

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

**Friday 12 March 2021**

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

## **POLICE AND EMERGENCY SERVICES**

**CORRECTED**

**The Committee met at 09:30**

### **MEMBERS**

The Hon. Robert Borsak (Chair)  
The Hon. Anthony D'Adam  
Ms Cate Faehrmann  
The Hon. Wes Fang  
Mr Justin Field  
The Hon. Rose Jackson  
The Hon. Trevor Khan  
The Hon. Natasha Maclaren-Jones  
Mr David Shoebridge (Deputy Chair)

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### **PRESENT**

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

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## **CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS**

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

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



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**The CHAIR:** Welcome to the public hearing for the inquiry into budget estimates 2020-2021 initial hearings. Before I commence, I would like to acknowledge the Gadigal people, who are the traditional custodians of this land. I would also like to pay respect to the Elders past, present and emerging of the Eora nation and extend that respect to other Aboriginals present. I welcome Minister Elliott and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolios of Police and Emergency Services. Today's hearing is open to the public and is being broadcast live via the Parliament's website. In accordance with broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I would also like to remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. The guidelines for the broadcast of proceedings are available from the secretariat.

All witnesses in budget estimates have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In these circumstances, witnesses are advised that they can take a question on notice and provide an answer within 21 days. Minister Elliott, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers seated at the table behind you. Any messages from advisers or members' staff seated in the public gallery should be delivered through the Committee secretariat. We expect the transcripts of this hearing to be available on the internet from tomorrow morning. Finally, could everyone turn their mobile phones to silent for the duration of the hearing.

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**ROB ROGERS**, Commissioner, NSW Rural Fire Service, sworn and examined

**CARLENE YORK**, Commissioner, NSW State Emergency Service, sworn and examined

**PAUL BAXTER**, Commissioner, Fire and Rescue NSW, affirmed and examined

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

**MICHAEL COUTTS-TROTTER**, Secretary, Department of Communities and Justice, on former oath

**SCOTT COOK**, Commander, Police Prosecutions and Licensing Enforcement Command, NSW Police Force, sworn and examined

**MICHAEL BARNES**, Commissioner, New South Wales Crime Commission, affirmed and examined

**SHANE FITZSIMMONS**, Commissioner, Resilience NSW, Department of Premier and Cabinet, sworn and examined

**CAMERON SMITH**, Director, Security Licensing and Enforcement Directorate, NSW Police Force, affirmed and examined

**The CHAIR:** Today's hearing will be conducted from 9.30 a.m. until 12.30 p.m. with the Minister and from 2.00 p.m. until 5.00 p.m. with departmental witnesses, with questions from Opposition and crossbench members only. If required, an additional 15 minutes is allocated at the end of each session for Government questions. As there is no provision for any witness to make an opening statement before the Committee commences questioning, we will begin with questions from the Opposition.

**The Hon. ROSE JACKSON:** Thank you, Minister and everyone else, for coming along. Commissioner Fuller, these questions are probably for you. Minister, feel free to indicate if you would prefer to answer.

**Mr DAVID ELLIOTT:** I think if all questions come to me, I will disseminate them.

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

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

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

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

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

**The Hon. ROSE JACKSON:** That would be useful, thank you. It has been reported that subsequent to that discussion at Kings Cross police station, New South Wales police had intended to travel to Adelaide to take a formal statement from the woman but the trip was postponed because of COVID-19 restrictions. Is that accurate? Is that why that trip was postponed?

**Commissioner FULLER:** That is correct.

**The Hon. ROSE JACKSON:** Why did they not take a formal statement from the woman when they sat down with her at the Kings Cross police station?

**Commissioner FULLER:** At her request—she was not ready to give that statement.

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

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

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

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

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

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

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

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

**The Hon. ROSE JACKSON:** When the complainant first contacted New South Wales police via South Australian police and Strike Force Wyndarra was formed, it perhaps would have been quite obvious to police then that it was a sensitive political issue given the nature of the person that was accused, the nature of the alleged rapist. Are you aware of whether New South Wales police or yourself informed the Minister or anyone else at that time about the fact that Strike Force Wyndarra had been established?

**Commissioner FULLER:** No, I made no contact personally with anyone outside of the organisation in relation to it. I had a very high-level discussion with Deputy Commissioner David Hudson, but at that stage the lady was unsure in terms of what action she wanted—at that primary contact, I mean.

**The Hon. ROSE JACKSON:** Yes, absolutely. So you and, to the best of your knowledge, the deputy commissioners and others made no contact with anyone in New South Wales or Federal Parliament in relation to the case at that time?

**Commissioner FULLER:** Absolutely, from my perspective, 100 per cent zero contact.

**The Hon. ROSE JACKSON:** Absolutely, thank you.

**Commissioner FULLER:** Sorry, and I did not instruct anyone to make any contact with anyone in New South Wales or Australian politics.

**The Hon. ROSE JACKSON:** Thank you, Commissioner. The plans to travel to Adelaide were obviously postponed. It was communicated to the complainant that obviously you cannot come now because of COVID. What was the nature of that communication?

**Commissioner FULLER:** My understanding was that in those five primary contacts of email and phone calls, the phone calls were made between the investigators and the alleged victim—using my words sensitively, obviously.

**The Hon. ROSE JACKSON:** Of course.

**Commissioner FULLER:** Her partner was on the phone, I understand, most times on a speakerphone. It was a shared conversation.

**The Hon. ROSE JACKSON:** New South Wales police indicated, "We are unable to come now, but we will come at a later stage, when we can".

**Commissioner FULLER:** As soon as practically possible, given the COVID restrictions.

**The Hon. ROSE JACKSON:** Is it possible to take formal statements via telephone or video? Why were those options not pursued?

**Commissioner FULLER:** A historic sexual assault statement is one that is extremely complicated. It is not a simple statement. It is not something that you would do justice to, taking it over the phone. There are still the challenges of putting it in a statement, admissible form, and sending that and having it signed, which could possibly be done. But they are complex investigations, as we know. You really need to ensure that the alleged victim's statement is at its strongest to stand the test of possible scrutiny.

**The Hon. ROSE JACKSON:** When the complainant was informed, "I am sorry, we are unable to come now", in March or April—we will get the exact date—do you have any knowledge from your detectives as to her response? Was she understanding? Was she very upset by that?

**Commissioner FULLER:** The relationship between the investigators, and the alleged victim and her partner and her family, I understand, was a very positive one. The last email contact with the investigating police,

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where she no longer wanted to proceed in the matter, she was glowing in terms of the care and effort that New South Wales police investigators had shown her during that matter.

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

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

**The Hon. ROSE JACKSON:** Yes. That would be useful. Thank you, commissioner. Subsequent to that occurring, was the decision made to discontinue the investigation immediately? Or was there some consideration given to whether it might be possible to continue with Strike Force Wyndarra, even though the complainant was deceased?

**Commissioner FULLER:** Our current, I guess, policy or practice, as you would call it, in these matters is to respect the victim's wishes. They are very complex matters to prosecute. When you have the victim and additional evidence, they are still very difficult, historic sexual assaults. It is not impossible to run a matter with a victim, but in reality, it would not happen. You just would not be able to run a historical sexual assault without a victim and a signed statement.

**The Hon. ROSE JACKSON:** It was the combination of the fact that the victim was deceased and that she had indicated previously to New South Wales police that she did not wish to continue, is that right?

**Commissioner FULLER:** I suppose, if you could put that in the opposite order, in that the victim, alleged victim, no longer wanted to proceed, which is not unusual in these matters. It takes enormous courage for people to come forward and it is a very challenging journey through the justice system for victims. It is not unusual for victims, even after they have given a statement, to withdraw their complaint. In those matters we always follow what the victim wants. That does not mean we still do not apply victim care and welfare services. It is not that the journey finishes. But unfortunately in this case, and tragically, she took her life the next day.

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

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

**The Hon. ROSE JACKSON:** Yes.

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

**The Hon. ROSE JACKSON:** That would be useful.

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

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

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

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

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

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

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

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



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

**The Hon. ROSE JACKSON:** How did that communication happen? Is it that the AFP commissioner calls you?

**Commissioner FULLER:** Not in this case. Their head of investigation would talk to our head of investigation, probably assistant commissioner level. That information would be passed formally from organisation to organisation.

**The Hon. ROSE JACKSON:** Do they write to you? Is there a cover letter? Excuse my ignorance of how those referrals occur.

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

**The Hon. ROSE JACKSON:** The AFP director of investigation writes a letter to your assistant commissioner?

**Commissioner FULLER:** That would be generally a standard practice, just saying they are referring information. Given the fact that the investigation had been completed, that may have been done in an email form. But there would certainly be some sense of trail of correspondence from point A to point B.

**The Hon. ROSE JACKSON:** It has been reported, and I think you mentioned, that some kind of witness statement the woman prepared for New South Wales police in February last year was part of the documents.

**Commissioner FULLER:** You are not talking about the alleged victim now, are you?

**The Hon. ROSE JACKSON:** No. Sorry—I am. It has been reported that the alleged victim prepared a witness statement, not a formal statement but some kind of witness statement for New South Wales police last year.

**Commissioner FULLER:** I think the word "statement" would not be accurate. I think that you would say that she prepared at some point in time—it was my understanding it was some time ago—more of a diary entry, if you like, in terms of her memory of certain events.

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

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

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

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

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

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

**The Hon. ROSE JACKSON:** Was there any contact between you and the Prime Minister in relation to this matter at all? Obviously, in relation to the investigation that occurred, the allegations in relation to Angus Taylor, it is on the record, that the Prime Minister called you, commissioner. Did he call you?

**Commissioner FULLER:** As I think I gave evidence earlier this morning—

**The Hon. ROSE JACKSON:** Yes. We have discussed that.

**Commissioner FULLER:** But just to be sure, at no point in time in this matter have I had any communication with any member of Government federally or from a State perspective, other than that I briefed Minister Elliott the day after we had put the media release out, that the matter, unfortunately, could not progress for all the reasons we have spoken about. I then had a one on one with the Minister already organised. After that fact then, I just gave him a quick briefing on the matter.

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**The Hon. ROSE JACKSON:** Commissioner, the content of that briefing was essentially what you have laid out for us this morning?

**Commissioner FULLER:** The content of the briefing, to be honest with you, was probably less than that. It was really a summary of what was in the media release—that there was an allegation that unfortunately the alleged victim took her life and the matter cannot proceed, and there is the media release. To be honest, the minutiae of the questions that you asked me, it would be unusual for me to deep dive into that. So it was probably less than what you and I have discussed this morning.

**The Hon. ROSE JACKSON:** Minister, other than that briefing from the commissioner, have you discussed this matter with any Federal member of Parliament?

**Mr DAVID ELLIOTT:** No.

**The Hon. ROSE JACKSON:** No Federal member of Parliament has contacted you in relation to the New South Wales police investigation into this matter? Did New South Wales police, subsequent to receiving the referral from the AFP, contact or seek to interview the Attorney-General in relation to the allegations?

**Commissioner FULLER:** No.

**The Hon. ROSE JACKSON:** Why was that? Why would not you do that?

**Commissioner FULLER:** Again, custom and practice for us is that if the victim withdraws the matter, then, outside the victim care aspect of it, the matter is finalised. That is not for the Attorney-General; that is for every matter. Whether that is right or wrong—they are certainly things that we are looking at, at the moment, with the whole broader range of things around the journey for victims into the justice system, particularly around sexual assault and historic sexual assault matters. But that is our custom and practice.

**The Hon. ROSE JACKSON:** Do you mean there are no instances where a prosecution would proceed despite the fact that the victim was uncomfortable making a formal statement? Even if police—

**Commissioner FULLER:** Are we talking, ma'am, about sexual assault matters?

**The Hon. ROSE JACKSON:** Yes. Obviously there are cases such as murder and manslaughter where prosecutions proceed and the victims are not able to participate. Putting those aside, in relation to sexual assault presumably there would be cases, Commissioner, where a victim was very traumatised and was uncomfortable making a formal statement, did not want to go through that court process, but the police were very sure that a serious sex crime had occurred and wanted to prosecute.

**Commissioner FULLER:** We are pro prosecution and you know that.

**The Hon. ROSE JACKSON:** I do.

**Commissioner FULLER:** I would say to you—and I will give you these figures. Of the 100 per cent of complaints we get of adult sexual assault, we are able to proceed on 10 per cent and I think we win 10 per cent of those at trial. So it is hard, and it is a hard journey for the victim. It is only often when you have other evidence—forensic or independent witnesses who almost saw the crime—that we are able to secure a conviction. I think I said this in the media: I understand the interest in this but do not let it be lost on—what we need to change is the journey for victims in the justice system.

**The Hon. ROSE JACKSON:** We might get to that later, Commissioner.

**Commissioner FULLER:** I hope so.

**The Hon. ROSE JACKSON:** Yes. Who made that decision not to interview Mr Porter? As I said, you have referred to it being custom and practice, but who would have made that decision?

**Commissioner FULLER:** The officers investigating that matter.

**The Hon. ROSE JACKSON:** And that was overseen by an assistant commissioner?

**Commissioner FULLER:** That would have been overseen by a superintendent from the sexual assault team and there is an assistant commissioner that sits over the top of that.

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

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

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

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

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

**Commissioner FULLER:** No.

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

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

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

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

**The Hon. ROSE JACKSON:** Yes, that would be useful. My last question before I go to my colleague Mr Shoebridge is: New South Wales police made a determination, as you stated in a press release, that there was insufficient admissible evidence to proceed and the matter was dropped. My question is: On what basis of investigation was that conclusion reached? You received the material from the AFP. What investigations did you do to reach that conclusion?

**Commissioner FULLER:** The moment that the victim no longer would give us admissible evidence—the only possible evidence that we could ever have in this matter that would have had some forensic value on this case getting into the justice system would be a signed statement from the victim that was in such detail—and her credibility was at such a high—that the DPP would allow the prosecution to continue. Look, I stand by the fact that once the victims in these matters make a decision not to go ahead—it is also my understanding that her interest in the matter going forward ebbed and flowed over the months after she made the first contact. Again, that is not unusual for victims and she should not be judged on that either. Please do not take anything that I say as that I am flippant about alleged victims in this matter.

**Mr DAVID SHOEBRIDGE:** Minister, secretary, commissioners. Commissioner, you have taken a number of matters on notice during my colleague Ms Jackson's questioning. It would be beneficial to the Committee, if you could, to provide those responses to the best of your ability during the currency of today's hearing. Would you be in a position to do that?

**Commissioner FULLER:** That is the sort of minutiae that the investigators would have about times and dates and places. I think that is an unreasonable request. I am happy—if you want to send me out now, I can come back in a couple of hours' time and I can get some of those answers for you.

**Mr DAVID SHOEBRIDGE:** Commissioner, you have a very large Police Force and they would be aware of the questions that you have taken on notice. Indeed, substantially more detail has been provided already in public—

**Commissioner FULLER:** Well, if you write down—

**Mr DAVID SHOEBRIDGE:** If you just let me finish, Commissioner. Substantially more detail has been provided already in public—

**Commissioner FULLER:** No, no, but if you write down—

**Mr DAVID SHOEBRIDGE:** Substantially more detail has been—

**Commissioner FULLER:** If you write down the questions—

**Mr DAVID SHOEBRIDGE:** Substantially more detail—

**Commissioner FULLER:** If you write down the questions for me and hand them over—

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**Mr DAVID SHOEBRIDGE:** Commissioner, if you would let me just finish—

**Commissioner FULLER:** —I will send someone out to try and get those questions answered.

**Mr DAVID SHOEBRIDGE:** Well, Commissioner, substantially more detail has been provided in public statements already than the detail that you have given in answer to Ms Jackson's questions.

**Commissioner FULLER:** Yes, but not by me.

**Mr DAVID SHOEBRIDGE:** No, which is why I am asking you—

**Commissioner FULLER:** If you write down the questions for me—

**Mr DAVID SHOEBRIDGE:** —and the large organisation behind you—

**Commissioner FULLER:** Write down the questions for me, hand them over, and I will send someone out—

**The Hon. WES FANG:** Point of order: The witness has clearly taken previous questions on notice. Mr Shoebridge has certainly put a request forward about whether that might be expedited. The witness, like every other witness that appears before estimates, has the right to have any questions taken on notice returned within 21 days. Chair, I would ask that you remind Mr Shoebridge of that fact.

**Mr DAVID SHOEBRIDGE:** To the point of order: We have had—

**The Hon. TREVOR KHAN:** To the point of order: Chair, this is an unusual circumstance. If Ms Jackson is able to provide the questions that she has asked in a form that the—clearly the commissioner is doing his best and will do his best. I think that has been clear from his evidence. So if Ms Jackson is capable of providing those questions that she has asked to the commissioner in a written form, then I am sure that the commissioner will do his best today. I accept that my friend Mr Fang is technically correct but I just do not think we need to—

**Mr DAVID SHOEBRIDGE:** Yes, that might be a way forward when Ms Jackson comes back. Commissioner, public statements made by your organisation suggest that the woman approached the New South Wales police in late February 2020. Would that be right—late February 2020?

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

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

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

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

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

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

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

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

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

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

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

**Mr DAVID SHOEBRIDGE:** But you do not have any details?

**Commissioner FULLER:** Not on me in my folder, no.

**Mr DAVID SHOEBRIDGE:** Do you know how many—

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**Commissioner FULLER:** And I think it is unreasonable to think, running an organisation with 21,000 people—we arrest a couple of hundred thousand people a year—that I come here today covering a number of different topics and I am going to understand and have at my fingertips this type of minutiae information.

**Mr DAVID SHOEBRIDGE:** Well, Commissioner, with all due respect, I would have expected a substantial and detailed briefing to be available to you on this issue. The paucity of detail you are giving surprises me, with all due respect.

**Commissioner FULLER:** I do not think it is a respectful comment at all, or realistic.

**Mr DAVID SHOEBRIDGE:** Commissioner, one of the reasons why a statement was not taken was because of COVID restrictions, is that right, and interstate restrictions on travel?

**Commissioner FULLER:** That is the primary reason, yes. At that time, obviously, again as I have given in evidence previously, the alleged victim at different times was unsure whether she wanted to proceed. Again, I am not judging her because that is quite normal with historic sexual assault victims.

**Mr DAVID SHOEBRIDGE:** Can you provide the applications that New South Wales police made to cross the border into South Australia for this purpose?

**Commissioner FULLER:** My understanding, it was not safe at that time. That was when COVID was at its worst for anyone to travel.

**Mr DAVID SHOEBRIDGE:** Were any applications made by New South Wales police?

**Commissioner FULLER:** It was not about the application of approval—

**Mr DAVID SHOEBRIDGE:** If you let me finish, Commissioner.

**Commissioner FULLER:** It was about work health and safety, that COVID was running rampant at that time.

**Mr DAVID SHOEBRIDGE:** Were any applications made by New South Wales police for interstate travel during 2020?

**Commissioner FULLER:** To who?

**Mr DAVID SHOEBRIDGE:** To South Australia, to travel to South Australia, and if so, when?

**Commissioner FULLER:** I do not believe there was, but it was not safe to travel.

**Mr DAVID SHOEBRIDGE:** Are you saying that the—were any applications—

**Commissioner FULLER:** There is a worldwide pandemic, Mr Shoebridge. You might have missed that.

**Mr DAVID SHOEBRIDGE:** No, actually, Commissioner, I did not, but perhaps rather than the gratuitous responses, if you would just address my questions.

