed and responses to recommendations that are ongoing'.

- a) Why was this question incompletely answered?
- b) Please provide information on implementation progress for each recommendation individually.

Answer:

Refer to **TAB 1** for the Government response to the coronial inquest into the deaths of John, Jack and Jennifer Edwards.

Police responses to Domestic and Sexual Violence

62. The NSW Auditor General's performance audit of Police Responses to Domestic and Family Violence found that responses across the state are often inconsistent due to inequitable workforce distribution and a lack of mandated domestic and family violence training past the initial Academy and probationary year training, and made eight recommendations to be implemented by January 2023. What additional resourcing will be invested to enable NSW police to improve performance regarding DFV incidents and address the recommendations from the Auditor General's report?

Answer:

The NSW Police Force has established a Domestic Violence Steering Committee to remedy and respond to the recommendations of the Auditor General's report. The first meeting will be held on 27 September 2022, which will be chaired by Assistant Commissioner Stuart Smith as the Corporate Sponsor.

The Steering Committee will comprise of Assistant Commissioners from various relevant fields who will form working groups tasked with addressing the NSW Police Force response to domestic violence and the recommendations from the Auditor General's report.

63. Noting there was a 65% increase in the reporting of sexual assault since March 2020, what additional funding is being allocated to Police to enable them to best respond to victims of sexual violence?

Answer:

Additional funding has been allocated by the NSW Police Force, which includes the redevelopment of sexual violence course for officers when engaging with victims of sexual assault, raising community awareness (marketing campaign) around sexual violence, developing a whole of organisation foundational training program for staff, rolling out Early

Evidence Kits, undertake minor works to upgrade victim-witness room, as well as developing a Community Portal and online reporting function for people to report incidents of sexual violence.

The NSW Police Force has increased its Authorised Police positions in the Child Abuse and Sex Crimes Squad to 332 positions as of 14 September 2022.

64. What resourcing is being dedicated to improving police ability to accurately identify the predominant aggressor?

Answer:

The working groups within the steering committee will also establish frameworks for service delivery standards and evaluation measures across workplace culture, training, community engagement, incident reporting, investigations, interagency engagement, and prosecution.

65. How is the community consulted about applications for new coal exploration areas?

The *Mining Act 1992* requires advertisement of an application for an exploration licence to be lodged with two separate newspapers. The advertisements must meet requirements imposed by the Secretary which specify public comment processes.

All exploration licence applications must also be advertised in the NSW Government Gazette.

(a) How are issues raised by the community considered in the decision-making process to grant new coal exploration areas?

Public comments and subsequent responses from the applicant are considered by the Department in accordance with the requirements of the *Mining Act 1992*.

(b) When processing submissions to advertised exploration licence applications why is the applicant's response to submissions withheld until after a decision is made on the approval?

It is not appropriate to publish an applicant's response while the matter is under assessment.

66. Why has the NSW Government decided to release areas for coal exploration as operational releases in the Wollar and Coolah South strategic release areas without conducting a Preliminary Regional Issues Assessment (PRIA)?

The Strategic Release Framework and Operational Allocation Framework are two separate pathways to seek an exploration licence for coal. An application by a currently operating mine for an operational allocation exploration licence does not require a PRIA.

67. Will the coal resources east of Peabody Energy Wilpinjong Coal Mine only be available to Peabody Energy through operational release?

The area directly east of Wilpinjong has not been identified for Strategic Release.

Coal authorisation holders may apply for coal exploration licences for operational allocation purposes adjacent to their current operations provided the applications comply with section 13C of the *Mining Act 1992*.

68. Will the coal resources east of Coolah South Coal Mine only be available to Peabody Energy through operational release?

The Department of Regional NSW has no records of a Coolah South Coal Mine.

Administrative Levy

69. What is the current and projected income from the Administrative Levy under the *Mining and Petroleum Acts*?

Administrative Levy revenue for the 2021/22 financial year was \$34,805,406. Forecast revenue for the 2022/23 financial year is \$35,330,103.

Minerals Industry

70. The NSW Government invested in two separate online portals (Titles Management System and Resources Regulator Portal) to support the minerals industry compliance and regulation at around the same time and significant cost to the NSW taxpayer. What has been the expenditure to date?

Titles Management system \$17,953,000 from 2017 - 2022.

Resources Regulator system \$6,090,000 from 2017 -2022.

(a) When will these two systems 'talk' to each other for ease of use by both industry and Government?

The systems currently have basic integration sending and receiving notifications. DRNSW has a forward work program which includes incremental improvements aimed at further consolidating the Mining, Exploration and Geoscience Group's information management systems.

71. One of the major deterrents to mineral industry investment in NSW is the assessment and approval time for projects, from drilling a couple of holes to opening a mine. What is the Government doing to streamline these processes and minimise these timeframes (without impact to the community or Government standards?)

The Department of Regional NSW, through the Mining, Exploration and Geoscience Group, established a Mining Concierge service in 2021 to support new and existing mineral projects, working directly with project proponents to identify the critical path for approvals and to provide support on cross-departmental issues.

The Resources Regulator has introduced an online application form for exploration activity approvals to further streamline the approval process.

Issues relating to the assessment and approvals of mining developments should be referred to Department of Planning and Environment.

Cost of police training

72. For each recruit being trained at the Goulburn Police Academy what are the:
- a) Academic fees and charges
 - b) Food (per week and the total for the length of training period)
 - c) Accommodation (per week and the total for the length of training period)
 - d) Books and other educational materials
 - e) Other Equipment
 - f) Uniforms, clothing and footwear
 - g) Graduation costs
 - h) Any other costs

Answer:

- a) As of 14 September 2022, the University Certificate in Workforce Essentials (UCWE) is \$1,728 and Associate Degree in Policing Practice (ADPP) \$17,280, if course fees are paid upfront by the student. However, most students opt to defer the course fees through FEE-HELP.
- b) The cost for food is \$50 per week. Those students residing on campus do not incur any cost. Students residing off campus receive a \$50 per week allowance.
- c) The cost for accommodation is \$50 per week. Those students residing on campus do not incur any cost. Students residing off campus receive a \$50 per week allowance, in addition to any scholarships awarded.
- d) Approximately \$50 per student for stationery costs. This expense is funded by the NSW Police Force.
- e) \$3,272 per student. This expense is funded by the NSW Police Force.
- f) \$2,613 per student. This expense is funded by the NSW Police Force.
- g) \$150 per student. This expense is funded by Charles Sturt University.
- h) Currently \$100 per student for Covid PCR testing costs. This expense is funded by the NSW Police Force.

73. What is the total cost to the NSW Police of training each cadet (exclusive of costs of buildings and training facilities)?

Answer:

The total average cost per student across the previous three financial years is \$14,847.

Cost per student will vary based on a range of factors for each class Intake.

74. What is the operating budget for the Goulburn Police Academy in 2022-23?

Answer:

The Accountable Net Cost of Service budget of NSW Police Academy 2022-23 financial year is \$24.38 million, excluding police salaries budget.

Police training scholarships

75. For each year since 2019 please provide the number of:

- Scholarships available
- Scholarships applied for
- Scholarships awarded
- Scholarships revoked after being awarded
- Total annual budget for scholarships

Answer:

	2021-22	2020-21	2019-20
a) scholarships available	\$3,000 (*30%), \$6,000 (*15%), \$9,500 (*15%).	\$3,000 (*30%), \$6,000 (*15%), \$9,500 (*15%).	\$3,000 (*30%), \$6,000 (*15%), \$9,500 (*15%).
b) scholarships applied for	384	629	987
c) scholarships awarded	174	320	392
d) scholarships revoked after being awarded	16	23	28
e) total annual budget for scholarships*	\$4,490,000	\$4,490,000	\$5,150,000

*includes budget for Scholarships and Accommodation and Travelling Allowance.

76. Do the scholarships have any restrictions on the amount or type of costs of training that can be met with scholarship funds?

- If so, what are they?

Answer:

For each class, the available scholarships are:

- 15% - \$9,500
- 15% - \$6,000
- 30% - \$3,000

77. How is the total amount of funds available through the scholarship program determined each year?

Answer:

The scholarship budget is mainly determined by forecasted student intake numbers and previous years' scholarship expenditure trends.

Additional budget is also provided if pre-attestation funding is received for additional police positions and any COVID financial support payments received.

78. Are there any minimum academic or other standards required of scholarship recipients?

Answer:

Scholarships are awarded based on the students' financial needs at the time of application. There are three levels of scholarships available.

All students are assessed based on the criteria set out by Charles Sturt University (CSU).

Scholarships are administered by CSU, in accordance with university standards. No academic standards are applied, other than successful enrolment in Session 2 of the ADPP.

79. Apart from scholarships what other financial support is available to cadets attending the academy to assist in meeting their costs of training?

Answer:

Any students who reside on campus do not incur any costs, such as catering and accommodation.

Charles Sturt University (CSU) also offers hardship scholarships, based on the financial/family needs of students.

Hardship scholarships are funded by CSU and amounts are determined on a case-by-case basis. COVID financial assistance payments of up to \$3,000 were also available to students impacted by COVID during 2021 and 2022.

Taskforce Erebus

80. Does Taskforce Erebus still have 60 officers allocated to it?

a) If not, are there more or less and if so why?

