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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

Budget Estimates secretariat
Phone 9230 3750
BudgetEstimates@parliament.nsw.gov.au

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.

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NSW Police Force

OFFICE OF THE COMMISSIONER

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Budget Estimates secretariat
Upper House Committees | Legislative Council
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000

BudgetEstimates@parliament.nsw.gov.au

Dear Portfolio Committee No. 5

We note questions 1 – 7 of the supplementary questions from the recent Budget Estimates hearing. In compiling information to provide a response it's become apparent the Commissioner inadvertently indicated during the hearing that Constable Keneally had been suspended.

The Commissioner wishes to formally correct the record and acknowledge Constable Keneally was never suspended from the NSW Police Force.

Your sincerely,

Nicole Miller
Executive Director
Office of the Commissioner
27 September 2022

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KAREN WEBB: We're not delaying it. What I'm pleased to say today is that we've been working with the CEO of Legal Aid, Monique Hitter, and WDVCS and in terms of the co-location, we originally proposed five. We're actually going to pilot 14 locations and I can tell you where they will be. They will be up and running before the end of the year: Burwood, Central Coast, Far West, Hunter Valley, Mid Coast, Monaro-Hume, Newcastle, north-west Sydney, Northern Rivers, Oxley, Riverina, south-west Sydney, Sydney, and Western, which captures 73 courts.

Ms ABIGAIL BOYD: Sorry, you're saying only at the end of the year will they be up? Now that we've got the funding, this was something that was supposed to happen in February, I believe?

KAREN WEBB: I think the funding became available perhaps not until the new financial year.

Ms ABIGAIL BOYD: That's right, the funding was delayed, but now it's here. I understand everything's ready to go.

KAREN WEBB: I don't think it's as easy as turning on the light though when you're talking about co-locating services. I got a letter today, actually. About lunchtime I received a letter from the CEO of Legal Aid indicating that she's looking forward to working with us on that. So we're ready to go.

The Hon. ROD ROBERTS: It is my first session in this room this afternoon, so good afternoon to you all. Commissioner Webb, have you received a report from the LECC in relation to the matter involving Constable Daniel Keneally?

KAREN WEBB: I can't confirm or deny whether I received a report in relation to a specific individual. What I do know is that some matters at LECC are held as private hearings and if that is a matter that could be or may or may not be one of those matters that is a private hearing.

The Hon. ROD ROBERTS: You haven't received a copy of the report yet then?

KAREN WEBB: I can't confirm or deny that because to do so would identify a person.

The Hon. ROD ROBERTS: What's the current employment status of Constable Keneally?

KAREN WEBB: As I understand it, I can't divulge what it is. He's in the workplace but I can't tell what the duties are.

The Hon. ROD ROBERTS: So, he's in the workplace and he's being paid?

KAREN WEBB: Yes.

The Hon. ROD ROBERTS: Are you aware of the circumstances involving the allegation about Constable Keneally?

KAREN WEBB: From what I've read in media and other reports, yes.

The Hon. ROD ROBERTS: Do you have confidence in Constable Keneally and his ability to perform a role as a police officer?

KAREN WEBB: I will ask Mr Hudson to comment in terms of he owns the Professional Standards Command. As I said, if it's a matter that's a private hearing where LECC may or may not have referred matters to the DPP, then that's certainly a course of action. I understand separately that the matter that relates to Keneally, how it's viewed inside my organisation—he was originally suspended and he's now back in the workplace. That's something that we will have to review subject to what else happens.

The Hon. ROD ROBERTS: I'll re-ask the same question that I just asked: Do you have confidence in Constable Keneally's ability to perform the role as a police officer in New South Wales?

KAREN WEBB: Certainly, like I said, the issue of him being suspended predates me. I welcome any resubmission of a report where I can consider that. I haven't had the opportunity to review that in my role as commissioner yet.

The Hon. ROD ROBERTS: I suggest you should review it. I want to tender a document, if I may, Chair, that may assist you. It's a letter by Makinson d'Apice, which are lawyers on behalf of the State Government, that says in it, and I'll provide you with a copy. "The State accepts that Senior Constable Keneally was in error"—this is inter alia; this is not the full letter.

It says, "The State accepts Senior Constable Keneally was in error when he said that you wanted another police officer dead. The State regrets what was said. The State also regrets not having investigated your assertions that you had not threatened the life of another police officer more expeditiously and acknowledges that a more timely investigation would have discovered the audio recordings that you made that contradicted Senior Constable

Keneally's assertions." That letter is dated 25 November 2021. The State knows and the State has admitted that Constable Keneally copped it up. Yet, you're telling us here today that he's still employed and paid for by the New South Wales police. You haven't considered 181D for him like you did for the police officers who simply chose not to have a vaccine?

KAREN WEBB: I said I welcome an opportunity to review that matter. As I said, he's been reinstated in the workplace and I welcome from his chain command or through professional standards, an opportunity to review that.

The Hon. ROD ROBERTS: You do know that LECC's going to table the report in Parliament? That's part of their agreement to us.

KAREN WEBB: Yes.

The Hon. ROD ROBERTS: We have someone here who I'll allege—and I don't mind saying it because I'm parliamentary privileged, but the LECC report will show it and the State has already admitted—is a corrupt police officer and he's still serving under your command, being paid. Yet you dismissed 300-odd officers for not having a vaccine. Can you see some discrepancy—

KAREN WEBB: Well, it's not 300, but—

The Hon. ROD ROBERTS: Or 290, whatever.

KAREN WEBB: They're not the figures I have.

The Hon. ROD ROBERTS: Anyway, let's not argue over the figures. Let's argue over the substance. You're quite happy to sit here and tell us there's nothing to see here?

KAREN WEBB: No, that's not what I said.

The Hon. ROD ROBERTS: Well, perhaps commissioner you should re-investigate that matter and revisit it.

KAREN WEBB: I've said I welcome an opportunity to review this status.

The Hon. ROD ROBERTS: We'll move onto something else then. I'll take us onto the mandates. When the last time the force conducted a risk assessment in relation to COVID-19?

KAREN WEBB: I can get the specific dates, but we ask and I ask that it gets reviewed regularly, particularly if there's an emerging new variant or some other change to the environment that changes the risk.

The Hon. ROD ROBERTS: Roughly then, when was the last risk assessment done?

KAREN WEBB: As I said before close of business today I will get the answer. But it's likely within the last month.

The Hon. ROD ROBERTS: That'll be appreciated. Given the fact the environment and health advice has changed significantly in recent months, why aren't haven't you, as an organisation, followed the majority of other New South Wales Government departments and removed mandates?

KAREN WEBB: Originally—and this predates me as well—the risk assessment in our workplace was conducted based with our police medical officer and WHS HR command and others on the basis of the health advice at the time and mandate was reasonable direction of our offices, unlike a lot of other government agencies that relied on a public health order. We've not relied on the public health order. We were aware—and this is before I joined the executive team—that in other jurisdictions around the world, the NYPD and others, officers had died with COVID. My view is—and remains so today—that if I didn't do something then I would be blamed for their death if that happened in New South Wales. We have a responsibility to keep our community safe and my workforce safe.

The Hon. ROD ROBERTS: I appreciate this, Commissioner, and I don't want to be seen to be stifling your answers, but we're on the clock. The question was why haven't you removed the mandates when other government departments have? I didn't ask anything about the NYPD.

KAREN WEBB: No, but it's relative to it.

The Hon. ROD ROBERTS: Why won't you remove the mandates when every other government department has?

KAREN WEBB: Because I didn't rely on a mandate that relied on a public health order.