**Commissioner FULLER:** What about the work health and safety of the officers? Some 80 police in New York died on duty because they contracted COVID, Mr Shoebridge.

**Mr DAVID SHOEBRIDGE:** Commissioner, do you know how many applications were granted to cross the border between New South Wales and South Australia during the border lockdown?

**Commissioner FULLER:** During that period when they were planning on travel? No.

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

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

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

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

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

**Commissioner FULLER:** So which one was that one?

## CORRECTED

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

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

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

**Commissioner FULLER:** They are all now working for you.

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

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

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

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

**Mr DAVID SHOEBRIDGE:** Is there an ongoing investigation inside New South Wales police into this matter?

**Commissioner FULLER:** No, I have been clear that the matter was finalised once the victim made the decision that she did not want to proceed and, out of respect for every historic sexual assault matter, that is what we do.

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

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

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

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

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

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

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

**Mr DAVID ELLIOTT:** You have lost us.

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

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

**Mr DAVID ELLIOTT:** Mr Chairman, can I just highlight it is not unreasonable—because this Committee has been burnt before by Mr Shoebridge—for the commissioner or me or any of the other witnesses to ask the Committee to cite and disclose where they are quoting from. Because, as I have said, this is my sixth or seventh estimates committee. I cannot remember one of them where I have not been misled in the question, so the commissioner's request—

**Mr DAVID SHOEBRIDGE:** On 4 March 2021 at 1.56 a.m.—

**Mr DAVID ELLIOTT:** I have not finished. You are not the chairman, David, so—

**Mr DAVID SHOEBRIDGE:** —a statement headed:

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

If that assists.

**Mr DAVID ELLIOTT:** —if you are going to interrupt me, I will keep on interrupting you. Let me assure you that I can speak for a lot longer than you can.

CORRECTED

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**The CHAIR:** Order!

**The Hon. NATASHA MACLAREN-JONES:** Point of order—

**Mr DAVID ELLIOTT:** Can I get a ruling on that? I do not think it is unreasonable, and I think the dismissive nature that David is treating the commissioner with—

**The CHAIR:** Minister, the Committee can ask any question it likes. They do not have to quote sources to you—

**Mr DAVID ELLIOTT:** Okay, so that is fine.

**The CHAIR:** —but if you cannot answer the question, you can take it on notice.

**Mr DAVID ELLIOTT:** Thank you. That is exactly what the commissioner has been doing, and the dismissive nature of the response that we are getting from Mr Shoebidge I think is unacceptable.

**The Hon. ROSE JACKSON:** Dismissive? Coming from you!

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

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

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

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

**Mr DAVID SHOEBRIDGE:** If a sexual assault complainant has indicated to New South Wales police that they wish to withdraw their complaint, what would be the usual response to that? Would it be, at minimum, a phone call, a direct personal contact, or would it be an email? What would be the usual response from New South Wales police?

**Commissioner FULLER:** It would depend on what the victim wanted. We do not try to talk people out of this. It is a very, very stressful thing, particularly for historic sexual assault matters, for people to get the courage to come forward. It is not unusual, even after we have taken a statement, even after we have interviewed the possible offender, for the matter not to proceed because the victim withdraws their complaint. This is not unusual.

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

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

**Mr DAVID SHOEBRIDGE:** That would be standard practice, would it not, if you are doing an investigation—

**Commissioner FULLER:** But you are assuming that that did not happen.

**Mr DAVID SHOEBRIDGE:** Let me finish the question, commissioner.

**Commissioner FULLER:** You cannot assume anything until I answer the question.

**Mr DAVID SHOEBRIDGE:** You cannot assume anything until I finish my question.

**Commissioner FULLER:** But you have made a statement now; it is not a question.

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

**Commissioner FULLER:** Absolutely, and in a normal time when there was no COVID and we could travel freely and we had open access to the victim, we would probably take weeks—months, perhaps—to get that statement finished, given the length and breadth of the alleged allegation. So, yes, it would. But it is not something

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CORRECTED

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that someone turns up day one to make an historic complaint and they have all the information available. That is not realistic what you are saying.

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

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

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

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

**Mr DAVID SHOEBRIDGE:** I can see that, commissioner.

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

**Mr DAVID SHOEBRIDGE:** Well, commissioner, is it your evidence that that South Australian police statement is incorrect?

**Commissioner FULLER:** I have not seen the statement—

**Mr DAVID SHOEBRIDGE:** I just read it to you.

**Commissioner FULLER:** Yes, but I am not taking anything you say as fact unless you provide the actual—

**Mr DAVID SHOEBRIDGE:** Commissioner, I can assure you it is mutual.

**The Hon. TREVOR KHAN:** Point of order: This is an important matter and gratuitous sniping does no-one any good.

**Mr DAVID SHOEBRIDGE:** I accept that. I withdraw.

**The CHAIR:** I think there is a level of gratuitous sniping going both ways.

**Commissioner FULLER:** I think that is unreasonable.

**Mr DAVID SHOEBRIDGE:** I withdraw it. I accept that.

**The CHAIR:** Commissioner, difficult questioning is difficult questioning. I understand that. But a difficult question can be asked and then you can answer it, obviously in any way you like. If you say, for example, "I want to take it on notice", that can be the end of it. If the questioning continues, you can do it again.

**Commissioner FULLER:** That has not been the end of it, Chair. I have taken a number of questions on notice and that has not been the end of it. So I do not think your statement is fair.

**The CHAIR:** The reality is that you can answer the questions any way it suits you. What you should not be doing is engaging in verbal jousting with the questioner and, equally, the questions that are asked should also be fair, clear and to the point.

**Commissioner FULLER:** But, Chair, have I not a right to ask to see the document to have a better understanding to answer?

**The CHAIR:** Generally speaking, you do not have the right to ask questions in this Committee. You are here to answer questions.

**Commissioner FULLER:** I did not ask a question, I asked to see the document. That is not a question, Chair.

**The CHAIR:** If the documents are not to hand, it is up to the questioner as to whether they are going to put them up or not.

**Commissioner FULLER:** But how do I know if I do not ask that question?

**The CHAIR:** Then you take it on notice.

**Commissioner FULLER:** But I have been trying to take matters on notice but it is not good enough today.



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CORRECTED

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**The CHAIR:** Commissioner, you may get the same question 10 times. If it is a silly question and you have to take it on notice 10 times, how will that reflect on you? It will not. It will reflect on the questioner.

**Commissioner FULLER:** Chair, in fairness, I have tried to take everything on notice. I have tried to answer every question I could but today it is not good enough; he wants the information today. You heard that, Chair.

**The CHAIR:** I think we need a productive line of questioning and if the productive line of questioning is not working, then it is probably better to move on.

**Commissioner FULLER:** Thank you, Chair.

**Mr DAVID SHOEBRIDGE:** Commissioner, to assist, did you say you are not aware of any public statement that has been made by New South Wales police on this matter?

**Commissioner FULLER:** Can we start again on this matter? If you could just ask me—is this about the South Australian comment?

**Mr DAVID SHOEBRIDGE:** No. Are you or are you not aware of the statement made by New South Wales police in its Strike Force Wyndarra update dated 4 March 2021 at 12.35 p.m.? Are you aware of that statement?

**Commissioner FULLER:** The media release?

**Mr DAVID SHOEBRIDGE:** It is just called "statement" here.

**Commissioner FULLER:** We would put out a media release. I am not sure of this thing about "statement".

**Mr DAVID SHOEBRIDGE:** Just to assist you in assisting the Committee, I am telling you that my understanding is a far more detailed statement was made by police on that date, which provides some of the details for the questions you have taken on notice today.

**Commissioner FULLER:** I can only assume it is one of the media releases that we have put out trying, to the best of our ability, to answer all of the questions that are of interest. If that is the case and that is public knowledge, then I assume you have it anyway.

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

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

**Mr DAVID SHOEBRIDGE:** The South Australian Coroner is considering reviewing this matter. Have New South Wales police provided all of their records and materials to the South Australian Coroner?

**Commissioner FULLER:** I do not believe that there has been a request, but we certainly would provide all available information to assist that coronial.

**Mr DAVID SHOEBRIDGE:** Given the Coroner is considering whether or not to commence an investigation, will the New South Wales police proactively provide the materials to the South Australian Coroner to assist the Coroner in making that determination?

**Commissioner FULLER:** If there was a coronial, would we naturally make some sort of contact to provide information? Yes, that would be a fair assumption. We may well have officers who would give evidence at that potential coronial.

**Mr DAVID SHOEBRIDGE:** My question is whether, given the Coroner is considering whether or not to undertake a coronial investigation, New South Wales police will be of assistance and proactively provide the materials to the South Australia Coroner, commissioner?

**Commissioner FULLER:** I think what would happen is that they would make a decision whether they are going to hold an inquest and then we would clearly send any information that we had down to them.

**Mr DAVID SHOEBRIDGE:** Clearly any decision by that South Australian Coroner would be assisted by the provision of the records that the New South Wales police have.

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** So I ask again: Will you provide those records to the South Australian Coroner to assist the Coroner in making that determination?

## CORRECTED

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** Thank you, commissioner. Was consideration given to South Australian police conducting the interviews during the COVID lockdown?

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

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

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

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

**Commissioner FULLER:** Correct.

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

**Commissioner FULLER:** Yes.

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

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

**Mr DAVID SHOEBRIDGE:** My final question on the subject is: You said, commissioner, that given the woman had effectively withdrawn the complaint that there was a determination to not proceed with a prosecution after that. Does that position change in circumstances where the woman withdraws the complaint within 24 hours of taking her life? She was clearly a very, very troubled person.

**Commissioner FULLER:** I think I have given evidence this morning where I said that there are times when victims have given signed statements and we have interviewed the alleged offender and the matter still does not proceed because the victim withdraws her or his consent to proceed, Mr Shoebridge.

**Mr DAVID SHOEBRIDGE:** But, with all due respect, commissioner, you have not addressed my question, which is: In these circumstances, where the woman had sought to have the case withdrawn and then had taken her life within 24 hours of that, given she was clearly in such a troubled state of mind, does that cause you to review your policy position of not proceeding in light of the victim's wishes, given those wishes were conveyed at a time when she was clearly so troubled?

**Commissioner FULLER:** I hope the justice systems across Australia change to allow us to do more in this space. But the answer is, at the moment the way the laws are constructed, no, it does not, unfortunately—as tragic as that is.

**The Hon. ANTHONY D'ADAM:** Minister, are you aware of any Fire and Rescue NSW firefighters being subjected to disciplinary action over the past 12 months for alleged misuse of fire trucks for purposes not related to Fire and Rescue NSW duties?

**Mr DAVID ELLIOTT:** I am not, but I am not necessarily briefed on disciplinary action unless it is very serious so I might invite Commissioner Baxter to answer that.

**Commissioner BAXTER:** Mr D'Adam I am not aware of any of those. That is not to say that our professional standards branch has not received complaints, but I am certainly not aware of any of those matters.

**The Hon. ANTHONY D'ADAM:** What is the position around the use of fire trucks? They are only there to be used for official purposes, is that correct?

**Commissioner BAXTER:** Absolutely.

## CORRECTED

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

**Mr DAVID ELLIOTT:** Probably.

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

**Mr DAVID ELLIOTT:** Yes.

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

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

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

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

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

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

**The Hon. ANTHONY D'ADAM:** That is something that you normally do— ?

**Mr DAVID ELLIOTT:** I know one did not come, but for years in my electorate the SES, the VRA, the fire brigade and the police have gone to neighbourhood Christmas parties.

**The Hon. ANTHONY D'ADAM:** What is the purpose of having a fire truck at a Christmas party, Minister?

**Mr DAVID ELLIOTT:** The same reason we have a fire brigade at open day, the same reason we have burning cinders—

**The Hon. ANTHONY D'ADAM:** It is not the same, is it? Because it is about entertainment.

**Mr DAVID ELLIOTT:** It is the same reason we have the fire brigade go to schools and the same reason we have the fire brigade go to scout clubs.

**The Hon. ANTHONY D'ADAM:** Surely, Minister, you can see that those are arrangements for the purposes of public awareness, raising public engagement?

**Mr DAVID ELLIOTT:** Yes. That is what a neighbourhood Christmas party would be as well. There would be no difference between a fire truck going to a school or to speak to a whole bunch of kids at a park for a Christmas party.

**The Hon. ANTHONY D'ADAM:** It is kind of different if it is just something that you are dispatching to your own personal Christmas party in your street.

**Mr DAVID ELLIOTT:** I do not organise the Christmas party. I just make the request.

**The Hon. ANTHONY D'ADAM:** You don't think that's an inappropriate use of public resources?

**Mr DAVID ELLIOTT:** I do not even know if it was in my street. It is a neighbourhood Christmas party that happens every year.

**The Hon. ANTHONY D'ADAM:** Where you big-noting yourself? Is that the reason why—

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

**The Hon. ANTHONY D'ADAM:** Thank you, Minister. Minister, did you seek legal advice before stating that the Commissioner of Police could sit on the Australian Rugby League Commission [ARLC]?

**Mr DAVID ELLIOTT:** No.

**The Hon. ANTHONY D'ADAM:** You did not? Why not?

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

**The Hon. ANTHONY D'ADAM:** Did you seek legal advice about whether it was appropriate for the Commissioner of Police to sit on the Australian Rugby League Commission?

## CORRECTED

**Mr DAVID ELLIOTT:** No, I did not, but I foreshadowed it.

**The Hon. WES FANG:** Point of order: That is actually a different question to the one you originally asked.

**Mr DAVID ELLIOTT:** I thought it might have been.

**The Hon. ROSE JACKSON:** To the point of order: I do not think it was.

**Mr DAVID SHOEBRIDGE:** Not only that, the Minister has asked for clarification. The member has made it clear what the question is. If there is any ambiguity, the Minister can ask for a clarification. It is not a point of order.

**The Hon. WES FANG:** I will pursue the point of order.

**Mr DAVID SHOEBRIDGE:** It is not a point of order.

**The Hon. WES FANG:** It was a different question, Anthony.

**Mr DAVID SHOEBRIDGE:** Minister if you are uncertain of the nature of the question, you can ask for clarification.

**Mr DAVID ELLIOTT:** Can you repeat the question?

**The Hon. ANTHONY D'ADAM:** I will repeat the question. Did you seek legal advice before stating that the Commissioner of Police could sit on the Australian Rugby League Commission?

**Mr DAVID ELLIOTT:** Whether he could?

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

**Mr DAVID ELLIOTT:** No, I foreshadowed it. But because no offer had been made, there was no reason for me to get legal advice.

**The Hon. ANTHONY D'ADAM:** So you had been approached by the commissioner about this issue?

**Mr DAVID ELLIOTT:** The commissioner?

**The Hon. ANTHONY D'ADAM:** Yes, the commissioner had spoken to you?

**Mr DAVID ELLIOTT:** As in the rugby league commission or the police Commissioner?

**The Hon. ANTHONY D'ADAM:** No, the police Commissioner.

**Mr DAVID ELLIOTT:** No, no, I was approached by the ARL.

**The Hon. ANTHONY D'ADAM:** The ARL approached you to seek your advice and you did not seek legal advice about that?

**Mr DAVID ELLIOTT:** They foreshadowed that they may invite the commissioner to join the commission and I said I could not see any objection, given the circumstances pending legal advice. That was my personal opinion and as I have said on the record before, so to foreshadow your next question, I had spent the two weeks before then criticising the behaviour of rugby league players and particularly the way that they treated a certain female constable in Tweed Heads, so I thought it would be very shallow and hypocritical of me to deny at least the discussion and the opportunity to be pursued. But I made it very clear all along that any secondary employment by anybody in the public sector is always subject to legal advice.

**The Hon. ANTHONY D'ADAM:** So you did seek that legal advice?

**Mr DAVID ELLIOTT:** No, because I did not receive a formal request. How could I seek legal advice on something that I did not know existed?

**The Hon. ANTHONY D'ADAM:** Could you just clarify the nature of the conversation that you had with the commissioner in relation to the events that led to this becoming public?

**Mr DAVID ELLIOTT:** The commission, the National Rugby League [NRL]—

**The Hon. ANTHONY D'ADAM:** The commissioner, Mr Fuller.

**Mr DAVID ELLIOTT:** There was a discussion about how he was going to be approached by the rugby league—

**The Hon. ROSE JACKSON:** And did you indicate in your conversation—

## CORRECTED

**Mr DAVID ELLIOTT:** Who is asking the questions here?

**The Hon. ROSE JACKSON:** Surely, Minister, you can have a little bit of—

**The Hon. WES FANG:** Point of order—

**Mr DAVID ELLIOTT:** Chairman, I am pretty sure that your rules—

**The Hon. WES FANG:** Point of order—

**The Hon. ANTHONY D'ADAM:** There is no point of order, Wes.

**The Hon. ROSE JACKSON:** We are in Labor time. We are both Labor MPs.

**The Hon. ANTHONY D'ADAM:** It is Opposition time.

**The CHAIR:** Order!

**The Hon. WES FANG:** The Minister was providing an answer when the Hon. Rose Jackson interjected. I would ask that, when the Minister is asked a question, he be given the opportunity to provide his answer before another member interjects.

**The CHAIR:** I will uphold the point of order. Minister, any member can ask questions and you can decide to answer them or not.

**Mr DAVID ELLIOTT:** Sure, but they cannot interrupt my answers.

**The CHAIR:** No, they should not interrupt.

**Mr DAVID ELLIOTT:** Rose was interrupting.

**The Hon. ANTHONY D'ADAM:** The Hon. Rose Jackson, actually.

**The Hon. ROSE JACKSON:** That is fine. Rose is fine, Minister. Had you finished?

**Mr DAVID ELLIOTT:** No. But I am going to have to ask you to repeat the question because I have lost my train of thought.

**The Hon. ROSE JACKSON:** Minister, I was—

**Mr DAVID ELLIOTT:** No, I am going to finish Adam's question.

**The Hon. ROSE JACKSON:** Anthony's question. If you are going to call us by our first names, at least get them right.

**The Hon. ANTHONY D'ADAM:** Minister, I will call you Minister and I would prefer that you did not call me Anthony. Minister, my question was about the nature of the conversations that occurred between you and Commissioner Fuller in relation to this matter.

**Mr DAVID ELLIOTT:** They were very preliminary and very vague. I was advised by the rugby league that they were keen to have Commissioner Fuller on their board. My view was that I had spent two weeks criticising the NRL about their approach to the police, particularly in Tweed Heads. So I said, listen, this is a good idea. I was advised that Commissioner Fuller would forfeit any income or any stipend, which I thought was appropriate, but I said all along that it would be subject to legal advice and the normal probity checks.

**The Hon. ANTHONY D'ADAM:** So then you sought the legal advice?

**Mr DAVID ELLIOTT:** No, because the commission and the commissioner both decided that there would be no appointment or offer made.

**The Hon. ROSE JACKSON:** But wasn't that because, after it had appeared publicly in the media, the Premier indicated that she would not support—

**Mr DAVID ELLIOTT:** That is a question you will have to ask her.

**The Hon. ROSE JACKSON:** Did you discuss the matter with the Premier before she publicly came out and gave her opinion that it was quite contrary to the opinion that you had privately given?