Answer:

As of 15 September 2022, a total of 71 officers have been allocated to Task Force Erebus

81. How many physical police are working full-time on Taskforce Erebus?

a) How many part-time?

Answer:

As of 15 September 2022, 68 are working full time and 3 are working part time.

Aged Crime Prevention Officers

82. How many ACPOs are currently operating in NSW?

83. Where are they located?

84. What is the NSW Government's plan to increase the number to reach the target by 2023?

85. What services are they providing to their communities?

Answer 82-85:

This information is included on the NSW Police Force website.

This project is ongoing. ACPOs are members of statewide Crime Prevention Units. All officers attached to this unit are trained in the needs of all members of the community, regardless of the category of crime.

Drink spiking

86. How many instances of drink spiking were reported to NSW Police:

- a) in 2019-2020?
- b) in 2020-2021?

Answer:

With regards to drink spiking:

- a total of 100 incidents were reported in 2019;
- a total of 91 incidents were reported in 2020;
- a total of 108 incidents were reported in 2021.

87. Is drink spiking considered to be a growing problem in NSW?

Answer:

No.

88. What is the NSW Police Force response to a drink spiking incident if it is reported by a venue?

Answer:

If reported by a venue, the NSW Police Force response will be to treat the incident as a criminal investigation on a licensed premises.

89. What is a venue's role in facilitating a police investigation into drink spiking?

Answer:

It is the NSW Police Force's expectation that licensed premises cooperate with criminal investigations undertaken by NSW Police Force Officers.

Licensed premises are subject to appropriate control and preventative measures in place, such as Liquor Licence conditions, Liquor Accord Precinct conditions, the *Liquor Act 2007* and Liquor Regulations 2018.

90. What is the NSW Police Force response to a drink spiking incident if it is reported by a victim:

- a) Immediately after the offence (while they are still under the influence of the substance)?
- b) Subsequent to the offence (after recovering from the initial effects of the drink spiking incident)?

Answer:

(a) – (b): If reported by a victim, the NSW Police Force’s response will be to treat the incident as a criminal investigation on a licensed premises.

91. Do police officers have access to drink spiking screening tests to be able to test for adulterated substances?

Answer:

No.

92. If so, how widely are they available in the NSW Police Force?

93. How widely are they used?

Answer 92-93:

See Answer to Question 91.

94. What are their perceived accuracy and usefulness?

Answer:

See Answer to Question 91.

95. If not, is this a tactic that the NSW Police Force would consider using to address the drink spiking problem?

Answer:

See answer to question 87.

96. Is there any plan to bring in their use?

Answer:

The NSW Police Force is not aware of any proposals to introduce drink spiking screening tests within NSW.

Auditor general's report on domestic and family violence

97. The NSW Auditor General found that responses across the state are often inconsistent due to inequitable workforce distribution and a lack of mandated domestic and family violence training past the initial Academy and probationary year training (Audit Office of NSW, 2022) - What additional resourcing will be invested to enable NSW Police to improve performance regarding DFV incidents and address the recommendations from the 2022 Audit office report into policing of DFV?

Answer:

See answer to Question 62.

98. Noting there was a 65% increase in the reporting of sexual assault since March 2020, what additional funding is being allocated to Police to enable them to best respond to victims of sexual violence?

Answer:

See answer to Question 63.

99. What funding is being allocated to respond to the NSW Auditor General's recommendations on improving policing of DFV?

Answer:

See answer to Question 62.

100. What resourcing is being dedicated to improving police ability to accurately identify the predominant aggressor?

Answer:

The working groups within the Steering Committee will also establish frameworks for service delivery standards and evaluation measures across workplace culture, training, community engagement, incident reporting, investigations, interagency engagement, and prosecution.

Hospital emergency department call-outs

101. Please provide the Committee with the number of times, for each hospital emergency department, NSW Police have been called to manage an incident involving a patient or visitor in:

- a) 2019
- b) 2020
- c) 2021
- d) 2022

102. How many of these incidents, in each year, involved a weapon?

103. How many of these incidents, in each year, have resulted in someone being detained or arrested?

Answer:

This data is not held.

Police attendance at schools

104. On how many occasions, by police district, have NSW Police been called to an incident involving a student, staff member, parent or volunteer in:

- a) 2019
- b) 2020
- c) 2021
- d) 2022

105. How many of these incidents, in each year, involved a weapon?

- a) What sort of weapons?
- b) Homemade? Knives?

106. How many of these incidents, in each year, were related to sexual assaults?

107. What are the most common non-violent incidents that cause police to be called to schools?

108. How many of these incidents, in each year, have resulted in someone being detained or arrested?

Answer to Questions 104 to 108:

This data is not held.

Early Guilty Pleas

109. Has the NSW Police Force made a submission to the NSW Government recommending the involvement of police officers in Early Appropriate Guilty Plea cases be significantly reduced, or any similar submission regarding the impact of the EAGP reforms on the NSW Police Force?

110. What is the status of any such submissions with the NSW Government?

a) Has the NSW Government provided any response?

Answer 109-110:

The Early Appropriate Guilty Pleas (EAGP) Protocol between the NSW Police Force and the Office of the Director of Public Prosecutions has been renegotiated and approved by the Commissioner of Police.

The commitment of police officers and resources under the EAGP Protocol is continually reviewed and was factored into the negotiations to update the EAGP Protocol.

111. Has the NSW Police Force reviewed the workload of NSWPF Detectives and Prosecutors resulting from the EAGP Amendments?

a) What was the outcome of any such review?

Answer:

The NSW Police Force has regular meetings with the Office of Director of Public Prosecutions (ODPP) at a number of levels where the EAGP workload is discussed.

The NSW Police Force Commander of Police Prosecutions and Licensing Enforcement Command meets with the ODPP regularly and there are also localised Prosecution Liaison Group meetings. Internally, the Prosecutors Advisory Committee, which consists of representatives of the Police Prosecutions Command, Detectives and Field representatives, review the operation of the EAGP processes.

These various forms of consultation were considered in the recent review of the EAGP Protocol between the NSW Police Force and the ODPP, which results in a number of amendments. This ongoing consultation will inform future discussions around the EAGP Protocol.

112. Will the NSW Government commit to fixing the considerable increase to police workload caused by the EAGP reforms?

Answer:

The commitment of police officers and resources under the EAGP Protocol is continually reviewed and was factored into the negotiations to update the EAGP Protocol.

Emergency Management

113. Has the NSW Government commenced consultation with the NSW Police Force to determine how many new positions will be required to perform the additional responsibilities associated with creating a new Deputy Commissioner to permanently take on the SEOCON role?

Answer:

The NSW Police Force is working closely with the Project Management Office, established in the Department of Premier and Cabinet to coordinate the implementation of the Independent Flood Inquiry's recommendations to consider this matter.

114. Would you expect that the NSW Police Force will require additional positions, fully funded, allocated to implementing the recommended Emergency Management structure?

Answer:

Further work is required to determine the preferred approach to implementing the Inquiry's recommended changes to the emergency management organisational structure before the resourcing of implications of this are known.

115. Has the NSW Government commenced consultation with the NSW Police Force to determine the structure of those additional resources in order to meet these responsibilities?

Answer:

See the Answer to Question 113.

Fentanyl

116. Are there concerns within policing that we may be facing an increase in attempts to import fentanyl into NSW?

Answer:

This issue is monitored locally, in consideration of overseas trends and import detections.

117. What steps are being taken to address this before it becomes as big a problem as it is in other countries?

Answer:

The NSW Police Force is engaged in both law enforcement and harm minimisation strategies in relation to illicit drugs. From a harm minimisation perspective, the NSW Police Force is engaged in the Combined Surveillance and Monitoring of Seized Samples (CoSMoSS), which is a joint project with NSW Ministry of Health and NSW Health Pathology.

The NSW Police Force participates in the national Prompt Response Network for the purpose of maintaining an awareness of emerging substances and harm minimisation messaging.

118. Does the NSW Police Force agree with the assessment that it is only a matter of time before more attempts, including successful ones, are made to import fentanyl or produce fentanyl in NSW?

Answer:

While recognising the significant risk posed by illicit fentanyl consumption, the drug market in NSW is largely stimulant focussed, a fact supported by recent large seizures of methylamphetamine.

119. Have any specific groups or taskforces been established to try and get ahead of any increases in the attempts to import fentanyl – are we trying to head it off at the pass so to speak?

Answer:

Several State Crime Command Squads within the NSW Police Force are partnered with other law enforcement agencies to focus on organised crime and importations.

The NSW Police Force Drug and Firearms Squad have specialist officers trained in chemical identification, diversion and operations to investigate and advise on these issues.

The NSW Police Force has a strong partnership with Commonwealth and State partners for information exchange and response.

There are also protocols in place to respond to fentanyl or suspected fentanyl detections.

Money laundering in New South Wales

120. Has the Government received any advice from the NSW Crime Commission that money laundering is a cause of concern in other industries or sectors, other than pubs and clubs?

a) If so, what action has been taken to investigate these industries or sectors?

Answer:

This inquiry is ongoing. See answer to question 125 and 126

121. Was this advice canvassed at the “secret briefing given to cabinet ministers and senior public servants by the highest-ranking organised crime fighter in NSW”, as was reported in the Sydney Morning Herald on 13 May 2022?

Answer:

The Deputy Premier was not the Minister for Police at the time of this reported meeting.