**Mr DAVID ELLIOTT:** Yes, I said to the Premier that the NRL are keen to receive the services of Commissioner Fuller on a pro bono basis and she said to me, subject to legal advice. So I do not know where you think this impropriety is coming from, but I think it would be no different from the commissioner being asked to, in my mind, be appointed to any other charitable activity. But I was particularly interested because I, like all of you I hope, was horrified at that matter in Tweed Heads.

## CORRECTED

**The Hon. ROSE JACKSON:** Are you aware of whether the Premier received legal advice before she indicated—

**Mr DAVID ELLIOTT:** That is a question you will have to ask her.

**The Hon. ROSE JACKSON:** She did not discuss it with you?

**Mr DAVID ELLIOTT:** That is a question you will have to ask her. I have seen no legal advice, no offer has been made. The matter, in my mind, did not proceed.

**The Hon. ROSE JACKSON:** But not without some significant embarrassment to the commissioner and perhaps also to yourself considering the nature of the initial positive feedback that you had given?

**Mr DAVID ELLIOTT:** I can assure you I did not feel embarrassed by the fact that somebody wanted to employ the Commissioner of Police, which I thought was very appropriate given his management techniques.

**The Hon. ANTHONY D'ADAM:** He has got a pretty big job at the moment, don't you think?

**Mr DAVID ELLIOTT:** Some people can walk and chew gum at the same time.

**The Hon. ROSE JACKSON:** But he is not being able to walk and chew gum. That has not occurred.

**Mr DAVID ELLIOTT:** The thought process that I took is that the commissioner actually has a lot of charitable activities to undertake, and quite appropriately too. All the commissioners you see before you do a lot of work for charity. As I said at the time, I think all police officers, like all fireys and SES members and RFS, should all take proactive roles and leadership roles in their community. That is why I am so thrilled that the firefighters in The Hills district go to every public event that they get invited to.

**The Hon. ROSE JACKSON:** Except your Christmas party.

**Mr DAVID ELLIOTT:** The taxpayers pay for their service and as long as it is not interfering with their operational capabilities or their operational responses, which I can assure you is always first and foremost in all the agencies represented here today, I think that they should be engaged with the community.

**The Hon. ROSE JACKSON:** All of your answers, though, lead to the conclusion that it is an excellent idea that Commissioner Fuller would serve a role with the rugby league to address those issues, but that has not happened. You have not—

**Mr DAVID ELLIOTT:** I am sorry. You must have missed the caveat that I have put on every single answer. It was all subject to legal advice.

**The Hon. ROSE JACKSON:** But you have said that there has been no legal advice.

**Mr DAVID ELLIOTT:** Because there was no offer.

**The Hon. ROSE JACKSON:** So it must be subject to something else.

**Mr DAVID ELLIOTT:** Because there was no offer.

**The Hon. ROSE JACKSON:** There was no offer made because the Premier indicated she would not be supportive of it.

**Mr DAVID ELLIOTT:** Okay. So you read the Telegraph. Well done.

**The Hon. ANTHONY D'ADAM:** Commissioner, we might hear from you about this.

**The Hon. WES FANG:** I think she is more of a Guardian person myself.

**Mr DAVID ELLIOTT:** You are probably right, Wes.

**The Hon. ANTHONY D'ADAM:** Did you seek permission from the Minister to—

**Commissioner FULLER:** I did not hear you start the question, sorry.

**The Hon. ANTHONY D'ADAM:** Sorry, Commissioner. Did you seek permission from the Minister in relation to this offer?

**Commissioner FULLER:** Honestly, we had a 15-second conversation about it. I said they may make an approach but there is a whole range of other things from the commission's perspective that has to take place. I said to him that a Supreme Court serving judge and a District Court serving judge were all allowed to be part of sanctioning players in previous years. I said that I do not think it is such a big deal and it turned out perhaps I was wrong. Maybe judges can continue to do it but commissioners are different.

## CORRECTED

**The Hon. ANTHONY D'ADAM:** Do you have concerns about organised crime and NRL players?

**Commissioner FULLER:** I have concerns about organised crime.

**The Hon. ANTHONY D'ADAM:** And the relationship with the NRL players? Is there—

**Commissioner FULLER:** It is not a particular focus of ours in terms of what keeps me from sleeping at night in terms of organised crime.

**The Hon. ANTHONY D'ADAM:** Is your contract up for renewal?

**Commissioner FULLER:** No.

**The Hon. ANTHONY D'ADAM:** Have you given a commitment that you are going to stay on as police commissioner?

**Commissioner FULLER:** I have not given any commitment because that is a shared commitment between the Government and myself in the sense that the Government may not want to roll me over to another contract nor at that time may I be willing and able to do another five years. There are no discussions about that at the moment. I do not think there needs to be.

**The Hon. ANTHONY D'ADAM:** There is some speculation in the media that you have been considered as a candidate for the Federal seat of Hughes.

**Commissioner FULLER:** I promise you—

**Mr DAVID ELLIOTT:** I can answer that for you, Anthony, to save the commissioner any embarrassment.

**The Hon. ANTHONY D'ADAM:** It is a question to the commissioner, Minister.

**Mr DAVID ELLIOTT:** We would love to have him but I am pretty sure that the answer to that is no.

**The Hon. ANTHONY D'ADAM:** Has anyone approached you, Commissioner?

**Commissioner FULLER:** I do not want to answer this and get offside with all of the—

**The Hon. NATASHA MACLAREN-JONES:** All political parties.

**Commissioner FULLER:** All political parties. But on the record I have zero interest in becoming a politician. I do not envy any of your jobs. But, no, that was a joke.

**The CHAIR:** That is a shame. I was going to approach you.

**Commissioner FULLER:** I think that was a joke on me.

**The Hon. WES FANG:** I certainly would not go to you, Chair.

**The CHAIR:** Why not?

**Commissioner FULLER:** I have not been approached by anyone.

**The Hon. ANTHONY D'ADAM:** No-one has approached you?

**Commissioner FULLER:** And I have not approached anyone.

**The CHAIR:** Going to The Nationals is going to a dead letter office.

**The Hon. NATASHA MACLAREN-JONES:** We should have got you.

**The Hon. WES FANG:** We would have him.

**The Hon. ROSE JACKSON:** We might return to some of the broader issues around the way that sexual assault crimes are managed.

**Commissioner FULLER:** Sorry, is this question for me?

**The Hon. ROSE JACKSON:** Yes, I think it is probably, Commissioner, but I am happy to go through the Minister again. You said earlier in response to a question—I think it was to my colleague Mr Shoebridge—that you hope the justice system changes the way that sexual assault crimes are managed and prosecuted. I jotted it down. I think you said something along the lines that the reality of the current laws is that it makes it very difficult both for victims and to secure prosecution. What are some of the changes that you would like to see?

## CORRECTED

**Commissioner FULLER:** We have matters before the court at the moment where you have a credible victim and forensic evidence, and there is an issue of consent that is raised. Juries are finding it difficult to make a decision. We are having hung juries. That, in a sense, is the simplest issue. You have a current matter, a current victim, forensic evidence and recency, but this issue of consent has been one of the struggles for juries, judges and magistrates. It is a real issue that is playing out today. This is before you even go to a historic matter where there is no forensic evidence and it is very much a 30-year-old statement being taken. Then the journey for victims who get cross-examined—potentially by the offender—is a horrendous journey.

**The Hon. ROSE JACKSON:** So obviously, as you would be aware, the issue of consent law is the subject of a Law Reform Commission report and we have heard from the Attorney General that the Government's response to that is in the works right now. Have you been consulted in relation to those legislative amendments? Have you provided a submission to that process that is occurring right now?

**Commissioner FULLER:** It is my understanding that some of our staff are working on that and we will hopefully have our say in relation to it.

**The Hon. ROSE JACKSON:** What is the view of the NSW Police Force in relation to how consent laws should be changed?

**Commissioner FULLER:** I think that there is a big piece to this around—and I hate to say this because every time it comes back to me—it is about more training. But I do think education is important in relation to just the way that we are raising particularly young men. I know men can be victims as well, but predominantly it is men. Then I think that there needs to be a line drawn in the sand in terms of what consent is. I think there needs to be a better criminal definition around that. Because you go home with someone you trust and you might be intoxicated or unconscious, that does not mean it is yes.

**The Hon. ROSE JACKSON:** Absolutely. There has been the proposal to include legislative arrangements around positive consent, so the requirement to seek positive consent for a sexual encounter. Would New South Wales police be supportive of amendments along those lines?

**Commissioner FULLER:** Well, the New South Wales police commissioner would be.

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

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

**The Hon. ROSE JACKSON:** That is right.

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

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

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

**The Hon. ROSE JACKSON:** Commissioner or Minister, I want to draw you to the recent petition and public discussion around young women, young men and consent particularly. Are you aware of the online petition that Chanel Contos has launched?

**Mr DAVID ELLIOTT:** Who, sorry?

**The Hon. ROSE JACKSON:** Chanel Contos, the young woman who has launched an online position and has been collecting testimonies from young women about their experiences of sexual assault. Are you aware—

**Mr DAVID ELLIOTT:** I have not read it. No, I have not seen it or seen the case studies, but as a family man of course—I do not know what your line of questioning is—my response to any criticism or comments about consent laws is that women, and men, should be treated with utmost respect.

**The Hon. ROSE JACKSON:** Yes. I suppose, having read a lot of those testimonies, my line of questioning is why is it that so many young women and young men do not appear to understand what consent is. There are a number of quotes:



## CORRECTED

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I didn't think it was assault because I didn't say no.

...

I technically used the word "no" but he didn't care.

...

I didn't realise that it was technically sexual assault until recently.

Would you accept that there is clearly a gap and problem in the understanding of young women, and young men in particular, about what our laws are in relation to consent?

**Mr DAVID ELLIOTT:** Rose, that is probably going to be the most appropriate question you have asked in this place all year. As the father of two young teenage boys, it is a matter of serious and daily discussion in my house. I draw on that great African proverb: It takes a village to raise a child. The first call from me, as the police Minister but also as a father, is that parents have to teach their children respect for women and, as I said, depending on the gender determination or depending on the lifestyle choices, men. Having had a loved one severely beaten by a partner, it is something that seriously sets me off. So the answer to your question is: Parents, do your job. But I also say to the community, it is everybody's responsibility.

When I read some of these briefing notes coming through police channels about young women who have been assaulted, it is quite clear that society has failed. I am delighted that there is a debate on consent and I am delighted that the police will hopefully take a lead role. I would also call on every institution in the State to take an interest, whether it be the school system, whether it be particularly churches—who we all know have been a bit vulnerable here—or whether it be the youth groups that we rely on so much to develop the character of our young people. That is a long-winded way of saying I think you and I are on the same page here, and I would like to think that when I finish up in this place we will have improved the situation.

**The CHAIR:** Thank you very much, Minister. During the New South Wales Coroner's inquest into the deaths of Jack and Jennifer Edwards, it was revealed that staff at the Firearms Registry received little or no training in doing their job. With the Coroner's report due next week—I think it is the 18th—will you guarantee to provide the Firearms Registry with all the resources they require to ensure that staff are adequately trained to do their job correctly and properly?

**Mr DAVID ELLIOTT:** Robert, I wish you had broken that question into two. I am not going to talk about the Edwards matter before the Coroner's report is handed down because I think that would be inappropriate, as I think you probably would hopefully agree. But so far as the registry is concerned, we have come leaps and bounds in the couple of years that I have been in this role. I have visited a number of times. We have obviously got a number of initiatives, particularly embracing information technology. But when you consider that there are—fortunately or unfortunately, depending on which side of the divide you sit—a million registered firearms in New South Wales, it is a big job. It is a very big job. That is why both the commissioner and I have made it a priority to ensure that the management of the registry is as efficient as possible.

**The CHAIR:** Efficient and resourced?

**Mr DAVID ELLIOTT:** Yes, absolutely. Mr Cook might want to come up and make some further remarks but the headcount there continues to be 93 with an authorised strength of 33<sup>1</sup>, and of course they are supplemented by unsworn staff. I think when it comes to the management of the registry, our best friend will be the IT improvements and, of course, the Police Assistance Line will be providing some supplementary support on that as well.

**The CHAIR:** You mention IT. I know that the registry has put a lot of their online forms and requests, et cetera, through Service NSW. But I did hear a story—and maybe the commissioner or maybe Mr Cook can correct me—that the police were going to take that back out of Service NSW and back into their own systems direct. Is that true?

**Commissioner FULLER:** The web-based portal, Chair, that I think you have seen in action with the dealers is working extremely well with the dealers—and I am happy to take your advice otherwise. It is now being rolled out for individual firearms owners as well.

**The CHAIR:** So that is the direct access that I am hearing about?

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<sup>1</sup> In [correspondence](#) to the committee, dated 14 April 2021, the Hon David Elliott MP, Minister for Police and Emergency Services provided a clarification to his evidence.

## CORRECTED

**Commissioner FULLER:** A hundred per cent.

**The CHAIR:** I have seen it operating in one of the dealerships in the trial mode. To take that question a little further, once it is fully operational for individuals, will applications for, say, a permit to acquire [PTA] a firearm, no longer go through Service NSW? Will they go direct?

**Commissioner FULLER:** There will still be connectivity, but the problems that we have had in the past with the interoperability with services and systems will be rectified by the portal. The portal is working extremely well. We are processing documents on time. There still is a challenge with the backlog and Deputy Commissioner Hudson—

**The CHAIR:** There is still quite a large backlog.

**Commissioner FULLER:** There is, but I can give you an undertaking that we are bringing in 10 additional staff to rectify the backlog, and they will work diligently through that. Whilst the portal will be that solution that you and I have been talking about for four years—I am absolutely confident of that and I put that on the record—we are still going to have to provide some sense of a written form for those that do not have access to the internet. Nevertheless, it is working extremely well with the dealers and we hope that at some stage all dealers will come on—

**The CHAIR:** I think all dealers will, although there are some that literally do not have access to the sort of technology. Maybe Mr Cook can answer it because I think some time last year it went live without the consideration of written forms, and I think the registry backtracked a bit and put that process in place. How does that operate if someone has to deal with the registry through written forms? How is that actually received? How do you deal with those? Maybe you can deal with it.

**Commissioner FULLER:** Can I bring him up rather than take it on notice, if that is all right?

**The CHAIR:** Yes, please do. If I can get an answer now rather than you taking it on notice, that would be much better.

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

**The CHAIR:** I am just interested in how a piece of paper now gets to the registry.

**Assistant Commissioner COOK:** There are still facilities in Service NSW for those who need to use paper-based transactions, but there is a regime in place to try and get those people or assist those people to use the new portal. Paper based will be last resort but will still be available.

**The CHAIR:** Paper based would just mean doing what they have done in the past—download a form, fill it out and send it in the mail.

**Assistant Commissioner COOK:** The form will come from Service NSW, so there is a process they can deal with Service NSW through.

**The CHAIR:** We get questions all the time and we want to make sure we tell people the right thing to do. Thank you for that.

**Commissioner FULLER:** Chair, could I just ask, wherever possible if they could use the portal it would be of great assistance for everybody.

**The CHAIR:** I think that is right, from an efficiency point of view and also the accuracy of the data. Transposition errors have always been a big problem, I think, with the old paper-based system. Thanks very much for that. Perhaps this question should also go to Mr Cook: Why is the registry unable to comply with its obligation under the Administrative Decisions Review Act to complete internal reviews within 21 days?

**Assistant Commissioner COOK:** I can answer that. There is a backlog there and it is complicated in the sense that preparing the review process is guided by a piece of legislation that all agencies have to operate by when they are doing these types of reviews. There is an extensive workload around doing that preparation. There are also issues where, when the 21 days is not met, many of the customers go directly to the NSW Civil and Administrative Tribunal [NCAT]. Once that is lodged at NCAT, we then have to prepare briefs of evidence, in effect, for the NCAT matters, which then creates further delays. I am hopeful that once we have the new software in place and we can gain some efficiencies within staff, we can make a serious inroad into the delays around the 21-day period and the review process.

**The CHAIR:** Thank you. You might need to take these on notice—

## CORRECTED

**The Hon. ROSE JACKSON:** Sorry, Chair, just to interrupt. We just have the written questions for Commissioner Fuller in relation to the matters we discussed this morning. I just wanted to indicate that is a combined set of questions.

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

**Assistant Commissioner COOK:** I will take that on notice.

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

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

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

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

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

**Mr DAVID ELLIOTT:** I'm not.

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

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

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

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

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

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

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

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

**The CHAIR:** Absolutely.

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

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

**Commissioner FULLER:** I understand.

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

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

**The CHAIR:** I know that.

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

**The CHAIR:** That is right. A lot of that, of course, has been brought about over the years because of the delays and I do not have the insight that you get in terms of the reports on the background of the people that

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CORRECTED

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write to me. But I can tell you there are quite a lot that write to me and when I background check them, in the limited way that I can, I do not write to you about.

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

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

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

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

**The CHAIR:** I am only interested in improving the situation and speeding it up, just as you are. Further to that previous question, how many are sworn officers, dealing with delegation.

**Mr DAVID ELLIOTT:** I can answer that. In fact, every year, Robert, you and I have this discussion about the efficiency of the registry and its resourcing. The headcount all up is 93, but that includes 10 police assistants. Authorised strength is 83—that is obviously minus the 10 from the Police Assistance Line [PAL]. Unsworn staff is 77; that is constant from the previous calendar year. Police officers sworn is six, which is consistent with last year. As I said, PoliceLink is 10. There are no contractors in there at the moment. If I can get your indulgence, the number of days for processing new firearms licence applications now is 96 days. Average number of days for processing firearms renewals is only eight days, which I think is more than acceptable. The average number of processing days for permits to acquire is now only five days and miners' permits average proceeding times is 67 days, which you and I would probably differ whether or not that is an appropriate length of time. Can I put an addendum to that and say I have noticed this year, certainly in the last 12 months, that there has been a decrease in the amount of representations I have received from members of Parliament about concerns, but there are still probably too many, so far as the police is concerned.

**The CHAIR:** You said members of Parliament, not just me.

**Mr DAVID ELLIOTT:** No, all MPs, mostly obviously regional ones.

**The CHAIR:** I probably generate more than anybody else.

**Mr DAVID ELLIOTT:** You actually have not this year.

**The CHAIR:** Do you want to put on the record who has?

**Mr DAVID ELLIOTT:** Which is why I was not as scared this morning coming to see you as I normally have been in the past.

**The CHAIR:** I am only a pussycat. You know that, Mr Elliott.

**The Hon. WES FANG:** We know that.

**The CHAIR:** Do delegates of the commissioner at the Firearms Registry receive any additional training to inform them of their obligations to act with integrity and honesty?

**Assistant Commissioner COOK:** The training is extensive in regards to their obligations and it is articulated very clearly in the documents they are provided and the training they are provided with.

**The CHAIR:** What about in relation to impartiality? What training is done in that area? Everything is through you, Minister?

**Mr DAVID ELLIOTT:** Yes.

**Assistant Commissioner COOK:** They are bound by the same code of conduct, statement of values as everyone else in the police organisation and one of the clear parts of that is conflict of interest. They are also reminded of that, as part of their training in terms of their own personal views, they need to apply the tool. That is part of the reason why the tool exists is to make sure there is consistency.

**The CHAIR:** That is sworn and unsworn?

**Assistant Commissioner COOK:** Yes, everyone at the registry.

## CORRECTED

**The CHAIR:** I hark back for a second. I think you said earlier that there is an extra 10 staff being seconded to pick up the backlog, is that right?

**Mr DAVID ELLIOTT:** That is the PAL.

**Commissioner FULLER:** No, there are 10 at PAL that we moved to take the phone calls because there is an enormous amount of people that still ring. They are primary receivers of calls only about Firearm Registry issues. Then there are an additional 10 we are going to—

**The CHAIR:** I am aware of the—

**Commissioner FULLER:** The PAL officers?

**The CHAIR:** Yes.

**Commissioner FULLER:** There is an additional 10, Chair.

**The CHAIR:** They are the ones I am asking about.

**Commissioner FULLER:** They are starting in the coming weeks. The only job they will have is dealing with the backlog, not the new web-based portal, which is running extremely well. The dashboard for that obviously is online as well. But they are 10 additional. They are not permanent. They are seconded in to fix that backlog.

**The CHAIR:** Thank you. That was the answer I wanted to get because you are putting extra resources to try to do the catch-up. In theory when you get there, hopefully it stays at a reasonable level of service.

**Mr DAVID ELLIOTT:** That is what we are hoping, the IT.

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

There would not be a corner of New South Wales that would not have a firearm that would need to be checked—  
we know that; it happens regularly—

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

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

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

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

**Commissioner FULLER:** I understand. I do not understand it as well as you do, obviously.

**The CHAIR:** I am just putting a proposition to you because it seems to me it is anomalous because if you are in a long arms rifle club that does not happen.

**Mr DAVID ELLIOTT:** In 2019 there were just over 13,000 safe storage inspections. The following year there were just under 15,000 safe storage inspections. The workload is high, if that is what you are basing your recommendations on.

**The CHAIR:** I am talking about the initial installation.

**Mr DAVID ELLIOTT:** I get that.

**The CHAIR:** There are always inspections going on.

**Mr DAVID ELLIOTT:** I would be happy for you to write to me, because it is a legislative change that needs to occur, if I am hearing your comments correctly. I will have a chat with Assistant Commissioner Cook and Commissioner Fuller and we will have a look at it.

**The CHAIR:** See how you go. From my understanding, definitely in the Act there is a requirement that the club executive has to certify.

## CORRECTED

**Mr DAVID ELLIOTT:** Yes.

**The CHAIR:** We are getting a lot of kickback from, for example, the NSW Amateur Pistol Association. In the past when they were done on paper forms, they simply did not tick that box. That is what was happening because they do not feel that they can actually certify properly and it really should be the obligation of the police to do the certification. That may delay the process a little bit, but I think it would then be in line with your whole process of rotationally checking all of the safe storage throughout the State from time to time. Everybody seems to get checked about once every four or five years.

**Mr DAVID ELLIOTT:** Okay. If you want to either submit something to me or move an amendment in the upper House, we will have a look at it.

**The CHAIR:** I will write to you and let us see.

**Mr DAVID ELLIOTT:** We will put it to the policy people.

**The CHAIR:** You come back and see how we go. I have one minute to go. This question is about renewal times. You have dealt with that, so I will go past it. I will come back.

**The Hon. ROSE JACKSON:** Commissioner, I want to follow up a line of questioning that I was talking with the Minister about earlier in relation to the recent petitions and public conversation about consent and about historic sexual assault. Has the NSW Police Force set up any strike force or particular group in relation to managing what you might imagine would be somewhat of a surge?

**Commissioner FULLER:** We had a full forum—it has a name that is irrelevant—that came together with all our senior police leaders and experts in the field around particularly adult sexual assault to work out how we can do better for our part, because we cannot always change the law and we cannot always change the way people think. How can we do better? We are reviewing, I guess, the entire gamut of our role in this part of the justice system to see if there is something that we can do.

If you look at domestic and family violence, probably back in 2010 we turned that on its head and we became pro prosecution. That caused enormous grief and there were a lot of unhappy people. We lost a lot of matters in court, but we drove change by being pro prosecution. A minor assault is still a very serious thing, but sexual assault is such a serious crime and it is a very personal crime. It is just very difficult to proceed without the victim. It is different to domestic violence, which are often common assaults—still terrible crimes. But we are looking at what we can do differently. You spoke to the Minister around the issues with consent. I do not think that is a new problem; I just think people have more of a voice now.

**The Hon. ROSE JACKSON:** It is an awareness of an old problem.

**Commissioner FULLER:** A hundred per cent. I think it is a powerful thing and if we can tap into that from a police perspective—part of us understanding that this is happening more and more is the fact that victims are having confidence to make contact with police. I think that is a real positive as well.

**The Hon. ROSE JACKSON:** Yes, I agree with that. Was that full forum that you described convened recently, in the past few weeks?

**Commissioner FULLER:** Last year I convened that. Assistant Commissioner Stuart Smith with the new commander of our sex crimes squad, Superintendent Maloney, are leading that for New South Wales police and trying to again turn an old problem on its head to see if we can get a better outcome for victims.

**The Hon. ROSE JACKSON:** Is there a time frame for a specific review or is it more of an iterative process?

**Commissioner FULLER:** I think it will be consistently ongoing. As groups come together and challenge the justice system, they will drive change. We need to be ready for that as well.

**The Hon. ROSE JACKSON:** I accept what you have said, which is that this is not just an issue for police. It is an issue in relation to how our laws are written, as the Minister said, and for parents and schools. But specifically in relation to the police response, have you seen at this stage any surge or upward movement in people approaching police as a result of the recent public petitions and public conversation?

**Commissioner FULLER:** It has been consistently rising, I would say, for four or five years. It is like this. It is already going up extraordinarily high. Break, enter and steal is down 20 per cent on what it was in 2019, robberies are down, car theft is down—everything is down except technology-enabled crimes, and adult and child sexual assaults.

## CORRECTED

**The Hon. ROSE JACKSON:** Historically, at least, there was a concern that police would often advise complainants that they had limited prospects and there was not a lot of good evidence and essentially matters were unlikely to be successful in court. There was a concern that police were discouraging people from pursuing matters because they thought they would be unsuccessful. Is that something that you are specifically looking to address?

**Commissioner FULLER:** What we do now is we do a full victim follow-up. A senior officer will make contact with the victim to make sure what the police have recorded was factual and at the same time to see if they have changed their mind, because often victims will come in and they will make a report but they do not want to proceed on the matter, which is frustrating for us. We also feel that there is intelligence to be collected on those types of offenders that we do not proceed on, but you are balancing individual civil liberties at the same time. They have not had an opportunity to respond to it. It is a very challenging space, but we have to do better. I do not just mean me; I mean we all have to do better.

**The Hon. ROSE JACKSON:** Indeed, but specifically it is not the practice of New South Wales police to advise complainants that they have limited prospects of success.

**Commissioner FULLER:** No, absolutely not. Did that happen yesterday somewhere in New South Wales? It could have and I am devastated if that is the case. But all I can do is put in a second-tier supervisory check to see if what is in the event is factual, if they have changed their mind and if they want to proceed. If you do, the challenge is this: You cannot tell the victim this will be an easy journey for you and when you get in the witness box the defence barrister will treat you nice, because they just will not. They will yell at you, they will call you a liar and they will say all of these horrible things to you.

**The Hon. ROSE JACKSON:** You have to be honest, yes.

**Commissioner FULLER:** You have to explain this, because there is a horrendous journey for them in the box.

**The Hon. ROSE JACKSON:** Just one final question on this before I go to my colleague: We know that crimes like sexual assault, which do particularly impact women, are often the result of broader social attitudes towards women and there are some more minor offences that can be indicators that people have a problematic attitude towards women. I am thinking specifically about some minor assault offences but also even offensive language offences, referring to women by derogatory terms. In the testimonies that we have seen, to be honest, a lot of slut-shaming goes on in schools. Those things can be precursors to more serious crimes if those attitudes are not checked. Is there a way that police could at least use awareness around minor offences that target women and are disrespectful to women—I am thinking offensive language and minor assault—to try to target young men, in particular, who might be developing problematic attitudes to women before it escalates into an attempt at a more serious assault?

**Commissioner FULLER:** The short answer is yes, in the sense that in domestic and family violence we ask a number of questions. Some of those are around whether the offender hurts animals. There are some indicators around people's behaviour that will lead to often violent domestic and family violence situations. Certainly it is possible, but we have a rich dataset because women predominantly have the confidence to come forward to report domestic and family violence. The things that you are talking about are rarely reported to police. Could we start a collection plan in terms of the behaviours that drive, perhaps, later sexual assaults? Yes, we could. It would be how we tap into that data without at the same time unfairly profiling an individual as a potential sexual assault person because they were being a smarty at school. But we are open to any changes. We are open to any opportunity to better educate young people in terms of staying away from a life of crime. This is not new to us.

**The Hon. ANTHONY D'ADAM:** Minister, is it your assessment that Fire and Rescue NSW have adequate resourcing?

**Mr DAVID ELLIOTT:** I have said on the record a number of times that I would love a fire engine at the end of every street.

**The Hon. ANTHONY D'ADAM:** Is that to say that there are not enough appliances for Fire and Rescue?

**Mr DAVID ELLIOTT:** I am comfortable that we are responding to the needs of the community, but I think Black Summer proved to us that you can never have enough fire trucks, firefighters, aviation assets, technology, apps and whatever else they use these days.

**The Hon. ANTHONY D'ADAM:** I note that recently you announced the rollout of some new trucks. That is correct, is it not?

## CORRECTED

**Mr DAVID ELLIOTT:** I do it every week. Whereabouts?

**The Hon. ANTHONY D'ADAM:** I do not have specific details.

**Mr DAVID ELLIOTT:** Okay, as usual.

**The Hon. ANTHONY D'ADAM:** I think you have received representations around a proposal to shift tankers from Katoomba and Springwood and reassign them to Wallerawang and Windsor, and from Kariong and Doyalson and Lake Macquarie to Wallsend. You are aware of that issue, I expect. You have been briefed on that.

**Mr DAVID ELLIOTT:** Yes.

**The Hon. ANTHONY D'ADAM:** In light of the fact that you have had new trucks rolled out, your suggestion is that there is an adequate number of appliances. Why is this necessary?

**Mr DAVID ELLIOTT:** No, no. You have just put words in my mouth. I said I would like a fire truck at the end of every street. But we have actually got 693 appliances in Fire and Rescue. If you add on top of that the record budget that Rural Fire Service is enjoying, I think that they are adequately resourced.

**The Hon. ANTHONY D'ADAM:** Is it correct that that proposal around relocating tankers is now unnecessary, that will not proceed?

**Mr DAVID ELLIOTT:** That is an operational decision. The last politician to influence operations was Churchill, in Gallipoli, and it did not end very well. So what I will do is invite the Fire and Rescue commissioner to discuss those matters.

**The Hon. TREVOR KHAN:** I think he got a bit of bum rap on that one, really.

**Commissioner BAXTER:** Could you just re-put the question, Mr D'Adam?

**The Hon. ANTHONY D'ADAM:** I just want to get clarification about the status of a proposal to shift tankers at Katoomba and Springwood. Is that proceeding or not?

**Commissioner BAXTER:** It was only ever a draft proposal that was instigated by local frontline managers. The frontline managers are always looking at the way they use their resources, where the resources are placed, the availability of staff, particularly our on-call firefighters. I expect nothing less from them than to do that on a dynamic basis. I think that the work they undertook was admirable, working with the RFS around the 50-something tankers that are available from the RFS fleet as well, and they were—

**The Hon. ANTHONY D'ADAM:** I might come back to this later on. We have limited time with the Minister. He might want to take his seat because I have some more questions for him in relation to some other matters.

**The Hon. WES FANG:** To be fair, the Minister is entitled to grab a—

**The Hon. NATASHA MACLAREN-JONES:** Get water or anything.

**The Hon. ANTHONY D'ADAM:** I am just foreshadowing I was going to cut to the Minister next.

**Mr DAVID SHOEBRIDGE:** If it was convenient to the witnesses and the Minister, we could have a 10-minute break now and then come back afterwards, rather than have a disruption, going back and forth to the tea trolley, from the Minister.

**The Hon. ANTHONY D'ADAM:** We do have a break, I think, at some stage, but—

**The CHAIR:** The Minister just asked and it is appropriate. We might take a 10-minute break. We will add it to the back. We will start again 10 minutes from now.

**(Short adjournment)**

**The Hon. ANTHONY D'ADAM:** Thank you, Chair. Minister, where are we up to in terms of the implementation of the 76 recommendations from the NSW Bushfire Inquiry?

**Mr DAVID ELLIOTT:** All of them are being actioned at the moment. The Government, as you know, has agreed to all of the recommendations. Obviously some of them have been in one way or another replicated or are complementary to the royal commission, but the work that the Rural Fire Service and Fire and Rescue did over the Black Summer bushfires can never be underestimated. I have got to use this opportunity to pay credit to Dave Owens and Mary O'Kane for the work that they did in that inquiry. But, yes, the 76 recommendations were introduced—



## CORRECTED

**The Hon. ANTHONY D'ADAM:** They are all being actioned. Is there somewhere where we can go to find the specifics of where each of the recommendations are up to?

**Mr DAVID ELLIOTT:** I can talk you through a few and then maybe what you feel that you have missed out on or that I have not touched, we can put on notice. But we have already passed the—

**The Hon. ANTHONY D'ADAM:** Perhaps, Minister, you could provide—

**Mr DAVID ELLIOTT:** I have got to finish. You have got to let me finish.

**The Hon. ANTHONY D'ADAM:** —that response—

**Mr DAVID ELLIOTT:** You have got to let me finish. We have introduced the Bushfires Legislation Amendment Bill 2020—that passed both Houses—which addressed seven of the recommendations. That amended the Rural Fires Act, the Biodiversity Conservation Act and the National Parks and Wildlife Act. We also have got a bill legislating the establishment of the Rural Boundary Clearing Code, which I suspect might be a question coming very soon. We have got—

**The Hon. ANTHONY D'ADAM:** Minister, are these details that would be in the quarterly report?

**Mr DAVID ELLIOTT:** Well, you have asked me the question and now I am answering it.

**The Hon. ANTHONY D'ADAM:** We have got limited time and it is not an opportunity for you to—

**Mr DAVID ELLIOTT:** Well, mate, you should have thought about that before you asked the question. I am going to insist on answering the question because this is very, very important and those 76 recommendations—other members of the Committee may be interested to hear about them.

**The Hon. ANTHONY D'ADAM:** Perhaps if you have got a document that specifies that, you might be able to table that, Minister.

**Mr DAVID ELLIOTT:** The bill amended for greater consistency between public and private landowners and that bill also allowed for greater auditing powers for the RFS. It legislated for the declaration of assets of intergenerational significance, such as the Wollemi pines—which I know certain members of the Cabinet are very, very happy with. We announced an initial \$192.2 million package ahead of the current State budget, which responded to some of the urgent recommendations. That addressed 24 of the inquiry's recommendations, such as accelerating the creation of a strategic fire trail network—something that a lot of the regional MPs were very concerned about. We have shovel-ready works for 11 in regional areas and eight positions to assist with fire trail planning. In responding to recommendation 33, I can note that 52 fire access and fire trail plans have been developed and submitted to the Bush Fire Coordinating Committee; 11 of them have been approved.

**The Hon. ANTHONY D'ADAM:** Mr Chair, given that the Minister is reading from a document, is it possible to request that the Minister table the document so that we are able to move on?

**The CHAIR:** You can ask him.

**Mr DAVID ELLIOTT:** We have extended the New South Wales fire service mitigation—

**The Hon. ANTHONY D'ADAM:** Minister, I am going to ask you to table that document that you are reading from.

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

**Mr DAVID ELLIOTT:** It is not a document.

**The Hon. TREVOR KHAN:** The Minister has been asked a question and he is answering it. He is plainly being relevant. It is standard practice in this place that a Minister—a witness, indeed—is allowed to answer a question in the way they see fit, as long as they maintain relevance. He is on point.

**The Hon. ANTHONY D'ADAM:** To the point of order: He has a document that he is reading from. It is appropriate that that document be tabled for the Committee to—

**The CHAIR:** I will rule on the point of order. The Minister can answer the question in any way he likes. You can ask him to table it, but it is up to him as to whether he does or does not table it.

**Mr DAVID ELLIOTT:** Thank, Chair. They are actually speaking notes. It is not a document.

**The CHAIR:** He is entitled, and quite often Ministers do read from written answers.

**Mr DAVID ELLIOTT:** Reluctantly, but I will.

**The Hon. TREVOR KHAN:** Sometimes it is good that they do.

## CORRECTED

**Mr DAVID ELLIOTT:** We extended the fire service mitigation crews and National Parks and Wildlife firefighting positions to deliver more hazard reduction work. In response to recommendation 21, I can advise that 100 temporary New South Wales mitigation crew members have already been recruited for and extended in November 2020 for an additional year, to assist with hazard reduction activities. That is important because one of those recommendations out of the inquiry was the need to make sure that we did not get into deficit when it came to hazard reduction. I was delighted that the quality of firefighter that wanted to apply for those positions—as you know, the culture of the RFS has always been a volunteer culture, but this is just a reflection of what is essentially the largest firefighting force in the world now.

I am delighted that we have got those extra 100 and we have guaranteed them for the additional year. We are employing new community safety teams to ensure planning work is completed and agreed hazard reduction plans and compliance activities are enforced. In response to recommendation 19, I can note that recruitment is already underway by the NSW Rural Fire Service to fill 37 community safety roles, who will assist in delivering new hazard reduction audit and compliance functions, and to implement a new risk-based approach to multi-tenure hazard reduction planning. These roles, together with eight fire trail planning roles, create 45 new community safety roles.

New equipment and support for volunteers and firefighters is being provisioned for, including additional personal protective clothing [PPC], mental health initiatives—I am keen to answer any questions you have about that—fire truck safety retrofits and a trial of new food and ration options for frontline workers. It will be no surprise to you that I took a keen interest in rations and quarters over the last fire season. That has, of course, been one of those issues that the recommendations will be addressing. Responding to various recommendations, funding will go towards providing frontline volunteer firefighters with two sets of PPC for ensuring that they have the necessary equipment for their operational readiness. I am also pleased to note that the hiring of in-house mental health specialists is underway and will soon bolster existing resources around the State. With regard to fleet, the more than doubled budget for the firefighting fleet is set to deliver 201 new appliances, 75 second-hand and refurbished appliances<sup>2</sup>—

**The Hon. ANTHONY D'ADAM:** Point of order—

**Mr DAVID ELLIOTT:** —as well as 45 new logistics and command vehicles.

**The CHAIR:** Point of order?

**The Hon. ANTHONY D'ADAM:** There is clearly a range of other questions that need to be asked—

**Mr DAVID ELLIOTT:** And I suspect, if you would listen, I am probably going to be answering them.

**The Hon. ANTHONY D'ADAM:** You are not a member of this Committee, Minister, so you should just remain quiet while the point of order is being discussed.

**The Hon. WES FANG:** Point of order: During a point of order, you certainly do not speak to a Minister that way.

**The Hon. ROSE JACKSON:** Oh, my God.

**The CHAIR:** Order! Minister, you might table the rest of that answer.

**Mr DAVID ELLIOTT:** I would prefer to read it in because I suspect the questions that the member has got maybe are going to be answered in what I am about to say.