122. Is it accurate that Assistant Commissioner Stuart Smith described anti-organised crime laws in NSW as “abysmal”?

Answer:

The NSW Government recently introduced a comprehensive suite of legislative changes to tackle organised crime and money laundering.

123. The SMH report of 13 May 2022 identified “Newcastle’s port and transport industry was a weak point...” – what action has been taken to address this concern by Assistant Commissioner Smith?

Answer:

Strike Force Groove is an Organised Crime Squad investigation at Newcastle Port, established to investigate a matter related to the deceased diver found attempting to retrieve drugs from a bulk carrier. This investigation is ongoing.

Additional officers have been allocated to address concerns. Several inter-agency committees share intelligence in order to tackle importation of illegal commodities within the transport industry.

124. Which other areas in New South Wales are considered susceptible to organised crime?

Answer:

The NSW Police Force works closely with its partner agencies to target organised crime.

125. On what date is the Commission's inquiry report due on money laundering at licensed premises in NSW?

Answer:

The Crime Commission is in the final stages of the inquiry and is anticipating the report will be completed during October 2022.

126. How many submissions did the inquiry receive when these closed on 28 January 2022?

Answer:

In response to the initial call for submissions to the inquiry, 18 submissions were received.

127. Assistant Commissioner Smith, according to the SMH report of 13 May 2022, has indicated, "recent record seizures of drug money...as a "tip in the ocean" compared to the actual amount of dirty money in circulation and the scale of money laundering" – what is the advice the Government has received of the scale of money laundering in NSW?

Answer:

See Answer to Question 120.

Legislation and regulatory amendments

128. What legislative and regulatory amendments does the Minister intend to introduce before the writs are issued for the March 2023 state election?

Answer:

In September 2022, the NSW Government introduced a comprehensive package of legislative reforms to target organised crime, and has indicated other legislation to tackle unexplained wealth.

Metropolitan police stations

129. Is there a funding program through which funds are allocated to upgrade or renew metropolitan police stations?

a) If so, what is the name of the program?

130. How much has been allocated to the program from 2022 to 2027?

131. How much is allocated to the program in each of the following years:

a) 2022

b) 2023

c) 2024

d) 2025

e) 2026

f) 2027?

132. How much has been committed from the program in each of the following years:

a) 2022

b) 2023

c) 2024

d) 2025

e) 2026

f) 2027?

133. To which stations has the funds in (68)(a)-(f) been committed?

134. How are the stations to receive upgrades, improvements, repair or renewal under this program determined?

Answer 129-134:

There is no specific funding program to upgrade or renew metropolitan police stations.

135. Does the Minister have a role in determining the final allocation of stations or funds?

136. Has the Minister requested that funds from this program be allocated to any stations?

a) If so, which stations?

Answer 135-136:

See answer to Questions 129 to 134..

Regional Police Station Program

137. How are the stations to receive upgrades, improvements, repair or renewal under this program determined?

Answer:

The NSW Police Force's Commands and/or regions identify infrastructure priorities.

The investment prioritisation process progresses business cases for Expenditure Review Committee (ERC) consideration of capital funding allocation.

Approved funding is phased over the forward years within the NSW Treasury's NSW Police Force CEAL (capital expenditure authorisation limit).

138. Does the Minister have a role in determining the final allocation of stations or funds?

139. Has the Minister requested that funds from this program be allocated to any stations?

a) If so, which stations?

Answer to Questions 138-139:

Final approval of capital projects are subject to ERC consideration.

Third-party contractors or consultancies

140. For every agency, department, or state-owned corporation within your portfolio, please provide the following:

- a) A list of all third-party contractor or consultancies engaged in communications services, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
- b) A list of all third-party contractor or consultancies engaged in PR services, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
- c) A list of all third-party contractor or consultancies engaged in marketing services, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
- d) A list of all third-party contractor or consultancies engaged in Government relations or lobbying services, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
- e) A list of all third-party contractor or consultancies engaged in industry or peak body membership, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid

- f) A list of all third-party contractor or consultancies engaged in policy or strategy development, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
- g) A list of all third-party contractor or consultancies engaged in project management, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
- h) A list of all third-party contractor or consultancies engaged in accounting and audit, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
- i) A list of all third-party contractor or consultancies engaged in legal services, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
- j) A list of all third-party contractor or consultancies engaged in any other services, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid

Answer on behalf of Regional NSW:

Agencies within the Regional NSW Cluster disclose in their Annual Report all consultancy engagements valued at more than \$50,000.

All other third-party contractor engagements where the value is in excess of \$150,000 are disclosed in accordance with the Government Information (Public Access) Act 2009 on the NSW eTenders website.

Answer on behalf of NSW Police:

All NSW Government agencies must comply with the NSW Procurement Policy Framework established under the *Public Works and Procurement Act 1912*, to ensure value for money when procuring goods and services. Information about expenditure is available in agencies' annual reports which are prepared and tabled in accordance with the requirements of the *Annual Reports (Departments) Act 1985*, *Annual Reports (Statutory Bodies) Act 1984*, *Government Sector Finance Act 2018* and *Government Sector Audit Act 1983*.

It is not practicable to provide the specific data sought by the member within the limited timeframe for responding to supplementary questions.

Police

141. At around 1.10pm on 25 June in 2020 an incident occurred on a public road in Wild Cattle Creek State Forest involving the assaults on two men by a Mr Rodeny Hearfield and a Mr Michael Vitale of Greensill Bros Pty Limited, contractors to the NSW Forestry Corporation, in the company of a Ms Karen Morrow of the NSW Forestry Corporation, who filmed the incident, and others:

- a) Why was Mr Hearfield and Mr Vitale not charged with assault?
- b) Why did Sergeant Goddard find that Mr Hearfield and Mr Vitale acted in self defence when there was clear video evidence this is not the case?
- c) Why did the NSW Police not undertake an independent investigation into the assaults that were filmed by the Forestry Corporation employee?
- d) Why did the NSW police offer the victims of the assault no assistance whatsoever?
- e) Why did the NSW Police deny the victim of assault access to the video evidence of him being assaulted?
- f) Why did the NSW Police require the victim of the assault to lodge a subpoena to access the video and then instruct solicitors to challenge the subpoena and require the victim to go to hearing on the subpoena so that he could access the evidence of the assault that took place upon him?
- g) Why did the NSW police prosecute one of the victims of the assault through the court for some 18 months and then drop the prosecution the week before the hearing, notwithstanding numerous pleas to withdraw the prosecution?
- h) Has the NSW Police spoken to NSW Forestry Corporation about criminal behaviour and dangerous workplace culture?
 - i. If not, why not?
 - ii. If not, will you do this?
- i) Why did Sergeant Goddard leave the NSW Police around the time the prosecution was withdrawn?
- j) Will the NSW Police consider reinvestigating the assaults?
 - i. If there is enough evidence of the offence of assault having taken place on victims by Mr Hearfield and Mr Vitale will the NSW Police charge them?

- k) Has the NSW Police commenced a review on the handling of the matter?
 - i. If not, why not?
 - ii. If so, when will it be complete?

Answer:

- a. The Officer-in-Charge deemed there was insufficient evidence to commence proceedings.
- b. I refer you to answer a.
- c. The incident in its entirety was satisfactorily investigated.
- d. Both alleged victims were supported, offered, and participated in interviews.
- e. Cross complaint from Hearfield and Vitale and the alleged victim became a suspect for Forestry related offences.
- f. Police did not instruct the alleged victim to take out a subpoena.
- g. Representations were made by the defence, and after careful review by senior Prosecutors the matter was withdrawn.
- h. The Police District consistently engages with the NSW Forestry Corporation regarding activities and protests, including engaging with licensed security firms in support of appropriate behaviour.
- i. Sergeant Goddard's Optional Disengagement date was determined well in advance of withdrawal proceedings.
- j) and k) Yes, a review is currently underway.

Bail

142. How many people under the age of 18 have been refused bail in the last 12 months by:

- a) The NSW Police?
- b) The courts?

Answer:

From 1 July 2021 to 30 June 2022:

- a) 1,349
- b) 548

143. How many people under the age of 18 have been refused bail by police who then were subsequently granted bail by the Court in the last 12 months?

Answer:

From 1 July 2021 to 30 June 2022:

1,061

144. How many young people under the age of 14 have been refused bail in the last 12 months by:

- a) The NSW Police?
- b) The courts?

Answer:

From 1 July 2021 to 30 June 2022:

- a) 117
- b) 39

145. How many people under the age of 14 have been refused bail by police who then were subsequently granted bail by the Court in the last 12 months?

Answer:

From 1 July 2021 to 30 June 2022:

146. How do the NSW Police assess a refusal of bail for people under the age of 18?

- a) What information is considered during the assessment?
- b) Is there a minimum threshold of information that is required to make a refusal of bail?
- c) What mechanism is in place to ensure that the assessment prioritises the safety of the young person?

147. How do the NSW Police assess a refusal of bail for people under the age of 14?

- a) What information is considered during the assessment?
- b) Is there a minimum threshold of information that is required to make a refusal of bail?
- c) What mechanism is in place to ensure that the assessment prioritises the safety of the young person?

Answer 146-147:

The NSW Police must apply the provisions as set out in the *Bail Act 2013*. These provisions apply regardless of the age of the person charged with an offence.