**The Hon. ROSE JACKSON:** We just want to know when the quarterly report will be tabled. When will that be tabled?

**Mr DAVID ELLIOTT:** Let me finish, because it may be part of my answer.

**The Hon. ANTHONY D'ADAM:** If we accept that the Minister can speak ad infinitum, then it really obstructs the role of this Committee.

**The CHAIR:** Mr D'Adam, some actually do.

**The Hon. TREVOR KHAN:** Yes, Virginia Judge comes to mind. She was a cracker.

**Mr DAVID SHOEBRIDGE:** Minister Lee?

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<sup>2</sup> In [correspondence](#) to the committee, dated 14 April 2021, the Hon David Elliott MP, Minister for Police and Emergency Services, provided a clarification to his evidence.

## CORRECTED

**The Hon. TREVOR KHAN:** I couldn't possibly comment.

**Mr DAVID ELLIOTT:** If you let me finish, we can get into the next question.

**The CHAIR:** Minister Lee. Yes, that is right.

**Mr DAVID ELLIOTT:** I have only got another six or seven pages. If you let me finish, we might be able to get to the next question. Additional funding is set aside—oh, no. I said that.

**Mr DAVID SHOEBRIDGE:** Are we still on the same answer?

**The CHAIR:** Yes.

**Mr DAVID ELLIOTT:** There are currently seven new NSW RFS owned aircraft—the second Citation jet, which serves as a lead plane—and a third Bell 412 helicopter will be operational by the end of this financial year. Three of our RFS-owned helicopters have been equipped with night vision systems—which the member Wes Fang would be more than familiar with—and primed for night-time firefighting operations. A trial of initial aerial dispatch has commenced. Right after this Committee, Mr Chairman, I will be heading to Dubbo where I will be inspecting the new RFS helicopter simulator—

**The CHAIR:** Time.

**Mr DAVID ELLIOTT:** What a shame. Anyway, I am going to be updating both Parliament and the public on a quarterly basis, to answer your question.

**The Hon. ROSE JACKSON:** When?

**Mr DAVID ELLIOTT:** On a quarterly basis, so sometime in the next quarter. Actually, no, I have just been advised that I have already advised the Clerk that it will be 28 May.

**Mr DAVID SHOEBRIDGE:** That was not so hard, was it?

**The Hon. ROSE JACKSON:** That is a more useful response.

**The Hon. WES FANG:** You got there. In the end we got there.

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

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

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

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

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

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

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

**Commissioner BARNES:** Not that I am aware of.

**Mr DAVID SHOEBRIDGE:** What about involving horseracing?

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

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

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

## CORRECTED

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

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

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

**Commissioner BARNES:** Possibly money laundering, not drug trafficking.

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

**Commissioner BARNES:** I could not say, Mr Shoebridge.

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

**Commissioner BARNES:** Certainly.

**Mr DAVID SHOEBRIDGE:** Through you, Minister, to Commissioner Fuller: Commissioner Fuller, you used to have a position on the board of the Police Bank, is that right?

**Commissioner FULLER:** Correct.

**Mr DAVID SHOEBRIDGE:** That is the national Police Bank, is that right? It is a national police bank.

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** The Police Bank issued a statement, which included a series of quotes from you, when your departure was announced. Do you remember that statement?

**Commissioner FULLER:** I remember reading it.

**Mr DAVID SHOEBRIDGE:** To help, I will provide you with a copy of it.

**Commissioner FULLER:** Thank you.

**Mr DAVID SHOEBRIDGE:** And you would have read the statement before it went out, given it was dealing with you.

**Commissioner FULLER:** I will just refresh my memory if it is coming my way, if that is okay. It is a nice photo.

**Mr DAVID SHOEBRIDGE:** No doubt you approved the image as well.

**Commissioner FULLER:** No, I did not, but I have seen worse. Yes, read, thank you.

**Mr DAVID SHOEBRIDGE:** You said you had seen the statement.

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** I assume you saw it before it went out.

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** And you approved of it.

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** So, Commissioner, was it right when it said:

Mick Fuller has stepped down from the Board due to the increased commitment and workload of his role in helping steer New South Wales and its Police Force through the increased demands and uncertainty of the recent and current Covid outlook.

That was accurate, was it?

**Commissioner FULLER:** Absolutely.

**Mr DAVID SHOEBRIDGE:** So how was it within a matter of weeks you found sufficient time to also put your hand up to be on the ARL board?

**Commissioner FULLER:** Because being on a bank board, having the fiduciary responsibilities are enormous. In a sense, to do it properly it became almost a full-time job; very different to going on the commission that meets not as regularly, does not have the same fiduciary responsibilities. You do not have issues around the Australian Prudential Regulation Authority and oversight and money. They are two entirely different roles. But

## CORRECTED

I stepped down from that particular position because, again, the responsibilities of being on the board of a bank is certainly one that could almost be a full-time job.

**Mr DAVID SHOEBRIDGE:** But, Commissioner, I thought you were going to devote your attention to driving culture change and doing a fair amount of work with the ARL. That was my understanding of your public statements. You had a reform agenda there.

**Commissioner FULLER:** No, not at all. I was not the CEO of the NRL. The commission—do you understand what the role of the commission is?

**Mr DAVID SHOEBRIDGE:** Well, see, the process is I ask you questions here, Commissioner, so if you want to put some context to your answer, feel free to do so.

**The Hon. WES FANG:** Point of order: The Commissioner was certainly just asking for some clarification because Mr David Shoebridge had asked a question, and the Commissioner was seeking some clarification about what—

**The CHAIR:** I am sorry, Mr Fang, but that is not a point of order.

**The Hon. WES FANG:** To the point of order: I think the Commissioner is entitled to—

**The CHAIR:** The Commissioner is entitled to answer questions. He is not supposed to ask questions, although he can ask for clarification.

**Commissioner FULLER:** Apologies. I withdraw the question, Chair.

**Mr DAVID SHOEBRIDGE:** Had you finished, Commissioner?

**Commissioner FULLER:** I am not allowed to ask questions, so unless the Chair changes his mind on that, I am finished.

**Mr DAVID SHOEBRIDGE:** No, but you are allowed to answer questions, Commissioner. Had you finished the answer?

**The Hon. ROSE JACKSON:** I think he did.

**Commissioner FULLER:** Sorry, can you ask the question again?

**Mr DAVID SHOEBRIDGE:** I thought you were going to devote significant energies and significant time to culture change in the NRL. You made those statements loudly and proudly while you were still in the mix for getting the job. So how is it you had time for that and not time for the police bank?

**Commissioner FULLER:** I think I have answered that clearly. Chair, do I have to answer it again?

**The CHAIR:** Commissioner, you can answer it in any way you like. You can say, "I am taking it on notice," or, "I am not going to answer that question right now." You can take it any way you like.

**Commissioner FULLER:** Thank you, Chair. I apologise for asking that question. I will say this: Fiduciary responsibilities, like a Police Bank board, it was an enormous amount of work and an amount of work that I did not feel comfortable that I could put into and do my daytime job, which is my primary role. As the Minister said, there are lots of other functions that I do for charities that would consume an enormous amount of my time, plus doing university and being part of the family and mowing the lawns and doing all of those things. I am happy to do all of that, and I was happy to go on the commission, but I would never go on a bank board again whilst ever I was doing a full-time job doing anything.

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

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

**Mr DAVID SHOEBRIDGE:** What inquiries did you make about how much time the NRL job would take? Did you ask how often the board would meet? Did you ask how much work it was?

**Commissioner FULLER:** The NRL job—as I said, it was a storm in a teacup. It was something that I never put pen to paper on. It was a story that was leaked to the papers, and I made some commentary on it. This is not as though I typed in a job application and I had sat down to talk about roles and responsibilities. You are talking about high-level statements I made to the media on something that I considered, quote, "a storm in a teacup".

**Mr DAVID SHOEBRIDGE:** Did Mr Vlandys approach you and offer you the role? Is that how it worked?

## CORRECTED

**Commissioner FULLER:** I approached him in terms of seeking a much better relationship between New South Wales police and the NRL in terms of player behaviour and how the justice system was not faring well as a great arbiter in between player behaviour, criminal behaviour and the code itself.

**Mr DAVID SHOEBRIDGE:** And it is just a coincidence that that happened in the weeks following your resignation from the police board? Is that a coincidence, Mr Fuller?

**Commissioner FULLER:** I resigned from the police board in December. I think it might have even been late December, but it just took some time for that to transition.

**Mr DAVID SHOEBRIDGE:** So you are saying there is no correlation between your resigning from the Police Bank and then approaching Mr V'landys about getting a position on the NRL board?

**Commissioner FULLER:** Well, I never said that.

**Mr DAVID SHOEBRIDGE:** Well, please clarify if I am wrong in that. There seems to be a correlation between the two.

**Commissioner FULLER:** Are you asking or telling me? There is a difference.

**Mr DAVID SHOEBRIDGE:** Is there a correlation between the two? Did you resign in order to free up the time to get on the NRL board?

**Commissioner FULLER:** I have already said no and I never said—and, again this is where you need to be honest—I never said I approached Peter V'landys for a job. You just made that statement.

**Mr DAVID SHOEBRIDGE:** I thought you said, "I approached him seeking a better relationship." In the context of that approach, did you have a conversation with Mr V'landys about the position on the NRL board?

**Commissioner FULLER:** He suggested it, not I.

**Mr DAVID SHOEBRIDGE:** In that conversation?

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** Alright. So your statement is that there was not a strategy in resigning from the Police Bank to free up the time to get onto the NRL board, it was just a coincidence?

**Commissioner FULLER:** Yes. What a great strategy to leave a paid role to do another role where I am going to donate that pay to charity. I mean, that is a great strategy!

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

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

**Mr DAVID SHOEBRIDGE:** Did you seek legal advice as to whether or not you could receive that pay?

**Commissioner FULLER:** Yes, I sought written—

**Mr DAVID SHOEBRIDGE:** Did you seek legal advice as to whether you could receive that pay?

**Commissioner FULLER:** In writing I made that request to my employer—that is, the New South Wales Government.

**Mr DAVID SHOEBRIDGE:** Did you seek legal advice as to whether or not whilst the police commissioner of New South Wales you could be paid by another entity for your work?

**Commissioner FULLER:** I do not have to seek legal advice on that. I have to ask my employer if they are happy for me to do this certain role.

**Mr DAVID SHOEBRIDGE:** Did you receive legal advice that you could not receive remuneration on the NRL board whilst also being the police commissioner?

**Commissioner FULLER:** I never applied for any job at the NRL. I have been pretty clear on that.

**Mr DAVID SHOEBRIDGE:** Have you seen legal advice that says that you are unable to obtain remuneration from an external entity whilst also being the police commissioner?

**Commissioner FULLER:** No.

**Mr DAVID SHOEBRIDGE:** What legal advice have you seen— ?

## CORRECTED

**Commissioner FULLER:** None.

**Mr DAVID SHOEBRIDGE:** If you let me finish—that is a very broad answer, given where I got to in the question.

**Commissioner FULLER:** It was not a broad answer, it was a pretty straight answer.

**Mr DAVID SHOEBRIDGE:** You have not seen any legal advice at all— ?

**Commissioner FULLER:** No.

**Mr DAVID SHOEBRIDGE:** —about conflicts of interest—

**Commissioner FULLER:** None.

**Mr DAVID SHOEBRIDGE:** —involving your position as a police commissioner and third party occupations?

**Commissioner FULLER:** No. None.

**Mr DAVID SHOEBRIDGE:** Just to be clear, you have never got one about your work with the Police Bank?

**Commissioner FULLER:** No, I did not get one. But I went through the proper chains in terms of seeking approval.

**Mr DAVID SHOEBRIDGE:** Who?

**Commissioner FULLER:** The Government—my employer.

**Mr DAVID SHOEBRIDGE:** Who in the Government?

**Commissioner FULLER:** I will take that on notice. But I sought approval from my employer, like many other people do in government, including serving judges, to do other roles.

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

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

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

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

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

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

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

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

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

**Commissioner FULLER:** Yes.

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

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

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**The CHAIR:** Police licensing officers are often giving incorrect advice to firearms owners about safe storage requirements. For example, a senior constable at Springwood station told a firearm owner he needed to have three locks on a door of the room containing the firearm safe. Also, in a case at NCAT last year, a tribunal member remarked, "Firearms legislation is complex and it is not unknown for police responsible for enforcing it to assert bona fides and act upon a mistaken view of it." Will you undertake to make sure that all licensing officers in the State fully understand the actual safe storage requirements, not what they imagine them to be?

**Mr DAVID ELLIOTT:** I might answer that, Chair. In responding to the second part of your question, yes, you are quite right, it is complex and that is because of the nature of Federation. I would appeal to any member of Parliament, particularly you, who have case studies of firearm holders who have been given incorrect information to go through their local member to me because I think that probably does warrant a response from government. I can assure you that the training of officers is at the forefront of the Government's mind and, of course, the commissioner's mind. If there is a consistent error being made then I think it needs to be addressed.

**The CHAIR:** Yes, I mean it is a generalised thing, of course, but you hear it all the time.

**Mr DAVID ELLIOTT:** Yes, but as you know, when I get these representations we track them. If I find that there are a half a dozen MPs making the same complaint about anything, there is clearly a problem. I have not had, to my knowledge, any representations from anybody about incorrect information being given by police to a firearms holder. I can assure you that I would take an interest in that.

**The CHAIR:** Alright. We do get them, but I do not pass those on.

**Mr DAVID ELLIOTT:** No, that is a legitimate complaint because inconsistencies out of government is a great bugbear of mine, which is why we will certainly deal with it straightaway.

**The CHAIR:** Again, maybe through you to the commissioner or to Mr Cook, regarding category D firearms, Commissioner, are you aware of the safety risk to vertebrate pest control licence holders with them having access to only very old category D firearms?

**Commissioner FULLER:** Could I, rather than take on notice, perhaps get Mr Cook to come up?

**The CHAIR:** Yes, please. What has consistently been happening is because the registry has taken the view, whether it is written in the law or not, that category D firearms that are derivatives of military-style firearms—and they nearly are all, all modern ones—the registry has been cutting them off from use. In other words, they are told that they are not allowed to buy them and, if they have them, they have to get rid of them. What is happening, of course, is that in the end there are some very, very old designed firearms that could be used for vertebrate pest control, but they are now getting to the stage of their useful life where they are not suitable anymore. Now, there are only 540 of these vertebrate pest controller licences in the State. They are managed and controlled very, very closely. It is getting to the stage now where they are literally not in the pool of available firearms based on what has been limited and controlled out by the registry—almost anything they can use.

**Assistant Commissioner COOK:** Yes, so this is a complex issue at the moment. There was a recent NCAT decision that you would be aware of, which has put us in a position where there are a number of category D licence holders who are affected. I think it was around 186, in fact.

**Mr DAVID ELLIOTT:** It was 185.

**Assistant Commissioner COOK:** Yes, 185, sorry. So we are working with peak associations, and importers and others to look at a way forward for this because, as it has been explained to me, most of the new modern firearms, whether they are bolt action or rim fire or whatever they are, are based on an assault rifle [AR] frame now. Apparently it gives better stability to the barrel when they are firing and so I anticipate this problem will continue into the future, given the nature of the decision and the nature of firearms coming on.

**The CHAIR:** Well, the way to get around the decision is for the Government, Mr Elliott, to review the decision and maybe change the law or change the regulation to make it work.

**Mr DAVID ELLIOTT:** I have only just been really briefed on this in the last couple of weeks so if you will indulge me. Yes, as Mr Cook just said, it affects 185 licence holders in possession of 249 prohibited firearms across a number of makes and models. We are, from what I understand, considering how to best communicate with dealers and licence holders about developments in relation to similar firearms that may be affected by that. I think it is important to note in my briefing notes that category D licences apply to self-loading centre-fire rifles for official purposes with a genuine reason for possessing or using the firearm, being a professional contract shooter, or employed or authorised by government agency or a primary producer involved in an authorised eradication campaign and that the licence holder has demonstrated a special need to possess or use the firearm.



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The next three points are important for you. This is the only category of licence which enables possession or use of prohibited firearms. Any firearm referred to in schedule 1 of item 5 is excluded, and I am advised that there was a Civil and Administrative Tribunal matter of *Bankowski v Commissioner of Police* in 2020 where they accepted that the Six Corp Model KS-30 category D—which I am sure you are familiar with because I could not for the life of me place them—self-loading firearm is deemed prohibited under section 5 of schedule 1 and that it is designed or adapted for military purpose. But NCAT found that they had no jurisdiction to hear the matter. As a result, current licence holders of the Six Corp firearms being category D, who acquired and registered these firearms in good faith are now unintentionally in unlawful possession. Again, I go back to my other point about the police wanting to make sure that we communicate with dealers and licence holders on how we can deal with that matter.

**The CHAIR:** That would deal with the matter as it stands, but it does not give a solution to stop category D firearm users and owners using the older form firearms that were never designed for professional use and they simply are not fit for purpose. And I think that is the direction now that you are being pushed. So you do need, if you want to have that category catered for at all with modern style cat D firearms, to do something to get around that decision. That is what I am saying. Do you agree with that? Informing the dealers and informing the cat D owners of the current status is only one thing. What that is simply saying to me, and correct me if I am wrong, is that you now no longer can have any of these. Forget it. Get rid of them. Do not trade in them et cetera. So then you are getting right back to the premise of my original question and that is that you are forcing them back on to older style cat D firearms that were never designed for professional use in the first place.

**Assistant Commissioner COOK:** That is the clear issue, Chair. And you may be well aware that we have just embarked on a new Firearms Registry Consultative Council process. Nominations have been asked for and close next week. We are looking towards having that council meet in the first week of April or the second week of April. That is the environment where we can engage properly with industry and others to come up with interim solutions to the problem and perhaps even make recommendations to the Minister and others as a result of that as a way forward for this issue.

**The CHAIR:** Alright, I hope so.

**The Hon. ANTHONY D'ADAM:** Minister, can you clarify for us who has operational control of New South Wales quarantine? Is that the NSW Police Force?

**Mr DAVID ELLIOTT:** New South Wales quarantine?

**The Hon. ANTHONY D'ADAM:** Hotel quarantine.

**Commissioner FULLER:** In terms of the pandemic as an emergency under the State Emergency and Rescue Management Act, the combat agency would normally be Health. But in this case nearly 12 months ago the Premier, through the Governor, made a decision to make the NSW Police Force the lead agency in the pandemic. That remains today. And if you cascade that down to hotel quarantine, the NSW Police Force has the lead in that and obviously we work very closely with Health, the Australian Defence Force and other agencies.

**The Hon. ANTHONY D'ADAM:** Does that mean that you have oversight over the private security that are operating within New South Wales hotel quarantine?

**Commissioner FULLER:** In terms of the private security, good sir, is that the Public Works Advisory Department of Regional NSW is responsible for procuring the security companies. There is a panel in relation to that. But of course there are two lines in relation to this because we then have through the Security Licensing & Enforcement Directorate [SLED] have oversight of the security companies, but if you said who is responsible for picking the security companies for hotel quarantine then it is public works advisory.

**The Hon. ANTHONY D'ADAM:** So that is not a police matter.

**Commissioner FULLER:** We do not select the company. Public Works.

**The Hon. ANTHONY D'ADAM:** That is within whose portfolio?

**Mr DAVID ELLIOTT:** Public Works.

**The Hon. ANTHONY D'ADAM:** So that is the Deputy Premier, is it?

**Commissioner FULLER:** So Public Works Advisory within the Department of Regional NSW. Now in terms of, obviously, the performance of all of that, sir, that is my responsibility.

**The Hon. MARK BUTTIGIEG:** Minister, I just want to raise with you some issues I got regarding a report in the aftermath of some bushfires. You would be aware of the 2018 Keelty report into the Bega Valley bushfires?

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**Mr DAVID ELLIOTT:** Yes.

**The Hon. MARK BUTTIGIEG:** Can I ask you what became of the recommendations of that report?

**Mr DAVID ELLIOTT:** Yes, they are currently being considered. I am advised that the Keelty review resulted in 12 recommendations, which the Government has reviewed and endorsed. The Emergency Services Board of Commissioners has been tasked with implementing the 12 recommendations, which include the abolition of fire district boundaries when dispatching fire units to avoid any notion of senseless demarcation disputes, which, as you are probably well aware, have occurred between the union and the RFS in the past. The rollout of automated vehicle devotions to Rural Fire Service vehicles to increase operational awareness and improve incident control and the integration of communication centres to ensure seamless and coordinated dispatch of our emergency services and resources as well as revising public information and warning procedures to ensure the community gets the best value best possible information as soon as it is available.

**The Hon. MARK BUTTIGIEG:** Can you tell us when that report was handed down?

**Mr DAVID ELLIOTT:** Didn't you just say when it was handed down—2018 was not it?

**The Hon. MARK BUTTIGIEG:** July 2018.

**Mr DAVID ELLIOTT:** Didn't you just say that?

**The Hon. MARK BUTTIGIEG:** I may have, yes. But can you confirm that?

**Commissioner FITZSIMMONS:** I do not have the note on the specific date at hand.

**Mr DAVID ELLIOTT:** It was before my tenure, so I think you are right.

**The Hon. MARK BUTTIGIEG:** Is a true, Minister, that the Board of Commissioners commissioned a can affirm of consultants, Noetic, to provide a report in order to assess the recommendations of that Keelty review?

**Commissioner FITZSIMMONS:** The Board of Commissioners has engaged consultants to assist in elements of the review, yes.

**The Hon. MARK BUTTIGIEG:** And was the firm Noetic?

**Commissioner FITZSIMMONS:** That is a firm yes.

**The Hon. MARK BUTTIGIEG:** Can I ask you how much that report cost?

**Commissioner FITZSIMMONS:** I might have a figure for the 1920 consultancies as per the annual report. Noetic Solutions was \$110,647.

**The Hon. MARK BUTTIGIEG:** Thank you. Can I ask: Was the report actually produced?

**Commissioner FITZSIMMONS:** They have assisted us with some baseline costings and some consultation, yes.

**The Hon. MARK BUTTIGIEG:** So for the hundred and 10 grand we actually have a report that exists?

**Commissioner FITZSIMMONS:** Yes, they have worked with is based on costings, that is correct.

**The Hon. MARK BUTTIGIEG:** Can I ask where the report is? Where does it reside?

**Commissioner FITZSIMMONS:** That would be with the Board of Commissioners.

**The Hon. MARK BUTTIGIEG:** Are you aware that late last year this report was the subject matter of a Standing Order 52 in the House?

**Commissioner FITZSIMMONS:** I think we are the subject of about 180 section 52 order reports.

**The Hon. TREVOR KHAN:** You keep referring to report; he keeps referring to things being done.

**The Hon. MARK BUTTIGIEG:** Is that a point of order, Chair?

**The Hon. TREVOR KHAN:** Yes, it is.

**The CHAIR:** Order!

**The Hon. MARK BUTTIGIEG:** With all due respect, it was a direct question.

**The Hon. TREVOR KHAN:** I will take the point of order, as you want it put formally. The point of order is this: The witness answers the question. He says that he has provided baseline data or material assisted in the preparation of data. You fire back and say "report". He then still talks about the baseline data and you talk

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about report. It is clear that you are at odds or you are simply ignoring the answer that is put. That is my point of order.

**The CHAIR:** It is not a point of order. He can ask what he likes and he can answer what he likes as long as they do not interfere with one another in the putting of the question and the answering of the question and there is no cajoling of the witness.

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

**Commissioner FITZSIMMONS:** The section 52 order—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Mr DAVID ELLIOTT:** SO 52, yes.

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

**Mr DAVID ELLIOTT:** No, we are taking that on notice because I do not know the reasons—I do not even know if it has been withdrawn. I am just taking your say-so. So let us find out if it has been withheld and

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there may be a reason why it was not put forward with that SO 52. There are a lot of reasons that information is not returned with an SO 52. I will not bore the Committee with all of them. But let us take it on notice and let us find out. And if there is no reason for you not to see it, well, you can have a look at it. But I do not think you will see any State secrets that should be of concern to you. As I said, the Government has already released \$8.3 million to extend the integrated dispatch system, which is what the Keelty report was primarily about.

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

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

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

**Mr DAVID ELLIOTT:** Absolutely.

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

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

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

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

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

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

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

**The Hon. ROSE JACKSON:** That was going to be my next question because that 1,500 was an additional 1,500.

**Commissioner FULLER:** Yes.

**The Hon. ROSE JACKSON:** So those figures may add up to 1,500. We will see because I still think that 550 is going to be a real stretch. That does not include officers who have left—

**The Hon. WES FANG:** Speaking from experience?

**The Hon. ROSE JACKSON:** No, speaking from the fact that over the last three years the highest they managed was 350. But that does not include the officers who have left, so—

**Mr DAVID ELLIOTT:** It was always a net increase. Can I just highlight the fact that we are spending \$60 million in the academy? At the last budget we announced an upgrade of the Police Force Academy to the tune of \$60 million, which will see the facility be able to cope with an increase, albeit after the bill time. But, as the commissioner has just highlighted, I think you are saying that you do not believe we are going to be able to get the quality of officer.

**The Hon. ROSE JACKSON:** No, I am saying that you are not going to meet your commitment. That is what I am saying.

**Mr DAVID ELLIOTT:** I have a little bit more faith in the police than that. But let us realise that we have enough people wanting to put their foot in a police boot. The problem is, of course, the quality. We do have

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to always be conscious of the fact that we refuse to reduce—like Fire and Rescue and every other combat agency—the qualification required to join the police force. But the quality of officer that is going into the academy and leaving is in my mind—albeit we all feel that they look a little bit young the older we get. I think that you will find that both the quality and quantity will be achievable.

The other issue you have got to appreciate is that as COVID has spooked a lot of people, they do see policing—I am told from my colleagues in Canberra that the military at the moment is going through some serious demand from people wanting to join the Australian Defence Force [ADF] because they have been spooked during the so-called COVID recession. Now, the recession has not eventuated. Unemployment is still very strong in New South Wales, so we have a whole lot of other economic indicators that we have to compete with. But the ambition is there, the policy was announced, the position was there, the people of New South Wales voted for it, the resources are there and the academy will be upgraded. Unfortunately, the only problem is that crime rates are going down, so I have got to make sure they keep busy.

**Commissioner FULLER:** So it was 450 the first year, just to be clear. And then 250, 250 and 550. I have achieved the growth. We are at record numbers at the moment and the 550—will it be a challenge? It will be.

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

**Mr DAVID ELLIOTT:** Yes.

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

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

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

**Mr DAVID ELLIOTT:** In due course.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Mr DAVID ELLIOTT:** Yes, it was.

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**The Hon. ROSE JACKSON:** Did your office instruct—

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

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

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

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

**The CHAIR:** Order!

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

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

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

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

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

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

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

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

**The Hon. ANTHONY D'ADAM:** Well, the sign said that the estimated completion date was 2018, so I suppose that creates a bit of confusion when the actual sign should say, "We will build it in due course." Isn't that right, Minister?

**Mr DAVID ELLIOTT:** As I said, the sign may have been altered, but not by the Government.

**The Hon. ANTHONY D'ADAM:** At your instruction? At the instruction of your office?

**Mr DAVID ELLIOTT:** No, you are not listening to me. The information on the sign was probably altered by somebody that is not involved in Government. It would not be the first time that members of the fire brigade union have made misappropriation—I mean, I can refer you to the current president, secretary, of the fire brigade union, who uses his corporate credit card to buy Kentucky Fried Chicken and then blames it on his kids.

**The Hon. ROSE JACKSON:** I don't think that is necessary, Minister.

**The Hon. ANTHONY D'ADAM:** This is not an opportunity for you to—

**The Hon. MARK BUTTIGIEG:** So is your evidence that the allegation is that you have got evidence that someone has tampered with the sign?

**Mr DAVID ELLIOTT:** I said that we have been advised—

**The Hon. MARK BUTTIGIEG:** Your evidence is that you allege someone has tampered with the sign?

**Mr DAVID ELLIOTT:** Yes. That is the advice that we have been given.

**The Hon. ANTHONY D'ADAM:** Have you referred that to the police?

**Mr DAVID ELLIOTT:** If I have not, it is a good idea.

**Commissioner FULLER:** We don't investigate sign tampering.

**Mr DAVID ELLIOTT:** I am just told—I have been given a very quick ruling on that.

**Mr DAVID SHOEBRIDGE:** That was the quickest referral for investigation I have seen. I commend your efficiency, Commissioner Fuller. I commend your efficiency.

**Mr DAVID ELLIOTT:** You have set a new standard.

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

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

**Commissioner FULLER:** No. Sorry.

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

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

**The Hon. ANTHONY D'ADAM:** In terms of the date, is that in due course as well, Minister?

**Mr DAVID ELLIOTT:** Well, as I have said from day one, I would like a police officer on every corner of every street, but the taxpayers of New South Wales should not be burdened with that unnecessarily.

**The Hon. ANTHONY D'ADAM:** If you make promises you should be able to keep them, and you should be able to give—

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

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

**Mr DAVID ELLIOTT:** Yes.<sup>3</sup>

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

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

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

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

**Mr DAVID ELLIOTT:** Yes.

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

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

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

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

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

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

**The Hon. ANTHONY D'ADAM:** Has money been allocated for Singleton Police Station?

**Mr DAVID ELLIOTT:** I can tell you money has been allocated as part of the current forward estimates. We have got \$13 million for Bega; \$25 million for Goulburn; \$13 million for Jindabyne, including Perisher and Thredbo; \$7 million for Bourke; \$7 million for Bathurst; and \$35 million for an education facility at Dubbo. And that does not take into consideration what we have done with Bankstown Airport—at the hangar—and other minor works.

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

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

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<sup>3</sup> In [correspondence](#) to the committee, dated 14 April 2021, the Hon David Elliott MP, Minister for Police and Emergency Services, provided a clarification to his evidence.

## CORRECTED

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

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

**The Hon. ANTHONY D'ADAM:** What is the current status of Gosford Police Station?

**Mr DAVID ELLIOTT:** The project cost is \$10.25 million.<sup>4</sup>

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

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

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

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

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

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

**The CHAIR:** That line of questioning is over now, Minister. You make care to table that list if you—

**Mr DAVID ELLIOTT:** No, no.

**The CHAIR:** Through you, Minister. Firearms licence holders who hold a Department of Veterans' Affairs [DVA] card are being subjected to a level of scrutiny by the registry that other holders are not being subjected to. This usually requires additional visits to, and preparation of reports by, their doctor, all at additional cost to the applicant. Why are veterans required to justify that they are not a risk to the public safety, when non-DVA card holders are not, regardless of why they have the card?

**Mr DAVID ELLIOTT:** That is an excellent question. Have you got a case study?

**The CHAIR:** I can give you plenty of them.

**Mr DAVID ELLIOTT:** I would love to see all of them. I am surprised you have not given them to me so far. But I think Mr Cook might say that statement may be a little bit out of context.

**The CHAIR:** The practical effect is—

**Mr DAVID ELLIOTT:** I know what the practical effect is—it is extra money and unnecessary delays.

**The CHAIR:** Yes, exactly. They can get a fee waiver but then, because they have ticked that box—

**Mr DAVID ELLIOTT:** You had me at "hello", Robert. Let's see what Mr Cook wants to say.

**Assistant Commissioner COOK:** The only issue in regards to those matters is whether the injuries that they are suffering are mental health related or if they are not mental health related. That is purely in the context of making sure that people with firearms are not impacted adversely by mental illness in such a way—

**The CHAIR:** I understand that.

**Assistant Commissioner COOK:** That is the only way that it is considered.

**The CHAIR:** But I believe it is not just mental health related issues, that's all.

**Mr DAVID ELLIOTT:** Okay. If you have got evidence of that, I want to see it.

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

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

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

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<sup>4</sup> In correspondence to the committee, dated 14 April 2021, the Hon David Elliott MP, Minister for Police and Emergency Services, provided a clarification to his evidence.



## CORRECTED

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

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

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

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

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

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

**Mr DAVID ELLIOTT:** That is a fair question.

**Mr DAVID SHOEBRIDGE:** Through you, Minister, to Commissioner Fuller. Commissioner Fuller, Deputy Commissioner Mick Lanyon—

**Commissioner FULLER:** Mal.

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

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

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

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

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

**Commissioner FULLER:** Yes, it has.

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

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

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

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

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

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

**Mr DAVID SHOEBRIDGE:** Assuming Deputy Commissioner Lanyon is correct.

## CORRECTED

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

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

**Commissioner FULLER:** I can do that.

**Mr DAVID ELLIOTT:** Mr Shoebridge, where did you get that \$50 million figure from?

**Mr DAVID SHOEBRIDGE:** From an iTnews report.

**Mr DAVID ELLIOTT:** An iTnews report?

**Mr DAVID SHOEBRIDGE:** Yes. I did not see it in a proactive statement from the police.

**Mr DAVID ELLIOTT:** I do not think it is right. Before you put your question on notice, you might want to source the correct figures.

**Mr DAVID SHOEBRIDGE:** Perhaps if the police proactively told us about the contracts and disclosed them, that would be helpful, would it not?

**Mr DAVID ELLIOTT:** As the commissioner said, we do not know how much is in commercial in confidence.

**Mr DAVID SHOEBRIDGE:** If you have another figure, Minister?

**Mr DAVID ELLIOTT:** No.

**Mr DAVID SHOEBRIDGE:** If you have a reason to doubt it and you have another figure, feel free. You have the opportunity now to put it on record.

**Mr DAVID ELLIOTT:** I am just doing what a witness should and that is challenge the evidence put before me.

**Mr DAVID SHOEBRIDGE:** You are challenging the assumption in the question so I am giving you the opportunity now, if you have another figure to put on the record, please feel free to do that.

**Mr DAVID ELLIOTT:** I just get nervous when you cite figures and facts, you quote them and you cannot cite or table them. It makes our life more difficult and I have been burnt before.

**Mr DAVID SHOEBRIDGE:** It would be simpler if we got some figures and facts back, would it not?

**The Hon. WES FANG:** I would call a point of order with you on the Chair, but you are the Chair at the moment.

**Mr DAVID SHOEBRIDGE:** It is well taken, so I will return to questioning. Commissioner, did you brief the police Minister on the circumstances around Deputy Commissioner Lanyon's recent incident where he was found collapsed in the gardens of the Mercure Hotel?

**Commissioner FULLER:** I spoke to the Minister on the phone and indicated that he had a medical episode and that he was okay. The Minister said no problems and that was the end of it.

**Mr DAVID SHOEBRIDGE:** You say it was a medical episode.

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** It was at 11.00 p.m. in the gardens of the Mercure Hotel in Goulburn, is that right?

**Commissioner FULLER:** I do not know the exact time.

**Mr DAVID SHOEBRIDGE:** Late in the evening.

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** Is that your evidence: that it was a medical episode?

**Commissioner FULLER:** That is what my understanding is, yes.

**Mr DAVID SHOEBRIDGE:** How did you get that understanding?

**Commissioner FULLER:** Because I had a conversation with Mr Lanyon.

## CORRECTED

**Mr DAVID SHOEBRIDGE:** And he told you it was a medical episode, did he?

**Commissioner FULLER:** That is correct, yes.

**Mr DAVID SHOEBRIDGE:** Did it involve alcohol?

**Commissioner FULLER:** No, that was not attributed to his medical episode. Had he consumed alcohol?  
Yes.

**Mr DAVID SHOEBRIDGE:** Did you receive any briefing or advice about the exchange between Deputy Commissioner Lanyon and the paramedics and police who turned up?

**Commissioner FULLER:** Sorry, could you ask that question again?

**Mr DAVID SHOEBRIDGE:** Did you receive any briefing or details about the exchanges between Deputy Commissioner Lanyon and the police and paramedics who turned up to the event?

**Commissioner FULLER:** I spoke to Deputy Commissioner Mal Lanyon. I spoke to the Commissioner of Ambulance or the CEO of Ambulance, Mr Dom Morgan.

**Mr DAVID SHOEBRIDGE:** What did Mr Morgan tell you about the circumstances?

**Commissioner FULLER:** He had an episode that was related to either low blood pressure or low blood sugar. He was disorientated and he just wanted to return back to his room.

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

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

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

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

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

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

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

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

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

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

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

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

**Mr DAVID SHOEBRIDGE:** Did Mr Morgan tell you that a report had been made by the paramedics?

**Commissioner FULLER:** I did not ask him. I just asked him whether or not there was information around the behaviour that would cause me to enact part 8A and the answer was no.

**Mr DAVID SHOEBRIDGE:** Do you think in making that determination it would have been prudent of you to have sought from the paramedics any statements or records that they made of the incident?

**Commissioner FULLER:** I think, in fairness, going to the head of the organisation to ask a reasonable question is sufficient from my perspective, Mr Shoebridge.

**Mr DAVID SHOEBRIDGE:** Did you ask Mr Morgan for the records that the NSW Ambulance had of the event?

**Commissioner FULLER:** No, not at all.

## CORRECTED

**Mr DAVID SHOEBRIDGE:** Why not?

**Commissioner FULLER:** Because, again, I received information from Mr Lanyon. He is a senior, respected police officer. I spoke to the head of Ambulance and from mine, on what was a very minor matter, that I accepted that information and assessed it as not assessable under part 8A. It was more of a welfare issue.

**Mr DAVID SHOEBRIDGE:** Is it true that Deputy Commissioner Lanyon was escorted back to his room after the situation?

**Commissioner FULLER:** He was unwell. I am not fully aware of the medical condition but he was unwell—not so unwell that he wanted to go back to hospital. Let us be clear: This was about whether he went to hospital or whether he went back to his room. It was not going to prison, Mr Shoebridge.

**Mr DAVID SHOEBRIDGE:** No. Did Mr Lanyon make any untoward comments about the employment or the security of employment of any of the paramedics or police officers that you are aware of?

**Commissioner FULLER:** Not that I am aware of, no.

**Mr DAVID SHOEBRIDGE:** Commissioner, have you ever had any ownership or interest in racehorses whilst being the police commissioner?