148. In the last 5 years, how many people under the age of 18 have been refused bail who are aged:

- a) 10?
- b) 11?
- c) 12?
- d) 13?
- e) 14?
- f) 15?

Answer:

Legal Action Financial Year	Age At Legal Action Date						Total
	Age 10	Age 11	Age 12	Age 13	Age 14	Age 15	
2018	2	12	33	124	237	370	778
2019	1	11	33	108	238	343	734
2020	1	6	39	101	245	386	778
2021	2	7	37	109	251	355	761
2022	1	6	28	91	253	325	704
Total	7	42	170	533	1,224	1,779	3,755

149. How many projects have accessed the Coal Innovation program to reduce fugitive emissions from coal mining?

Answer:

Three.

(a) How much has been spent on each program?

Answer:

1. \$15 million has been allocated to the full-scale Ventilation Air Methane abatement facility at Appin Coal Mine. The project is in the pre-feasibility and early engineering design phases so expenditure is yet to occur.
2. \$1,014,905 ex GST on the Ventilation Air Methane catalytic mitigator project at Appin Coal Mine.
3. \$2,200,000 was invested in the Trial of a Ventilation Air Methane Regenerative After Burner (VAM-RAB) technology project.

(b) What was the projected or planned reduction for each project in the program?

Answer:

1. 58,068 tonne CO₂ equivalent during the commercial trial.
- 2 and 3. These projects are focused on research, development and demonstration of low emissions coal technologies consistent with the *Coal Innovation Administration Act 2008*.

150. How many projects are under consideration for accessing the Coal Innovation program to reduce fugitive emissions from coal mining?

Answer:

Coal Innovation NSW has conducted four grant rounds, funding 29 emerging technologies that can reduce greenhouse gas emissions associated with coal mining and coal use. Areas of research include post combustion capture of carbon dioxide, electricity generation efficiency, alternative storage of captured carbon dioxide and fugitive emissions from coal mines. Coal Innovation NSW has invested in three projects to reduce fugitive emissions from coal mining. The current focus is on the commercial scale Ventilation Air Methane abatement facility at Appin Coal Mine.

(a) What stage are each of these project assessments at?

Answer:

Refer to Question 149 (a) for the current status of the Ventilation Air Methane abatement facility at Appin.

(b) What is the planned emissions reduction for each of these project assessments?

Answer:

Refer to Question 149 (b)

151. What reduction in fugitive emissions has the Coal Innovation program achieved over the life of the program?

Answer:

The program is focused on research, development and demonstration and commercialisation of low emissions coal technologies consistent with the *Coal Innovation Administration Act 2008*.

152. What is the projected fugitive emissions reduction of the ventilation air methane project?

Answer:

The pilot is projected to abate up to 58,068 tonnes of CO₂ equivalent emissions during the commercial trial over 8000 hours.

(a) What is the reporting schedule for the project?

Answer:

Quarterly reports, stage gate reports and a final report from the applicant to DRNSW.

153. What is the fugitive emissions reduction cost per tonne under the Coal Innovation fund?

Answer:

The NSW Government has committed \$15 Million towards the Ventilation Air Methane project. If the trial is successful, 58,068 tonnes of CO₂ equivalent emissions would be abated at a cost of \$258 per tonne.

(a) How does this compare to direct emissions reduction cost per tonne under other Government programs?

Answer:

This should be referred to the Department of Planning and Environment which monitor emissions reduction.

Bail compliance checks

154. How many bail compliance checks where there was no court-ordered enforcement were conducted in the financial years:

- a) 2021-2022?
- b) 2020-2021?
- c) 2019-2020?
- d) 2018-2019?

Answer:

- a) 138,761 checks on 16,815 unique CNIs
- b) 118,000 checks on 13,489 unique CNIS
- c) 106,448 on 12,986 unique CNIs
- d) 101,222 on 10,632 unique CNIs

155. How many bail compliance checks where there was no court-ordered enforcement were conducted on Aboriginal and Torres Strait Islander people in the financial years:

- a) 2021-2022?
- b) 2020-2021?
- c) 2019-2020?
- d) 2018-2019?

Answer:

- a) 70,264 checks on 7,058 unique CNIs
- b) 63,197 checks on 5,848 unique CNIs
- c) 59,107 checks on 5,672 unique CNIs
- d) 58,311 checks on 4,890 unique CNIs

156. How many bail compliance checks where there was no court-ordered enforcement were conducted on people under the age of 18 in the financial years:

- a) 2021-2022?
- b) 2020-2021?

- c) 2019-2020?
- d) 2018-2019?

Answer:

- a) 26,606 checks on 1,743 unique CNIs
- b) 22,626 checks on 1,696 unique CNIs
- c) 21,519 checks on 1,653 unique CNIs
- d) 22,671 checks on 1,660 unique CNIs

157. How many bail compliance checks where there was no court-ordered enforcement were conducted on Aboriginal and Torres Strait Islander people under the age of 18 in the financial years:

- a) 2021-2022?
- b) 2020-2021?
- c) 2019-2020?
- d) 2018-2019?

Answer:

- a) 20,182 checks on 1,124 unique CNIs
- b) 15,201 checks on 982 unique CNIs
- c) 15,206 checks on 1,014 unique CNIs
- d) 17,352 checks on 1,095 unique CNIs

158. How many bail compliance checks where there was no court-ordered enforcement were conducted on Aboriginal and Torres Strait Islander people under the age of 18:

- a) Before 9am and after 5pm?
- b) Before 7am and after 7pm?

Answer:

- a) 2021 - 2022: 18,521 checks on 1,061 unique CNIs
- 2020 - 2021: 14,259 checks on 929 unique CNIs
- 2019 - 2020: 14,415 checks on 956 unique CNIs
- 2018 - 2019: 16,715 checks on 1,052 unique CNIs
- b) 2021 - 2022: 17,723 checks on 1,021 unique CNIs

2020 - 2021:	13,719 checks on 910 unique CNIs
2019 - 2020:	13,934 checks on 933 unique CNIs
2018 - 2019:	16,257 checks on 1,038 unique CNIs

Suspect Target Management Plans (STMPs)

159. How many people are currently subject to the STMP?

Answer:

858 persons on STMP III as at 8 September 2022.

160. How many people were subject to an STMP in the 2021/2022 financial year?

- a) How many identify as Aboriginal or Torres Strait Islander?
 - i. How many in each Police Area Command?
- b) How many are under 18 years of age
 - i. How many in each Police Area Command?
- c) How many are under 18 years of age and identify as Aboriginal or Torres Strait Islander?
 - i. How many in each Police Area Command?
- d) How many are under 14 years of age?
 - i. How many in each Police Area Command?
- e) How many are under 14 years of age and identify as Aboriginal or Torres Strait Islander?
 - i. How many in each Police Area Command?

Answer:

2221

- a) 1,216
- b) 181
- c) 130
- d) 1
- e) 1

See **TAB 2** for breakdown of Aboriginal and Torres Strait Islander people who were subject to an STMP by Police Area Command and Police District

161. What percentage of young people subject to the STMP in the 2021/2022 financial year had the 'disruption toolkit' applied to their Target Action Plan?

Answer:

17% (34 of the 181) persons currently under the age of 18 had the disruption toolkit applied in the 2021/2022 financial year.

162. What percentage of young people subject to the STMP in the 2021/2022 were nominated from outside the list of potential targets generated by the Chimera Intelligence System? Of those, how many identify as Aboriginal or Torres Strait Islander?

Answer:

This data is not held.

163. What are the questions on a Risk Factor Identification Tool Questionnaire?

Answer:

These questions were developed from the risk factors section of the Youth Level of Service/Case Management Inventory – Australian Adaptation (YLS/CMI-AA) Guide, which are used by the NSW Police Force Youth Command.

These are risk factors known to be associated with the risk of re-offending in young people. The NSW Police Force has mostly aligned the questions to the same criminogenic domains:

1. Has the young person committed a violent offence within the past six months?
2. Are there any indicators of family instability within the young person's family?
3. Does the young person have a history of truancy, or disruptive or violent behaviour at school or work?
4. Does the young person have a history of offending in company with others?
5. Does the young person have a history of alcohol or substance abuse?
6. Does the young person have any indication of resistance to authority, including verbal or physical abuse of police?
7. Does the young person have a known mental health condition?

164. When did the 12 month NSW Police review of the STMP III commence, and when will it be finalised?

a) Will NSW Police make its review publicly available?

I. If not, why?

Answer:

An interim evaluation of STMP III commenced on 8 November 2021 and the review was completed by NSW Police Force State Intelligence Command in March 2022.

The Law Enforcement Conduct Commission (LECC), Operation Tepito, is currently reviewing STMP III, and this report will be made by LECC in due course.

The Bureau of Crime Statistics and Research (BOCSAR) has advised the NSW Police Force that in order to properly assess the STMP III model, additional data is required. BOCSAR has agreed to formally review the STMP III in 2023.

165. What does the STMP training consist of?

- a) How many NSW officers have completed the STMP training?
- b) Have all officers who have undertaken any action connected with an STMP completed the online STMP training?

Answer:

The 2022 training consists of two online training modules available online to all NSW Police Force staff.

STMP III General Course training module (released in May 2022), summarises the STMP III Policy, the key changes in the policy and an overview of how the policy works. As at 7 September 2022, 49 NSWPF staff members have completed the module.