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

**Mr DAVID SHOEBRIDGE:** Do you still own racehorses?

**Commissioner FULLER:** No. None of them got to the track.

**Mr DAVID SHOEBRIDGE:** Do you have shares in racehorses?

**Commissioner FULLER:** No.

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

**Commissioner FULLER:** Probably last year.

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

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

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

**Commissioner FULLER:** I agree.

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

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

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

**Commissioner FULLER:** Yes.

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

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

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

**Commissioner FULLER:** No.

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

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

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

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

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

CORRECTED

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

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

**Commissioner FULLER:** Yes, absolutely.

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

**Commissioner FULLER:** That is disgusting.

**Mr DAVID SHOEBRIDGE:** Commissioner, have you sought any advice about whether or not owning racehorses or being involved in the gaming industry and the gambling industry may present a conflict of interest in your job as a police commissioner?

**Commissioner FULLER:** Are you suggesting that people who own racehorses are not ethical?

**Mr DAVID ELLIOTT:** Excuse me, Mr Shoebridge. The Queen owns racehorses. Are you suggesting she is not ethical?

**The Hon. WES FANG:** He probably would, actually.

**Mr DAVID SHOEBRIDGE:** She is not the Commissioner of Police.

**Mr DAVID ELLIOTT:** No, she is his boss.

**Commissioner FULLER:** There are two rules. Judges can own them and politicians can own them but poor, battling police commissioners cannot do anything. I will just stay home, Mr Shoebridge.

**The Hon. ROSE JACKSON:** I can assure you that David does not own racehorses.

**The CHAIR:** Commissioner, I would not characterise myself as a battler.

**Mr DAVID ELLIOTT:** He was once.

**The CHAIR:** You might have been one once.

**Commissioner FULLER:** Sorry, Chair. I withdraw that comment.

**Mr DAVID SHOEBRIDGE:** You are on record as suggesting the liquor, gaming and security industries are high-risk industries. Do you attribute those concerns to the racing industry as well or do you not have any concerns about the racing industry, Commissioner?

**Commissioner FULLER:** In what terms?

**Mr DAVID SHOEBRIDGE:** Given that it involves substantial amounts of gambling there is obviously a risk, is there not? It is a high-risk industry.

**Commissioner FULLER:** What, gambling is high risk?

**Mr DAVID SHOEBRIDGE:** Indeed. You do not think there is a corruption risk involving the gambling industry?

**Commissioner FULLER:** So anyone who gambles is corrupt?

**Mr DAVID SHOEBRIDGE:** No, Commissioner. That is not my question.

**Commissioner FULLER:** I just do not understand where we are going.

**Mr DAVID SHOEBRIDGE:** The question is whether or not you acknowledge that there are potential corruption risks involving the gambling industry.

**Mr DAVID ELLIOTT:** Drugs are worse and you advocate for them.

**Mr DAVID SHOEBRIDGE:** Will you rely upon the Minister's answer, Commissioner?

**Mr DAVID ELLIOTT:** No, I just find your hypocrisy breathtaking.

**Mr DAVID SHOEBRIDGE:** Is that your answer?

**Mr DAVID ELLIOTT:** You sit there as an advocate for illegal drugs and then you want to have a crack at somebody having a punt. You are so out of touch with reality, mate, really.

## CORRECTED

**Mr DAVID SHOEBRIDGE:** Do you know what I find surprising? I find it surprising that you are the police Minister.

**The Hon. ANTHONY D'ADAM:** Point of order: This is not an opportunity for the Minister to make gratuitous comments. There is a line of questioning that I think we should return to.

**The CHAIR:** Order! We are rapidly approaching the sharp end of this hearing. We have probably another six minutes to go.

**The Hon. WES FANG:** I was just going to suggest that perhaps Mr Shoebridge might want to bring his questions back to a polite—

**Mr DAVID ELLIOTT:** We are entitled to work in a safe environment, without harassment.

**Mr DAVID SHOEBRIDGE:** Commissioner, is there a policy about whether or not police can own shares in gambling interests, and I suppose in particular shares in The Star casino? Is there a policy about that?

**Commissioner FULLER:** Having shares?

**Mr DAVID SHOEBRIDGE:** Yes, shares in The Star casino.

**Commissioner FULLER:** I do not have any shares, if that is the question.

**Mr DAVID SHOEBRIDGE:** No, that was not my question.

**Mr DAVID ELLIOTT:** That is a bizarre question.

**Mr DAVID SHOEBRIDGE:** Is there any policy about whether or not police can hold shares in gambling industries?

**Mr DAVID ELLIOTT:** Mr Chairman, can I just get the member to clarify? Most workers have shares through their superannuation. Are you saying that everybody that has a superannuation portfolio that may include—

**The Hon. MARK BUTTIGIEG:** Point of order—

**Mr DAVID ELLIOTT:** No, I am entitled to ask the question.

**The Hon. ROSE JACKSON:** You are not entitled to ask questions.

**The Hon. WES FANG:** No, but he is asking for clarification.

**Mr DAVID ELLIOTT:** Yes, I am because it is my estimates Committee.

**Mr DAVID SHOEBRIDGE:** Chair, the question was specific and direct and the Minister is obfuscating and avoiding the question.

**The Hon. WES FANG:** To the point of order: The Minister is seeking a point of clarification about what ownership is determined as, whether it is determined as personal ownership of the shares or through your superannuation fund. The Minister is entitled to do that and certainly Mr David Shoebridge has been asked for clarification. I ask him to clarify.

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

**Commissioner FULLER:** I will gamble on an answer, Chair, and say no.

**The CHAIR:** That is what I was going to say. It is a simple yes or no.

**Commissioner FULLER:** But that answer is a gamble.

**Mr DAVID SHOEBRIDGE:** So there is no prohibition on police holding shares in The Star. That is your answer, Commissioner?

**Mr DAVID ELLIOTT:** In The Star?

**Mr DAVID SHOEBRIDGE:** In The Star casino.

**Mr DAVID ELLIOTT:** In the group—you mean in the company.

**Mr DAVID SHOEBRIDGE:** Was that not clear? I am sorry if that was not clear. Is there no prohibition on police owning shares in The Star casino?

**Commissioner FULLER:** I will toss the coin but I would say no.

## CORRECTED

**Mr DAVID SHOEBRIDGE:** Alright. What about police who may have an obligation in overlooking the licensing or the operations of The Star casino? Is there a prohibition on them having shares in The Star casino?

**Commissioner FULLER:** No.

**Mr DAVID SHOEBRIDGE:** Do you think it would be wise to have a prohibition on that?

**Commissioner FULLER:** I think having that little faith in New South Wales police is disappointing. I think we are sufficiently oversighted in this State to say no.

**Mr DAVID SHOEBRIDGE:** So you would not have concern if police held shares in The Star casino and also had a role in licensing or policing The Star casino. That would not be a concern for you, Commissioner, just to be clear?

**Commissioner FULLER:** No.

**Mr DAVID SHOEBRIDGE:** Alright. Commissioner, have you had concerns raised with you about the way in which the new police promotions system has been operating?

**Commissioner FULLER:** The new police promotions system has been well received and it is operating extremely well.

**Mr DAVID SHOEBRIDGE:** Have you had any concerns raised with you by police about how it works?

**Commissioner FULLER:** No. I have had a million complaints about how the old one worked.

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

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

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

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

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

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

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

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

**Mr DAVID SHOEBRIDGE:** Have you undertaken any work to anticipate what, if any, impacts there will be on policing if the new casino at Barangaroo opens?

**Commissioner FULLER:** Ethically or from a workload perspective?

**Mr DAVID SHOEBRIDGE:** I do not mind if you have done either. Have you done either?

**Commissioner FULLER:** There would have been environmental scanning to see what impact the additional hotel rooms and the patronage would have. There would not be a 100-page document but there would have been consideration in terms of whether the city requires additional police. We did the same with changes in legislation around lockout laws. We do that all the time. It is a daily environmental scan, but there would not be a single glossy brochure on the changes because of a new casino starting from a police area command perspective.

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

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

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

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

## CORRECTED

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

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

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

**Commissioner FULLER:** Okay.

**Mr DAVID SHOEBRIDGE:** I think that will probably do it.

**The CHAIR:** I think that is it. Thank you very much. That is the end of questioning today. Thank you, Minister. Thank you, Commissioner.

**(The Minister and Mr Coutts-Trotter withdrew.)**

**(Luncheon adjournment)**

**The Hon. ROSE JACKSON:** Thank you, everyone, for coming back. I understand that the Chair is at a funeral. So, unfortunately, he will not be joining us. I am not sure of where the Deputy Chair is. But I have been elected the Deputy Deputy Chair. Let's kick off with questions from the Opposition.

**The Hon. TREVOR KHAN:** Chair, just before you do that. Has there been consideration of the question of whether all of these witnesses are required?

**The Hon. ROSE JACKSON:** Yes, I think there has been. We did inform Mr Coutts-Trotter that his attendance was not required. I understand he has left.

**The Hon. TREVOR KHAN:** But no-one else?

**The Hon. ROSE JACKSON:** At this stage, no.

**The Hon. TREVOR KHAN:** Right. I've asked. Sorry.

**The Hon. ANTHONY D'ADAM:** Thank you. I might actually ask Mr Smith to come up to the table. I want to come back to this question about hotel quarantine. Commissioner, I want to get a bit more of an understanding of the operational role of the police in the hotel quarantine system and how the demarcation between the public works element of it and the police functions, how that actually works at the point of delivery, at the hotels.

**Commissioner FULLER:** In terms of operationalising, I guess, police on the ground, Australian Defence Force on the ground and private security on the ground, we have that responsibility as the lead agency, as that person who is in charge. But if you looked at the security guards and ADF—we do not tell ADF who to send us. They send us—

**The Hon. ANTHONY D'ADAM:** But there will be a police officer, on site, who will effectively have overarching control of the site?

**Commissioner FULLER:** Hundred per cent.

**The Hon. ANTHONY D'ADAM:** Do they determine the numbers of security guards that are required?

**Commissioner FULLER:** No. That is determined by the police operations centre by assessment, depending on a whole range of factors. The police operations centre will determine for a particular hotel how many security guards we will need per floor, how many Defence and police officers we will need on the perimeter and on transport and at the airport in terms of transportation to the hotels.

**The Hon. ANTHONY D'ADAM:** How does that get translated then into the procurement of the security staff? Police have any role in that?

**Commissioner FULLER:** I cannot explain that, I guess, any better than what I did. Do you want me to re-answer the question earlier or—

**The Hon. ANTHONY D'ADAM:** On a site-by-site basis, you have done the assessment about, I suppose, the human resource requirements?



## CORRECTED

**Commissioner FULLER:** Yes.

**The Hon. ANTHONY D'ADAM:** That gets communicated to the Public Works Advisory [PWA]. Is that is what it is called?

**Commissioner FULLER:** That is correct.

**The Hon. ANTHONY D'ADAM:** They then do the procuring. They then source the staff and tell them where they have got to be, at what time and for how long?

**Commissioner FULLER:** No, the Public Works Advisory procures the individual companies to provide security guards. New South Wales police determine how many security guards we a day-by-day, 24-hour basis. Then the police operations centre, through the Public Works Advisory tell them what sort of load we will need from a manpower, person-power perspective, daily.

**The Hon. ANTHONY D'ADAM:** I see. So there is no direct line of communication between police and the contractors. Is that right?

**Commissioner FULLER:** From an oversight perspective, there would be generally. But from a day-to-day hotel quarantine perspective, no.

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

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

**The Hon. ANTHONY D'ADAM:** Does that reporting come through to you? Or does that go through Public Works Advisory? How does information actually get into the system?

**Commissioner FULLER:** We collect that at the police operations centre.

**The Hon. ANTHONY D'ADAM:** I see. If there are infractions, they get reported through police.

**Commissioner FULLER:** Absolutely. I guess, again, it is complex in a sense because the role Mr Smith plays is not linked to hotel quarantine. His role is about the oversight of the security industry.

**The Hon. ANTHONY D'ADAM:** I am going to come to that. Mr Smith, have you undertaken a review of the licences of any of those 169 security officers—obviously, the figure is probably more than that now—who have been removed from the hotel quarantine program?

**Mr SMITH:** Yes. We have actually revoked two of the licences of guards involved in the program.

**The Hon. ANTHONY D'ADAM:** Can you give some details about those revocations?

**Mr SMITH:** Both individuals were revoked because they failed to comply with orders to self-isolate and, by our consideration, put the public at risk.

**The Hon. ANTHONY D'ADAM:** They were both self-isolation revocations. I see. There have been, I think, some media reports around systemic time fraud. Effectively, security guards either completing time and attendance records that actually exceed the amount of time that they are there or actually reporting that people who were supposed to be there were there, but actually, in fact, they were not present at the time. Have you had any reports of that?

**Mr SMITH:** An investigation like that would not fall under our responsibility. That would be a contractual issue involving PWA if they felt that they were being charged for guard hours not worked.

**The Hon. ANTHONY D'ADAM:** But if there is non-attendance, surely, that then comes into your area of responsibility, Commissioner.

**Commissioner FULLER:** It would come back into my area of responsibility in terms of us ensuring service delivery. No different if police did not turn up from commands, if Defence did not turn up, which, clearly, they have. Absolutely, yes.

**The Hon. ANTHONY D'ADAM:** What is the process for investigating that?

**Commissioner FULLER:** There would not be an investigation. If it was a fraudulent complaint, obviously. Let us say it is not in that because that will complicate our conversation, because that is a whole different bailiwick of investigation. But if there was an issue consistently where guards were not turning up, then we would certainly put a complaint through to the Public Works Advisory. If that was systemic, then we would ask for that company not to be used.

## CORRECTED

**The Hon. ANTHONY D'ADAM:** What about the individuals. Is that something that might result in a licence revocation?

**Mr SMITH:** If there was a sustained finding that the guards had been involved in dishonest conduct, that would certainly go to the fitness and propriety to hold a licence.

**The Hon. ANTHONY D'ADAM:** Are you aware of any of these instances, Mr Smith?

**Mr SMITH:** No. There have certainly been—

**The Hon. ANTHONY D'ADAM:** None have been brought to your attention?

**Mr SMITH:** No sustained findings of that nature, against any guard, brought to our attention.

**The Hon. ANTHONY D'ADAM:** I see. Can I clarify, Commissioner, just about the arrangements? It is the fact, is it not, that the contractors who have been engaged for hotel quarantine are not permitted to subcontract the work, is that right?

**Commissioner FULLER:** That is correct.

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

**Mr SMITH:** No, it is not.

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

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

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

**The Hon. ANTHONY D'ADAM:** That is fine. I have also got a WhatsApp post for a 12-hour shift, offering the rate of \$22.53 per hour for a day shift and \$27.42 per hour for a night shift. This is an advertisement for Adel Diamond Security. That is an hourly rate that is actually less than the modern award, given that it is a casual engagement. Is that something that the LECC would—no, it's the—

**Mr SMITH:** SLED.

**The Hon. ANTHONY D'ADAM:** SLED—that the SLED would investigate?

**Mr SMITH:** No, that is an area of responsibility for the Fair Work Ombudsman. All industrial relations matters and industrial obligations sit with them. We refer matters that we become aware of to them.

**The Hon. ANTHONY D'ADAM:** Commissioner, is it of concern to you that, one, there is obviously—

**Commissioner FULLER:** Can I ask the name of the company? You did say it.

**The Hon. ANTHONY D'ADAM:** Yes, it was Adel Diamond Security. Are they one of the contractors?

**Commissioner FULLER:** No, they are not one of the contractors.

**The Hon. ANTHONY D'ADAM:** No. So is it of concern to you that there is subcontracting going on?

**Commissioner FULLER:** I guess if there was it would be a concern. I guess I need to investigate if those WhatsApp messages are factual and I will do that if you provide them to me.

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

**The Hon. TREVOR KHAN:** Do they relate to quarantine hotels?

**The Hon. ANTHONY D'ADAM:** They do relate to quarantine hotels. That is my understanding, yes.

**The Hon. WES FANG:** Does it say that in the message?

**The Hon. ANTHONY D'ADAM:** I am not on the witness stand.

**The Hon. ROSE JACKSON:** Point of order—

**Mr DAVID SHOEBRIDGE:** No, no. I think we know what the answer will be. If we get back to questions and answers between the witnesses and the members, that would be of assistance.

## CORRECTED

**The Hon. ANTHONY D'ADAM:** Is it also of concern, as the person who has overarching responsibility for the hotel quarantine system, that this might be occurring and that guards that are at the front line of our quarantine system are being underpaid?

**Commissioner FULLER:** I think Mr Smith captured that well. From a moral perspective, do I think that is wrong? Absolutely, I do. From a legislative perspective, is that my responsibility? No, it is not. But what I want is to continue to run a professional hotel quarantine. We have brought back 144,000 Australians, which I think is an amazing feat for all of us as New South Wales people. I would just say that it is in my interests for it to run smoothly. If there are complaints or issues I would ask anyone to forward those, because it is in all of our interests that hotel quarantine is a success.

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

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

**The Hon. ANTHONY D'ADAM:** Okay, that is fine. Mr Smith, who is Shane Brady?

**Mr SMITH:** Shane Brady is substantively an employee of the Department of Premier and Cabinet who I understand has been seconded to the Public Works Advisory, or was, for a period of the hotel quarantine program. Whether or not he is still there, I am not sure.

**The Hon. ANTHONY D'ADAM:** Does he sit on the SLED advisory committee?

**Mr SMITH:** Not at the moment, no.

**The Hon. ANTHONY D'ADAM:** Has he?

**Mr SMITH:** Yes.

**The Hon. ANTHONY D'ADAM:** Did he sit at any time while the hotel quarantine program was running?

**Mr SMITH:** Yes. He sat on the advisory council during 2019 and 2020.

**The Hon. ANTHONY D'ADAM:** Did he resign from the SLED advisory committee or was he removed?

**Mr SMITH:** Members serve a two-year term. His term, along with his cohort at the time, naturally ended at the end of last year.

**The Hon. ANTHONY D'ADAM:** Was he involved in SLED at the time when he was managing the contracts for hotel quarantine?

**Mr SMITH:** I am not sure that I would agree that he was managing the contracts for hotel quarantine. He certainly played a role; whether it was a managerial role, I do not know, because that was the responsibility of another agency.

**The Hon. ANTHONY D'ADAM:** So you are not aware of the nature of his role with the Public Works Advisory?

**Mr SMITH:** I understand he was engaged from a subject matter expertise point of view, but I do not believe he held a managerial role in relation to procurement.

**The Hon. ANTHONY D'ADAM:** Commissioner, are you aware of an allegation against Mr Brady where he was involved in detaining a security contractor in the hotel quarantine program?

**Commissioner FULLER:** No. The last commentary you had with Mr Smith—I am not aware of the person's name. I am not aware of anything you spoke about or that allegation that you put to me.

**The Hon. ANTHONY D'ADAM:** You are not aware of that allegation?

**Commissioner FULLER:** Negative. I have never heard of the man's name, actually.

**The Hon. ANTHONY D'ADAM:** Alright. So you are not aware of any previous allegations for assault by Mr Brady?

**Commissioner FULLER:** No.

**The Hon. ANTHONY D'ADAM:** No?

**Commissioner FULLER:** No.

## CORRECTED

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

**The Hon. TREVOR KHAN:** Well, that cut that page out.

**The Hon. ROSE JACKSON:** Commissioner Fuller, I want to ask about the Broderick report. Obviously you would be familiar with the report. One of the recommendations was that the commissioner, deputy commissioners and assistant commissioners should develop and deliver a clear and strong written commitment statement, signed by all, that articulates the business case for change, reinforces their zero tolerance to sex discrimination and sexual harassment, and signals their commitment to the full implementation of the review's recommendations. Has that occurred?