The STMP III Specialist Course (released in June 2022), provides instruction on the responsibilities for officers under STMP III. It is broken into 3 parts – Intelligence Officers, Approving Officers and Case Officers.

Individuals with specific responsibilities in the use of STMP III can select to do one or more of these parts. It was developed based on the LECC recommendations. As at 7 September 2022, 54 NSWPF staff members have completed the module.

NSW GOVERNMENT RESPONSE
RECOMMENDATIONS OF THE INQUEST INTO THE DEATHS OF JOHN, JACK AND JENNIFER EDWARDS

	RECOMMENDATION	GOVERNMENT RESPONSE	CURRENT STATUS – MAY 2022
1	<p>That the NSW Police Force (NSWPF) take steps to ensure that operational police are aware of the inherent dangers in recording pre-emptive approaches to police in the context of family law proceedings in the COPS database, and of the requirement set out in the Domestic Violence Standard Operating Procedures (DVSOPs) to record such approaches with appropriate caveats.</p>	<p>Supported: an amendment to ensure there is guidance for how police record such approaches with appropriate caveats entitled ‘Pre-emptive approaches to police’ has been included in the DVSOPs. This includes information about how police must consider information received from parties including; ‘cross over’ between family law and domestic violence, evidence-based opinions, requirement for full investigations, pre-emptive approaches and suggested narratives and caveats and how that information should be recorded.</p> <p>In addition, three ‘DV Insights’ update bulletins on Family Law in the context of domestic and family violence have been developed and disseminated and are readily available on the NSWPF intranet. Further material has been developed on the interactions between DV and Family Law for release in coming months.</p> <p>In regard to training, the new Domestic & Family Violence (D&FV) Fundamentals Course includes a total of 15 online modules with a further 1-day face to face component. Module 8 is focused on Family Law and deals with questions relevant to this recommendation. The Domestic Violence Safety Assessment Tool (DVSAT) is also a module in the package.</p> <p>The NSWPF is currently working with the Commonwealth and other states and territories in planning for the implementation of the new Federal Family Violence Orders and this will require all operational NSW Police officers to be trained on this subject and will provide another opportunity to reinforce the above messages.</p>	<p>Partially complete: Status remains as per government response.</p> <p>In addition, an article was published in the September 2021 Police Monthly regarding family law and domestic violence.</p> <p>Ongoing: Course is being delivered regularly by DV lead educators and dedicated field facilitators.</p> <p>Training will be developed when these are implemented.</p>
2a	<p>That the NSWPF continue to prioritise the inclusion of training modules related to domestic violence and the DVSOPs in annual Mandatory Continuing Police Education training packages.</p>	<p>Supported: Domestic violence and the DVSOPs will continue to be prioritised in modules included in the annual Mandatory Continuing Police Education (MCPE) training program. In 2020/2021, the Mandatory Continuing Police Education training includes a package on Domestic Violence and Firearms. The MCPE DV and Firearms was released to NSWPF on 2 November 2020. As at 18 August 2021, 18,796 NSWPF staff have completed the MCPE.</p> <p>The NSWPF also offers a range of other training courses focused on domestic violence:</p> <ul style="list-style-type: none"> • Six Minute Intensive Training (SMIT) on Domestic and Family Violence and Disability • Local Training Day – Domestic Violence and Firearms • Domestic & Family Violence Fundamentals Course, (reviewed and redesigned) • Domestic & Family Violence - Action or No Action?: SMIT • Domestic & Family Violence Fundamentals Facilitators course • Domestic Violence – Intimidation: SMIT • Domestic Violence evidence in chief workshop • Law on: Domestic Violence Powers • National Domestic Violence Order Scheme (NDVOS) – 1: SMIT • National Domestic Violence Order Scheme (NDVOS) – 2: SMIT • Widening the definition of a Domestic Violence Offender: SMIT • Response to a Domestic Violence Offender: SMIT. 	<p>Completed: NSW Police Force has developed a Victims Support Mandatory Continuing Police Education (MCPE) for the 2022-2023 training year. The package consists of online and face to face.</p> <p>The victim support package is a trauma informed response to victims of crime and includes the definition of family victims. The package highlights Police responsibilities on responding to, communicating and interacting with victims of crime.</p>

2b	<p>That the NSWPF give consideration to the development of a mandatory training package targeted at general duties constables in relation to the DVSOPs and use of the Domestic Violence Safety Assessment Tool.</p>	<p>Supported: A mandatory training package for general duties constables in relation to DVSOPs and the DVSAT is currently being considered and developed. Possible areas under consideration include recording and reporting incidents correctly, creating child at risk incidents/decision making and including children on ADVO applications, the use of DVSAT and, in particular, the importance of professional judgment and the flow on effect to ADVO conditions and duration.</p> <p>Following on from the DV training provided to police officers at the Academy, the NSWPF DV Team ensures that information is regularly provided to the field in various forms to maintain and update their knowledge. These include: DV Insights, SMITs, and Police Monthly articles. The redesign of the DVSAT currently in progress will also be supported by a training package.</p> <p>The NSWPF has developed the D&FV Fundamentals Course that includes 15 online learning modules and is followed up with a one-day face to face training course targeting a range of DV related issues. There is both an online module and a face to face component focusing on how to complete DVSAT.</p> <p>This course includes material from the current DVSOPs. There are also links and references to the DVSOPs throughout the course. The D&FV Fundamentals Course is currently being delivered to Field Facilitators, which will enable the course to be delivered state-wide. The D&FV Fundamentals course is open to all serving NSW police officers.</p> <p>Work is ongoing in developing a Domestic Violence Officers course which will replace the Domestic Violence Liaison Officers (DVLO) course previously offered.</p>	<p>Ongoing: Constables upon completion of the Constable Education Program will be required to undertake the Constable Development Program which includes the following DV related packages: DV Fundamentals, Victim Support and DVEC.</p> <p>The DV Officers course is nearing finalisation. The face to face component has been completed and two pilots conducted targeting metro and regional police. The on-line component is near completion with an anticipated endorsed date of July.</p>
3	<p>That the NSWPF give consideration to implementing an annual, comprehensive audit process of officer compliance with the DVSOPs, which includes the results of 'dip sampling' conducted by Domestic Violence Officers in each Police Area Command. The results of the audit should be published and should include information as to any material variations or trends between Police Area Commands, and measures that will be taken to resolve any concerns.</p>	<p>Supported: Consideration is being given to changes in the audit process including a proposal for a three-tiered approach for an annual, comprehensive audit of compliance with the DVSOPs. The three tiers involve the use of DVLOs and Duty Officers at a Command/District level and Regional Domestic Violence Coordinators at the Region level conducting dip samples and using the Command Management Framework (CMF) system to manage and record these inquiries.</p> <p>The CMF is a risk-based, self-assessment process focussing on the audit function. Historically, where this system has been used in the domestic and family violence space, it has mainly measured outputs. Consideration is being given to use the CMF to measure compliance with the DVSOPs.</p> <p>How to use audit results, including potentially publishing them or providing comparison between commands, will be considered subsequent to the implementation process.</p>	<p>Completed: Consultations have occurred with RDVCs, regions and the Governance Command in the review and redesign of the CMF system to facilitate an annual audit framework.</p> <p>Building on the feedback received, this project is progressing, and it is anticipated that a more refined framework will be disseminated for consultation within the next few months.</p>
4	<p>That the NSWPF amend the DVSOPs to give significantly greater prominence (and at a much earlier point in the document) to the warning as to the existence of family law proceedings that appears in the "Domestic Violence and Family Law" Chapter.</p>	<p>Supported: The NSWPF will amend the DVSOPs to include an earlier reference and insert it into the section titled 'Recording Domestic Violence'.</p> <p>This amendment will be made during the next update to the DVSOPs planned to occur in the next 12 months.</p>	<p>Completed: The DVSOPs amendments have been made. The new version is expected to be released within the next few months.</p>

5	<p>That the NSWPF develops and delivers a mandatory training module for shift supervisors in relation to the verification of incidents of domestic violence in COPS, including the application of the Supervisor's DV Checklist annexed to the DVSOPs.</p>	<p>Supported: A range of measures have been implemented to ensure shift supervisors are aware of verification requirements around domestic violence incidents in COPS. In January 2021, following the inclusion of the Supervisor's checklist in the DVSOPs, specific and tailored verification questions into DV events were added for supervisors and this has been supported by communications, e-guides and notebook cards.</p> <p>As part of the online component of the Sergeant Transition program, there are resources available to participants that give instruction on COPS verification including DVEC verification.</p> <p>The Advance Custody Course (ACC) is required training for the qualification of Custody Manager. A 3-day face to face course, it has a scenario-based activity which teaches participants how to verify a charge component of a person in custody as opposed to verification of an event. As a result of the Inquest, the following changes have been made to charge verification training within the ACC which now focusses on DV related charges:</p> <ul style="list-style-type: none"> • Changes to the charge type to a DV related example • Changes to the fact sheet scenario to reflect a DV related incident • Changes to the criminal history to indicate the Person of Interest (POI) has had previous adverse DV history with the victim in the training scenario. <p>The aim is for participants to identify an adverse history and then apply appropriate DV victim protection through the application of relevant bail conditions additional to any Apprehended Violence Order (AVO), ensuring victim protection is clearly articulated within the bail condition and not just referenced to any conduct condition attached to the AVO.</p>	<p>Partially complete:</p> <p>A COPS verification online module is currently being developed. The module will include verification requirements, including a DV scenario.</p> <p>This scenario-based activity continues to be delivered.</p> <p>In November 2021, two guides were released to assist Supervisors in quality review and verification of events.</p>
6	<p>That the NSW Government take steps to update the list of prescribed offences in cl. 5 of the Firearms Regulation 2017 to include any personal violence offences or domestic violence offences defined in the <i>Crimes (Domestic and Personal Violence) Act 2007</i> (NSW).</p>	<p>Support in principle: The NSW Government will take steps to incorporate consideration of any <i>personal violence offences</i> and <i>domestic violence offences</i>, as defined in the <i>Crimes (Domestic and Personal Violence) Act 2007</i> that are not already listed as disqualifying offences in clause 5 of the Firearms Regulation into licencing and permitting decisions under the Act.</p>	<p>Ongoing:</p> <p>Legislative proposals are being developed to address this recommendation.</p> <p>NSW Police Force has conducted preliminary consultation with key industry and community stakeholders to gauge various interests and concerns.</p>
7	<p>That the NSW Firearms Registry clarify its systems so that it is obvious to an adjudicator that an applicant may have made an earlier false or misleading application.</p>	<p>Supported: A new process was established on 7 April 2021 in which staff must consider whether an applicant has provided false or misleading information as part of an application, and further inquiries are to be made by police if false or misleading information may have been supplied by an applicant.</p> <p>The Firearms Registry's Decision-Making Tool (DMT) was updated to reflect this change in process and the need to consider false or misleading information is included in the Firearms Registry's Decision-Making Guidelines. In detail, this means that:</p> <ul style="list-style-type: none"> • When false and misleading information is detected, the application is refused. • The service of a Notice of Refusal is attended to by virtue of a COPS event disseminated to the PAC/PD with geographic responsibility for the applicants' nominated residential address. The COPS event provides the basis (and instruction) for investigations to be instigated around the false and misleading information. 	<p>Completed:</p> <p>As reported in June 2021.</p>

		<ul style="list-style-type: none"> • Should it be considered by the Adjudicator that there may have been misinterpretation of the questions and the responses provided, or there is ambiguity of intent, the current adjudication escalation processes would apply. • The DMT specifically references the issue of false and misleading information. • Potential software solutions are also being examined, so that where discrepancy/dishonesty is identified in an application, it is flagged for review to assess whether a false/misleading statement has been made. 	
8	That the NSW Firearms Registry provide additional training in relation to the protocol that must be followed where an applicant may have made an earlier false or misleading application.	<p>Supported: NSWPF lawyers from the Office of the General Counsel provided training to supervisors and adjudicators on decision-making and adjudication issues on 26 and 27 May 2021.</p> <p>The Firearms Registry has given a commitment to annual training in adjudication and decision-making. The next training sessions are scheduled for October 2021 and April 2022.</p> <p>Workshops were held throughout June and July 2021 to develop standard operating procedures (SOPs) across all transactions and decisions. The implementation of the SOPs is being supported by training. A review process for the SOPs will also be implemented to ensure they remain contemporary and fit for purpose.</p> <p>The Quality Assurance Strategy embeds a continuous improvement culture as decisions are scrutinised by a panel and a lesson learnt approach is adopted.</p>	<p>Completed: Standard Operating Procedures (SOPS) have been developed, tested, and implemented for all major decision-making areas. The SOPS complement the Firearms Registry Decision-Making Guidelines. Additional mandatory training in relation to the decision-making process was delivered to all adjudication staff between July – December 2021.</p> <p>A new centralised system for the management and publication of SOPS was launched in April 2022 with all staff participating in training on how to effectively navigate and search for policy and procedures.</p> <p>There are several quality processes that help to determine the level of quality of work at the Firearms Registry. The Quality Assurance Strategy ensures quality checks of decisions to approve a licence are conducted. An evaluation checklist is used to check that the decision maker has considered all the applicable elements, evidence was considered, and the SOPS were adhered to. These checks are performed by Subject Matter Experts (peer reviewed) and by Team Leaders.</p> <p>The Review and Advisory Team undertake reviews of decisions made at the request of an applicant (internal reviews) and NCAT decisions also help to verify the validity of some of our decisions. Trend analysis of the Review and Advisory Team and NCAT decisions enable feedback on the relevance and appropriateness of SOPs and/or the skill and knowledge gaps of individuals.</p> <p>A broader quality review across all decisions made at the Registry complements the Review and Advisory Team and NCAT outcomes. Using an evaluation checklist to determine a quality outcome, this process randomly reviews a sample of decisions, regardless of their outcomes.</p> <p>Annual training (October 2021 and April 2022) did not occur due to COVID disruptions and the major flood event and associated recovery. This training will be rescheduled.</p>
9	That the NSW Government take steps to remove the language "other than an order that has been revoked" in s. 11 (5) (c) of the <i>Firearms Act 1996</i> (NSW).	<p>Support in principle: The NSW Government will take steps to incorporate consideration of apprehended violence orders and interim apprehended violence orders which have been revoked into licensing and permitting decisions under the Act.</p>	<p>Ongoing: Legislative proposals are being developed to address this recommendation. NSW Police Force has conducted preliminary consultation with key industry and community stakeholders to gauge various interests and concerns.</p>

10	<p>That the Adjudication Decision-Making Tool used by the Firearms Registry be updated to include improved, and more specific, guidance in relation to domestic violence.</p>	<p>Supported: A review of decision-making across systems, processes, and people with a focus on domestic violence considerations was undertaken across all application types and any entry channels. This has resulted in changes to the DMT to target hardening approaches to domestic violence.</p> <p>The Firearms Registry has:</p> <ul style="list-style-type: none"> • expanded the CNI hit report to ensure that matters of domestic violence are identified more readily. • ensured that all licence applications where domestic violence incidents are identified are escalated to a Senior Adjudicator for decision making. • commenced a process to further refine the DMT so that it provides further guidance to adjudicators regarding domestic violence. <p>COPS enhancements are being developed to alert police when interacting with people or locations involving firearms, to make better informed decisions at the time of interaction. This helps mitigate risks of firearm involvement in domestic violence situations.</p> <p>A trial was conducted and completed in July 2021 using a revised DMT to assess the quality of all decisions, with a focus on domestic violence. Following this, the revised tool is being rolled out across the Firearms Registry.</p> <p>The revised DMT includes a greater use of intelligence-based decision-making tools. Firearms Registry alerts have been set up to automatically indicate to the decision maker that there is an event or entry relating to domestic violence.</p>	<p>Completed: The June 2021 trial resulted in further risk profiling embedded into the decision-making process. Decision-makers now have access and are trained in an internal police system which provides profiles of applicants and, amongst other functions, uses data mining to search other policing systems for information of interest to decision makers.</p> <p>The Firearms Risk Assessment (FRA) has been developed and system tested and is scheduled for deployment.</p> <p>The FRA guides Police with targeted questions when attending a domestic violence situation to assist in assessing risk at the scene and whether an immediate firearm licence suspension is appropriate.</p>
11	<p>That the Adjudication Decision-Making Tool used by the Firearms Registry be updated to include review of any Domestic Violence Safety Assessment Tool (DVSAT) attached to a COPS Event involving an applicant for a permit or licence.</p>	<p>Supported in principle: The DVSAT is currently under review and consideration will be given to including the DVSAT in the DMT once the review is finalised.</p> <p>Under the DMT a full analysis of police holdings is conducted of domestic violence events, which includes the DVSAT.</p> <p>Enhancements to include the Firearms Safety Assessment Tool (FSAT) in COPS are under development and planned to commence this year. The FSAT requires police first responders to follow a line of questions when interacting with licence holders who are the subjects of a police interaction that results in an event on COPS.</p>	<p>Completed: Refer to recommendation 10 (Firearm Risk Assessment has incorporated key DVSAT risk assessments).</p>
12	<p>That the Firearms Registry conduct regular training to ensure that all adjudicators who exercise delegated functions under the statutory scheme have knowledge and awareness of issues related to domestic and family violence, including knowledge around separation risks, risk of future violence, non-physical domestic violence behaviours and review of the Domestic Violence Safety Assessment Tool.</p>	<p>Supported: A series of workshops by the NSWPF Domestic & Family Violence Team have been scheduled for Registry staff. They are designed to cover a range of subjects, including relevant legislation, D&FV events, D&FV reporting and summaries, and use of the DVSAT.</p> <p>The Mental Health Intervention Team is also scheduled to assist with training related to licensing and mental health issues.</p> <p>Ongoing training for Registry staff will continue to be developed and delivered on a regular basis.</p> <p>In addition, NSWPF lawyers from the Office of the General Counsel provided training to supervisors and adjudicators on decision making and adjudication issues on 26 and 27 May 2021. The Firearms Registry has given a commitment to annual training in adjudication and decision-making. The next training sessions are scheduled for October 2021 and April 2022.</p>	<p>Completed: Refer to recommendation 8.</p>

		<p>Workshops were held throughout June and July 2021 to develop SOPs across all transactions and decisions. The implementation of the SOPs is being supported by training. A review process for the SOPs will also be implemented to ensure they remain contemporary and fit for purpose.</p> <p>The Quality Assurance Strategy embeds a continuous improvement culture as decisions are scrutinised by a panel and a lesson learnt approach is adopted.</p>	
13	<p>That the NSWPF and the Firearms Registry standardise and clarify the questions in all Firearms Registry application forms that relate to the disclosure of orders in family law proceedings to which an applicant is subject or has been subject in the last 10 years.</p>	<p>Supported in principle: The most efficient process for the consideration of Family Law Court proceedings will be determined following the development of an information sharing protocol with the Federal Circuit and Family Court of Australia (FCFCoA). This protocol is currently being progressed via the Family Violence Information Sharing Project and legislative initiatives with expected completion in 2022.</p> <p>Once the protocol is in place, it is intended that the current DMT tool will be amended to ensure any information available to the NSWPF about FCFCoA proceedings are considered.</p> <p>The Firearms Amendment Regulation 2021 (NSW) included federal family violence orders in the definition of apprehended violence orders in the Firearms Regulation 2017 so that they would be considered in the same way as other apprehended violence orders in all decision making, once these orders are in place federally.</p>	<p>Ongoing: The November 2021 Meeting of Attorneys General signed off on the National Family Violence Information Sharing Framework, and the Firearms Registry has been engaged in how to operationalise the Framework.</p> <p>The Family Law Amendment (Federal Family Violence Orders) Bill 2021 was not passed before the Australian Parliament was prorogued. This Bill contains the creation of Federal Family Violence Orders, which are criminally enforceable by state and territory police, and will be available for families at risk of violence going through the Federal Circuit and Family Courts of Australia.</p> <p>The Firearms Registry is working with other commands within the NSW Police Force and the Commonwealth on how to share information about families at risk with the Family Courts.</p>
14	<p>That the NSWPF and the Firearms Registry continue to liaise with representatives of the Federal Circuit Court and Family Court of Australia (sic) with the view to the Firearms Registry implementing a mechanism by which information provided by applicants relating to family law proceedings in the P650, P634 and P561 forms is able to be verified.</p>	<p>Supported: The Firearms Registry has been engaged with the FCFCoA to refine and align a process that will enable relevant orders in family law proceedings to be passed to the Registry.</p> <p>Work also continues through various national working groups, including the Firearms and Weapons Policy Working Group (FWPWG), the National Personal Protection Injunction Working Group (NPPIWG) and other family violence specific working groups.</p>	<p>Ongoing: As above, significant work is underway to operationalise the National Information Sharing Framework which will enhance information sharing between the FCFCoA and the NSW Police Force.</p>
15	<p>That the NSWPF and the Firearms Registry continue to liaise with representatives of the Federal Circuit Court and Family Court of Australia (sic) with the view to the NSW Police Force implementing a system to ensure that when any the following occur in family law proceedings (together “a federal DV event”):</p> <ol style="list-style-type: none"> a) a Notice of Risk is filed in the Federal Circuit Court that discloses domestic or family violence, or child abuse; 	<p>Supported in principle: The Firearms Registry has been engaged with the FCFCoA to refine and align a process that will enable relevant orders in family law proceedings to be passed to the Registry.</p> <p>This will also be raised in the context of the project led by the Commonwealth to facilitate information sharing between the FCFCoA and state and territory police forces. Any further system or legislative amendments to be developed will be in conjunction with the outcomes of this project.</p> <p>The Firearms Regulation 2017 was recently amended to recognise the new Federal Family Violence Orders (FFVO). The <i>Family Law Act 1975</i> (Cth) does not yet refer to FFVOs (this amendment is contained in the Family Law Amendment (Federal Family Violence Orders) Bill 2021, currently before the Federal House of Representatives. While this amendment has no current effect, it is intended to ensure an FFVO will be recognised as an apprehended violence order under the <i>Firearms Act 1996</i> in NSW and a person subject to an FFVO will have all the same restrictions apply that applies with a DVO.</p>	<p>Ongoing: As above, significant work is underway to operationalise the National Information Sharing Framework which will enhance information sharing between the FCFCoA and the NSW Police Force.</p>

	<p>b) a Notice of Child Abuse, Family Violence or Risk of Family Violence is filed in the Family Court of Australia; or</p> <p>c) a federal family law court imposes an injunction relating to the protection of a spouse or child;</p> <p>the relevant federal family law court notifies the NSW Police Force, and the federal DV event is recorded in COPS by the NSW Police Force in a way that makes it readily apparent to an adjudicator at the Firearms Registry.</p>		
16	<p>That the NSW Government take steps to amend the regulatory regime in relation to firearms licensing so that the occurrence of a federal DV event (as defined in Recommendation 15) gives rise to:</p> <p>(a) a suspension of the processing of a licence application or of an existing licence; and</p> <p>(b) consideration as to whether the information relating to the federal DV event has any bearing on the suitability of the applicant or licence holder pursuant to s. 11 of the <i>Firearms Act 1996</i> (NSW).</p>	<p>Supported: The NSW Government will take steps to implement this recommendation in conjunction with the project led by the Commonwealth to facilitate information sharing between the FCFCoA and state and territory police forces. This project is underway and any further system or legislative amendments to be developed will be in conjunction with the outcomes of this project.,</p> <p>The Firearms Regulation 2017 was recently amended to recognise the new Federal Family Violence Orders (FFVO). The <i>Family Law Act 1975</i> (Cth) does not yet refer to FFVOs (this amendment is contained in the Family Law Amendment (Federal Family Violence Orders) Bill 2021, currently before the Federal House of Representatives. While this amendment has no current effect, it is intended to ensure an FFVO will, be recognised as an apprehended violence order under the <i>Firearms Act 1996</i> in NSW and a person subject to an FFVO will have all the same restrictions apply that applies with a DVO.</p>	<p>Ongoing: The project led by the Commonwealth to facilitate information sharing between the FCFCoA and state and territory police forces is still underway.</p> <p>Legislative amendments to be developed will be in conjunction with the outcomes of this project.</p> <p>NSW Police Force is continuing to collaborate to work towards achieving these outcomes.</p>
17	<p>That the NSW Government take steps to amend the regulatory regime in relation to firearms licensing so that where the NSWPF is notified of a federal DV event (as defined in Recommendation 15) in relation to a person who is either an applicant for a firearms licence or permit, or the holder of a firearms licence or permit, the NSWPF or the Firearms Registry must automatically notify the relevant federal family law court of that fact (so that the court will</p>	<p>Supported: The NSW Government will take steps to implement this recommendation in conjunction with the project led by the Commonwealth to facilitate information sharing between the FCFCoA and state and territory police forces. This project is underway and any further system or legislative amendments to be developed will be in conjunction with the outcomes of this project.</p> <p>The Firearms Regulation 2017 was recently amended to recognise the new Federal Family Violence Orders (FFVO). The <i>Family Law Act 1975</i> (Cth) does not yet refer to FFVOs (this amendment is contained in the Family Law Amendment (Federal Family Violence Orders) Bill 2021, currently before the Federal House of Representatives. While this amendment has no current effect, it is intended to ensure an FFVO will, be recognised as an apprehended violence order under the <i>Firearms Act 1996</i> in NSW and a person subject to an FFVO will have all the same restrictions apply that applies with a DVO.</p>	<p>Ongoing: The project led by the Commonwealth to facilitate information sharing between the FCFCoA and state and territory police forces is still underway.</p> <p>Legislative amendments to be developed will be in conjunction with the outcomes of this project.</p> <p>NSW Police Force is continuing to collaborate to work towards achieving these outcomes.</p>

	inform the parties of the application or current licence).		
18	That the NSW Government take steps to amend the regulatory scheme in relation to firearms licensing so that a person engaged in family law proceedings is required to disclose this to the Firearms Registry when applying for a firearms licence or permit.	Support: The NSW Government will consider mechanisms to implement this recommendation in conjunction with the work being done under a project led by the Commonwealth Government to facilitate information sharing between the FCFCoA and State and Territory police forces and will be progressed in conjunction with related legislative amendments.	Ongoing: The project led by the Commonwealth to facilitate information sharing between the FCFCoA and state and territory police forces is still underway. Legislative amendments to be developed will be in conjunction with the outcomes of this project. NSW Police Force is continuing to collaborate to work towards achieving these outcomes.
19	That the Adjudication Decision-Making Tool used by the Firearms Registry be amended to require that adjudicators take into account any available information as to whether family law proceedings are on foot and consider the implications of this for risks that may be posed by an applicant.	Supported: All family law proceedings that the Firearms Registry is made aware of will be considered. Currently there is no workable mechanism for the Firearms Registry to be made aware of the relevant proceedings, or if they relate to an applicant. However, the work to address this issue outlined in the response to Recommendation 13 and subsequent recommendations is ongoing.	Ongoing: As per recommendation 13, significant work is underway to operationalise the National Information Sharing Framework which will enhance information sharing between the FCFCoA and the NSW Police Force.
20	That the NSW Government take steps to revoke the use of the P650 form (which currently allows an unlicensed person to undergo firearms training without involvement or vetting by the Firearms Registry), with the view to amending cl. 129 of the Firearms Regulation 2017 and implementing an alternative scheme which provides for adequate verification of information and oversight by the Firearms Registry.	Supported in principle: The NSW Government will consider amendments to require a permit to be able to undertake unlicensed shooting while participating in a firearms safety course. The Firearms Registry is taking measures under the existing law including enhancing the use of digital licence and permits to give greater transparency to the process and greater oversight by the Registry.	Ongoing: Legislative proposals are being developed to address this recommendation. NSW Police Force has conducted preliminary consultation with key industry and community stakeholders to gauge various interests and concerns.
21	That the NSW Government take steps to implement a regulatory change under which gun clubs are under an obligation to inform the Firearms Registry if they have refused a person membership, and the reasons for that refusal.	Supported: The NSW Government will take steps to implement a regulatory change under which gun clubs are under an obligation to inform the Firearms Registry if they have refused a person membership, and the reasons for that refusal.	Ongoing: Legislative proposals are being developed to address this recommendation. NSW Police Force has conducted preliminary consultation with key industry and community stakeholders to gauge various interests and concerns.
22a	That the NSW Government take steps to amend cl. 101 of the Firearms Regulation 2017 to impose the mandatory reporting	Supported: The NSW Government will take steps to amend the requirements for the secretary or other relevant office holder of a club in relation to notifications to the NSWPF.	Ongoing: Legislative proposals are being developed to address this recommendation. NSW Police Force has conducted preliminary consultation with key industry and community stakeholders to gauge various interests and concerns.

	obligation therein on any type of gun club (not only a pistol club).		
22b	That the Firearms Registry undertake consultation with industry stakeholders and the NSW Government with the view to lowering the reporting threshold in c. 101 of the Firearms Regulation 2017 from the current test of “may pose a threat to public safety (or a threat to the person’s own safety) if in possession of a firearm”, to include a situation where the club has concerns in relation to risk posed by a prospective or current member, and developing appropriate parameters to assist in assessing any such risk.	<p>Supported: The NSWPF Firearms Registry will undertake consultation with industry stakeholders and the NSW Government with the view to lowering the reporting threshold in c. 101 of the Firearms Regulation 2017 from the current test of “may pose a threat to public safety (or a threat to the person’s own safety) if in possession of a firearm”, to include a situation where the club has concerns in relation to risk posed by a prospective or current member, and developing appropriate parameters to assist in assessing any such risk.</p> <p>NSW Police Force has established a Firearms Registry Consultative Council which will support this consultation. Its role is to:</p> <ul style="list-style-type: none"> • Address improvements of and barriers to effective firearm regulation • Improve compliance with legislative requirements • Collaborate on initiatives and campaigns targeting, or relating to, various firearm matters • Share feedback about the Firearms Registry and activities within the firearm sector. <p>Membership includes representatives from industry stakeholders and gun control advocates. The Council is designed so the NSWPF Firearms Registry can consult and develop practical solutions to improve safety and make recommendations to government for appropriate legislative change.</p>	<p>Completed A consultation paper was released to the Firearm Registry Consultative Council in December 2021, with feedback due in March 2022.</p>
23	That the Firearms Registry undertake research and analysis in relation to the likely impact of a regulatory change to confer on gun clubs and other commercial safe storage providers the power to refuse to allow a person to access or remove guns if that club or provider has any concerns about risk posed by that person.	<p>Supported: The Firearms Registry will undertake research and analysis in relation to the likely impact of a regulatory change to confer on gun clubs and other commercial safe storage providers the power to refuse to allow a person to access or remove guns if that club or provider has any concerns about risk posed by that person.</p> <p>As discussed in the response to Recommendation 22b, the NSWPF has established a Firearms Registry Consultative Council. This body is the consultation forum to explore this recommendation.</p>	<p>Ongoing: This is to be raised with the Firearms Registry Consultative Council.</p>
24	That the Office of the Legal Services Commissioner investigate whether any disciplinary action ought to be taken against Ms Debbie Morton in connection with any aspect of her role as the ICL in the family law proceedings between John and Olga Edwards, including in relation to the matters set out at paragraphs [866] to [905], [1005] to [1008], [1009] to [1039], and [1073] to [1088] of Section F of these findings.	<p>Recommendation referred directly to Office of the Legal Services Commissioner (OLSC)</p> <p>The OLSC is an independent statutory body that deals with complaints about lawyers under the <i>Legal Profession Uniform Law Application Act 2014</i>. This recommendation was referred by the Coroner to the OLSC.</p>	<p>Not NSWPF</p>

a. How many identify as Aboriginal or Torres Strait Islander?
i. How many in each Police Area Command?

PAC/PD	Unique persons*
Auburn PAC	10
Bankstown PAC	23
Barrier PD	26
Blacktown PAC	36
Blue Mountains PAC	19
Brisbane Water PD	12
Burwood PAC	12
Camden PAC	13
Campbelltown City PAC	36
Campsie PAC	14
Central North PD	24
Central West PD	28
Chifley PD	13
Coffs Clarence PD	27
Cumberland PAC	47
Eastern Beaches PAC	51
Eastern Suburbs PAC	9
Fairfield City PAC	11
Hawkesbury PAC	10
Hunter Valley PD	14
HWP - Traffic North	3
HWP - Traffic South West	1
Inner West PAC	28
Kings Cross PAC	15
Ku-ring-gai PAC	8
Lake Illawarra PD	17
Lake Macquarie PD	21
Leichhardt PAC	19
Liverpool City PAC	17
Manning Great Lakes PD	32
Mid North Coast PD	34
Monaro PD	11
Mt Druitt PAC	26
Murray River PD	22
Murrumbidgee PD	16
Nepean PAC	24
New England PD	36
Newcastle City PD	32
North Shore PAC	12
Northern Beaches PAC	13
Orana Mid Western PD	25
Oxley PD	32
Parramatta PAC	2
Port Stephens Hunter PD	34
PTC - North West	5
PTC - North/Central	4
PTC - South/Southwest	11
Richmond PD	23
Riverina PD	34
Riverstone PAC	21
Ryde PAC	13
South Coast PD	36
South Sydney PAC	49
South West Metro Region	1
St George PAC	9
Surry Hills PAC	22
Sutherland Shire PAC	25
Sydney City PAC	13
The Hills PAC	2
The Hume PD	14
Tuggerah Lakes PD	17
Tweed Byron PD	11
Wollongong PD	29
Grand Total	1216

*One person could have multiple STMP creations in different PAC/PDs and they may therefore appear in more than one row.

b. How many are under 18 years of age
i. How many in each Police Area Command?

PAC/PD	Unique persons*
Auburn PAC	1
Bankstown PAC	3
Barrier PD	2
Blacktown PAC	8
Blue Mountains PAC	2
Brisbane Water PD	4
Burwood PAC	1
Camden PAC	4
Campbelltown City PAC	16
Campsie PAC	1
Central North PD	5
Central West PD	1
Coffs Clarence PD	5
Cumberland PAC	13
Eastern Beaches PAC	1
Fairfield City PAC	10
Hawkesbury PAC	3
Hunter Valley PD	1
Ku-ring-gai PAC	4
Lake Illawarra PD	2
Lake Macquarie PD	2
Liverpool City PAC	1
Mid North Coast PD	8
Mt Druitt PAC	3
Murray River PD	3
Murrumbidgee PD	3
Nepean PAC	7
New England PD	10
Newcastle City PD	4
North Shore PAC	2
Northern Beaches PAC	5
Orana Mid Western PD	1
Oxley PD	6
Port Stephens Hunter PD	5
PTC - North West	6
PTC - North/Central	3
PTC - South/Southwest	3
Richmond PD	5
Riverina PD	2
Riverstone PAC	5
Ryde PAC	1
South Coast PD	3
South Sydney PAC	3
Sutherland Shire PAC	3
The Hills PAC	1
Tuggerah Lakes PD	1
Tweed Byron PD	2
Wollongong PD	4
Grand Total	181

*One person could have multiple STMP creations in different PAC/PDs and they may therefore appear in more than one row.

c. How many are under 18 years of age and identify as Aboriginal or Torres Strait Islander?
i. How many in each Police Area Command?

PAC/PD	Unique persons*
Auburn PAC	1
Barrier PD	2
Blacktown PAC	5
Blue Mountains PAC	2
Brisbane Water PD	2
Burwood PAC	1
Camden PAC	3
Campbelltown City PAC	11
Central North PD	5
Central West PD	1
Coffs Clarence PD	5
Cumberland PAC	10
Eastern Beaches PAC	1
Fairfield City PAC	4
Hawkesbury PAC	1
Lake Illawarra PD	1
Lake Macquarie PD	1
Mid North Coast PD	7
Mt Druitt PAC	1
Murray River PD	2
Murrumbidgee PD	2
Nepean PAC	5
New England PD	10
Newcastle City PD	4
North Shore PAC	2
Northern Beaches PAC	5
Orana Mid Western PD	1
Oxley PD	6
Port Stephens Hunter PD	5
PTC - North West	6
PTC - North/Central	3
PTC - South/Southwest	3
Richmond PD	5
Riverina PD	2
Riverstone PAC	5
Ryde PAC	1
South Coast PD	3
South Sydney PAC	3
Sutherland Shire PAC	3
The Hills PAC	1
Tuggerah Lakes PD	1
Tweed Byron PD	2
Wollongong PD	4
Grand Total	130

*One person could have multiple STMP creations in different PAC/PDs and they may therefore appear in more than one row.

d. How many are under 14 years of age?
i. How many in each Police Area Command?

PAC/PD	Unique persons
Cumberland PAC	1

e. How many are under 14 years of age and identify as Aboriginal or Torres Strait Islander?
i. How many in each Police Area Command?

PAC/PD	Unique persons
Cumberland PAC	1