**Commissioner FULLER:** Yes. Can I just add quickly, the Broderick report came about because of me. I asked for it. I did not go and ask Government if I should do it. I went and sourced her out to come into our organisation to do a review post-Ronalds report.

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

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

**The Hon. ROSE JACKSON:** Yes.

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

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

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

**The Hon. ROSE JACKSON:** That would be useful. I want to ask you about Operation Coolum. Operation Coolum involved the visit of a senior police officer to the house of a junior police officer and a subsequent complaint by the junior officer regarding inappropriate behaviour, including hugging and kissing a number of times.

**Commissioner FULLER:** Yes.

**The Hon. ROSE JACKSON:** The LECC recommended action be taken and the senior officer be dismissed, but instead the senior officer was allowed to leave the police before the outcome of the LECC. Why was this officer allowed to just walk away?

**Commissioner FULLER:** From my perspective, from an employment law perspective it is much easier to get people out of the organisation than to risk matters going before the Industrial Relations Commission [IRC] and losing and then having them reinstated. LECC does not have an impact on the decisions of the Industrial Relations Commission—the outcome—and I lose matters every year. In fact, I have sacked around 94 officers in the last four years and a percentage of those are returned by the Industrial Relations Commission. I am not saying they are wrong, but what I am saying is that if LECC's report is damning, would we rather just have this person out of the organisation? Or do I make them stay to try and punish them and then lose the punishment at the Industrial Relations Commission, which is a chance? People may accept that answer or not, but that is the philosophy I take to it.

**The Hon. TREVOR KHAN:** Make the concession; it's pretty sensible.

**The Hon. ROSE JACKSON:** Operation Tabarca was another LECC investigation about a commander. There was significant evidence of derogatory terms, bullying and harassment, including making statements about not wanting to take the GDs away, because the girls are sluts—and on another occasion stated that a female police officer was a tart and had a nice pair of tits.

**The Hon. WES FANG:** Is there a question there, Ms Jackson?

## CORRECTED

**The Hon. TREVOR KHAN:** No, no, no. Let that go on.

**The Hon. ROSE JACKSON:** Why was this police officer allowed to take sick leave when he came under investigation and then allowed to leave rather than being dismissed as recommended by the LECC? Is it the same answer?

**Commissioner FULLER:** From an employment law perspective everything you said is just lawfully impossible. I understand your frustrations, but you cannot not allow someone to take sick leave.

**The Hon. ROSE JACKSON:** Indeed. The frustration, I think, is that—and this is not necessarily my frustration. I think it is a frustration of female officers that they have been subject to this kind of behaviour and that there is no accountability for the perpetrators of the—

**Commissioner FULLER:** I made changes two years ago, ma'am, that if there was an allegation of any sort of sexual assault or sexual harassment, it was an automatic notification for me, to me. I bypass all the red tape and I deal with it personally. From my perspective, I accept there will be frustrations in all areas of the organisation, but it is the one thing that I say that comes directly to me, so I can make the decision on what sanctions. If these officers make a decision that they are going to resign and I can get them out of the organisation, rather than take a lengthy six to 12 months—that is what it takes to remove someone because of procedural fairness—I just think it is a better outcome. I cannot, unfortunately, stop someone from taking sick leave who deserves to answer questions.

**The Hon. ANTHONY D'ADAM:** That is not actually correct, Commissioner.

**Commissioner FULLER:** What is that?

**The Hon. ANTHONY D'ADAM:** Do you not have the power to suspend someone without pay, particularly if they are accused of sexual assault?

**Commissioner FULLER:** But there are Premier's guidelines. But that is not what they were accused of. Sexual assault is a criminal offence. If someone is charged criminally, yes, I can suspend them. The minute they are convicted, on the Premier's guidelines, I can suspend them without pay. If there is an enormous amount of evidence, then, yes, I can, on charging, suspend them without pay as well. There would be a mix of around 35, 40 officers at the moment at different levels of suspension with and without pay, so yes. But the example that was given to me, I do not think you said sexual assault.

**The Hon. ROSE JACKSON:** No. In relation to Operation Tabarca, it was derogatory language.

**Mr DAVID SHOEBRIDGE:** And harassment.

**The Hon. ROSE JACKSON:** And harassment.

**Commissioner FULLER:** Yes, and I am never going to be able to suspend someone without pay for derogatory language.

**The Hon. ROSE JACKSON:** I appreciate what you are saying, but one of the entire bases of the NSW Police Force is that people who do the wrong thing are accountable for their actions. That is why we have police.

**Commissioner FULLER:** I have sacked 94 people in four years for bad behaviour, taken reviewable action against many, many more. I have signed a personal doctrine. I have brought independents to come in and review. We are driving cultural change. We are employer of choice, but you know what, I still have a lot more work to do? Absolutely. But I cannot be employment law; I cannot be the IRC.

**Mr DAVID SHOEBRIDGE:** Commissioner, did you have a chance to provide some of those answers to questions?

**Commissioner FULLER:** No, and, Mr Shoebridge, in fairness I do not think I was asked and took on notice 36 questions but, nevertheless, I am endeavouring to answer all of them, and I will have them back well and truly in time for you to read them and possibly question me. But, in fairness, I do not think you asked me 36 questions and I took them on notice.

**Mr DAVID SHOEBRIDGE:** I think it was a collection of the questions from Ms Jackson and myself.

**Commissioner FULLER:** I still suspect that there is—

**The Hon. ROSE JACKSON:** I will acknowledge I was responsible for some of them.

**Mr DAVID SHOEBRIDGE:** There is a lesson there: Careful what you ask for, Commissioner.

## CORRECTED

**The Hon. WES FANG:** In fairness, I do not think he asked for it.

**Commissioner FULLER:** But can I tell you that you will not get it at 10 to five. I promise you that.

**Mr DAVID SHOEBRIDGE:** I think that there are a number of questions that require a degree of detail and further investigation.

**Commissioner FULLER:** And you may not get that detail between now and the time I walk it in.

**Mr DAVID SHOEBRIDGE:** I understand that, Commissioner.

**Commissioner FULLER:** I would ask that when they come in, I could just quickly read it before I hand it up. Is that okay?

**Mr DAVID SHOEBRIDGE:** What we might do is when they come in, it might be a useful time for us all to have a short recess.

**The Hon. TREVOR KHAN:** Yes.

**Commissioner FULLER:** Will that extend the day?

**The Hon. TREVOR KHAN:** No more than 10 minutes.

**Mr DAVID SHOEBRIDGE:** Not beyond 8.30 p.m. I think, Commissioner.

**Commissioner FULLER:** Otherwise, we punish everybody. But, nevertheless, they are being worked on diligently, and I will get them to you ASAP.

**Mr DAVID SHOEBRIDGE:** I appreciate that, Commissioner. Commissioner, just today—

**The Hon. TREVOR KHAN:** Sorry, and it may be possible, subject to it, that Commissioner Fuller could be excused from the table to allow him to examine it while other questions are asked of other witnesses. That might be a way of keeping things moving.

**Mr DAVID SHOEBRIDGE:** Indeed, but why don't we just assess it when they come in and we will find the most convenient way to address it.

**Commissioner FULLER:** Okay. I would only need 10 minutes. I would not be gone for an hour, I promise you.

**Mr DAVID SHOEBRIDGE:** My guess is that Rose and I would probably want to read it also, so a short recess would be useful. But, that being said, the Chair may be here.

**The Hon. NATASHA MACLAREN-JONES:** I think he wants to read it first.

**The Hon. WES FANG:** Yes, I suspect the Commissioner would want to read it before you do.

**Mr DAVID SHOEBRIDGE:** We will deal with it when we come to it. Commissioner, today an ex-boyfriend of the woman who tragically took her life after making the complaints of sexual assault by the Attorney-General has come out and provided a public statement. To assist, Commissioner, I might just hand you a copy of the news.com report of that.

**Commissioner FULLER:** Thank you.

**The Hon. TREVOR KHAN:** Very carefully worded, David. I do not mean that in a negative sense, but he has been very careful.

**Mr DAVID SHOEBRIDGE:** Commissioner, I am more than happy if you want to read all of it.

**Commissioner FULLER:** No, that is fine. I do not want to waste everybody's time.

**Mr DAVID SHOEBRIDGE:** Where I would like to take you to is page 3 of that printout. Sorry, it might be useful if I take you to the bottom of page 2.

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** The statement is from a man called James Hooke. You will see at the bottom of page 2:

In the statement provided to news.com.au, he notes that he is the man referred to as "James" in the woman's unsworn statement and the extracts from her diaries.

Do you see that?

## CORRECTED

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** If I could take you to page 3, that has extracts from the statement from it.

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** What I might do, Commissioner, is ask you to read all of that on page 3, and then I will put some of it on the record, but I will let you read that first.

**Commissioner FULLER:** To be honest, sir, it is not mine. I do not think I should have to read it on—

**Mr DAVID SHOEBRIDGE:** No, I am not asking you to read it on the record.

**Commissioner FULLER:** Oh, okay. Thank you, sir. Read.

**Mr DAVID SHOEBRIDGE:** In part, Mr Hooke says this:

"Mine is just one set of recollections, and I am aware of the fallibility of human memory, however unintentional.

"That said, I have what I consider to be clear recollections of relevant discussions I had with her over the years from mid-1988 until her death.

"I also have what I consider to be clear recollections of relevant discussions I had with Christian Porter from April 1992 in Perth and through the mid-1990s."

Do you see that, Commissioner?

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

**Mr DAVID SHOEBRIDGE:** Given this fresh evidence has come in, will you be asking police to reconsider opening the investigation and, in particular, to approach Mr Hooke to see what if any evidence he can give to assist?

**Commissioner FULLER:** Are you Chair now?

**The Hon. ROSE JACKSON:** Yes.

**Commissioner FULLER:** Chair, could I assume that this person—it is the first time he has come forward, New South Wales police is not aware of him? Is that— ?

**The Hon. TREVOR KHAN:** No. I think he indicates—

**The Hon. ROSE JACKSON:** No.

**Commissioner FULLER:** Okay.

**Mr DAVID SHOEBRIDGE:** What I might do then, Commissioner, is take you to page 4. You will see halfway down page 4 there is a quote that begins, and I will put it on the record:

"The NSW Police have determined that a criminal prosecution is not possible in this case. I made myself known to the NSW Police after her death and I understand why they were unable to interview me."

Do you see that?

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** So that may answer your query whether he has made himself known to police.

**Commissioner FULLER:** It does, thank you.

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

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

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

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CORRECTED

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

**Mr DAVID SHOEBRIDGE:** Alright. I have what has been sent to me, which is, I understand, a full copy of the statement that he sent to news.com. I might just provide a copy of that to you. I am more than happy, Commissioner, if you want to take the time to read that. It is only one page. Just for the record, I will table those two documents.

**Commissioner FULLER:** Thank you.

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

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

**Mr DAVID SHOEBRIDGE:** Commissioner, there are two elements of this statement that seem to have significant power. One is the proposition from Mr Hooke that the woman had made much more contemporaneous complaints and disclosures about it.

**The Hon. TREVOR KHAN:** David, with respect, I have read the statement. One might draw some assumptions from it but that is not what the statement says. I am concerned if this is overcooked at this stage.

**Mr DAVID SHOEBRIDGE:** Perhaps I will phrase it differently. I appreciate that. There are two elements of it that seem to me that on the face of it would appear to have potential significant relevance to any criminal prosecution. One would be what the content was of those disclosures and far more contemporaneous conversations that were had between Mr Hooke and the woman, dating from mid-1988 to her death. That is clearly relevant, is it not?

**Commissioner FULLER:** Evidence of first complaint in sexual assaults, both historic adult and even for children, is extremely important. That is absolutely the case and that would, if you had a victim with an admissible statement, be of great assistance in a prosecution.

**Mr DAVID SHOEBRIDGE:** One of the other areas that would be of relevance would be what, if any, statements the Attorney-General had made in relation to the incidents between April 1992 and the mid-1990s. They would both be relevant, potentially highly relevant, matters to consider.

**Commissioner FULLER:** I am happy to take those two issues on notice and through chain of command ask those questions for reasonable answers back through budget estimates. But I will not be saying today, Mr Shoebridge, that we are reopening any investigations.

**Mr DAVID SHOEBRIDGE:** Commissioner, I will be satisfied at this point if you will take them on board, address them through the chain of command and then make the call whether or not that would lead to the reopening of an investigation, which I understand is your position. Is that right?

**Commissioner FULLER:** That is right. Again, with any matter we are always open to new investigations. It is not unusual for us to make calls, from the community, through the media, and we use politicians to try to leverage information to assist to get to the bottom of the truth. The challenge in this one, again, Mr Shoebridge, is that the victim withdrew her complaint and our current policy stood that we do not proceed against victims' wishes. I know she has taken her life, or has lost her life, since then.

**Mr DAVID SHOEBRIDGE:** I think the proposition I put to you earlier, commissioner, was that she took her life very close in time to when she made the decision and, therefore, her frame of mind and ability to make a clear decision on that would be, I would have thought, something I would expect to be part of a decision about prosecuting. Is that the case? Is that part of the decision-making matrix?

**Commissioner FULLER:** The reality is—and I think we discussed this at length this morning—we do not proceed against a victim's wishes for historic and current sexual assault matters.

**Mr DAVID SHOEBRIDGE:** Of course, for very good reasons. In relation to domestic violence matters there are incidents where police do proceed with cases.



## CORRECTED

**Commissioner FULLER:** I think I am on the record this morning saying we are pro arrest for domestic and family violence issues.

**Mr DAVID SHOEBRIDGE:** Can you explain what the rationale is for a different policy on sexual assault matters to domestic violence matters?

**Commissioner FULLER:** Sexual assault is a very difficult offence to proceed on and it has been a very difficult offence to prove. Historic sexual assaults are statistically even harder. That is just the way the justice system processes this crime. With domestic and family violence there is often evidence from a neighbour, from a child, there is a split lip, there is a bruise. The ability to proceed on them—and they are often still serious matters, obviously, but in terms of the complexity, investigating a common assault is much different to an historic sexual assault. So I think it is extremely hard to draw a bow to say that we should be pro arrest on a sexual assault matter without the justice system significantly reforming.

**Mr DAVID SHOEBRIDGE:** But those are matters pertinent to the criminal justice system, as opposed to the wishes or the views of the complainant.

**Commissioner FULLER:** But if a complainant has a black eye from an assault during a domestic situation, it is very different to someone in the court later saying that they had consensual sex with someone when they gave us a statement saying that they were raped. It is a very different situation, a complex situation.

**Mr DAVID SHOEBRIDGE:** Have you had any consideration about reviewing that policy?

**Commissioner FULLER:** I think I was on the record this morning saying we are reviewing every aspect of the way we do our business in terms of adult sexual assault, both current and historic matters.

**Mr DAVID SHOEBRIDGE:** So what I was going to ask you is, reviewing that policy, after consultation with particularly women's legal groups, in order, some might suggest, that the police making the decision to prosecute and not leaving the onus on the burden on the woman who is complaining may actually have systemic benefits.

**Commissioner FULLER:** I agree but I just would say that if it is only the police going on the journey with the women's NGOs it is not enough. We all have to go on the journey, otherwise we will not get change.

**Mr DAVID SHOEBRIDGE:** But in terms of the prosecution approach—

**Commissioner FULLER:** But we are open to change, Mr Shoebridge, at the end of the day. But if others do not come on the journey, I fear we will not be in a better place.

**Mr DAVID SHOEBRIDGE:** Yes.

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

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

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

**Commissioner FULLER:** I would assume it is COVID.

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

**Commissioner FULLER:** Yes.

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

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

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

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

**Commissioner FULLER:** It is my opinion as an experienced police officer, Mr Shoebridge—and I am on the record in saying it and I think some of Australia's greatest legal practitioners who are defence lawyers have

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all agreed—if you do not have a victim with a signed statement proceeding on this matter, it is just an impossibility. It is not just Mick Fuller the police officer, it is not just Mick Fuller the police commissioner; this is a shared view by some of Australia's greatest barristers and Senior Counsels.

**Mr DAVID SHOEBRIDGE:** Commissioner, I am not here trying to second-guess determinations about what is required for a brief of evidence to go to the DPP to satisfy the onus before a prosecution can be commenced. My sole interest is to determine if all avenues have been undertaken by New South Wales police, and that would include, obviously, speaking to and getting a detailed statement from Mr Hooke, would it not?

**Commissioner FULLER:** But if we do not have a statement from the victim, we do not have a case.

**Mr DAVID SHOEBRIDGE:** What you do have since that decision was taken—correct me if I am wrong—is a draft affidavit and a series of diary entries, together with, now it appears, a willing cooperative witness in the form of Mr Hooke—two material changes since the decision not to prosecute. Do you agree?

**Commissioner FULLER:** We have further information that is inadmissible evidence in its current form.

**Mr DAVID SHOEBRIDGE:** Have you had advice on whether or not the diary entries would be inadmissible?

**Commissioner FULLER:** The diary entries would be admissible if we had a signed statement with a jurat.

**Mr DAVID SHOEBRIDGE:** Have you had legal advice on the admissibility or otherwise of the diary entries?

**Commissioner FULLER:** A judge can make any determination in terms of what is admissible or not in a particular trial. That is the case. But the reality is, on the evidence of laws, that admissibility of evidence comes with a signed statement with a proper jurat.

**Mr DAVID SHOEBRIDGE:** Commissioner, there may well be circumstances—this is what I would be asking if you got legal advice on—where diary entries that can be proven to be diary entries of an individual may be admissible in certain circumstances. I am asking if you have got legal advice on that. It would appear that you have not. So I am going to ask you: Will you get legal advice on it?

**Commissioner FULLER:** We have internal legal advice from experienced police prosecutors. Have I gone to the DPP for advice? No, I have not.

**Mr DAVID SHOEBRIDGE:** My understanding was that the decision to not prosecute was made before the police received the unsworn affidavit and the attached diary entries and before the—

**Commissioner FULLER:** So I think—

**Mr DAVID SHOEBRIDGE:** Have you received legal advice on that?

**Commissioner FULLER:** In my opinion, if we wait until we get the questions answered today it will shed more light, but it is my understanding that the primary document that has been spoken about—we did not get that until after she had lost her life.

**Mr DAVID SHOEBRIDGE:** I do not understand how it is that you have received legal advice on the admissibility or otherwise of those documents if you had already made the decision not to prosecute before you received them. That is the confusion I have, Commissioner. Maybe you can shed light on it.

**Commissioner FULLER:** But something can only be admissible if you have a criminal case. We do not have a criminal case without the victim. I know it is a complex legal argument, but we are putting the cart before the horse. There is no case. There is no victim.

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

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

**Mr DAVID SHOEBRIDGE:** I will pass it back to the Opposition and maybe in due course we will get that additional material.

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

**Mr SMITH:** Yes.

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

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

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

**Mr SMITH:** Certainly.

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

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

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

**Commissioner FULLER:** I would not know.

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

**Commissioner FULLER:** I can take that on notice or—

**Mr SMITH:** That particular question as to whether he is a principal of that organisation is a matter under investigation.

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

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

**The Hon. ANTHONY D'ADAM:** Underlying this I suppose is a suggestion that this Unified Security Group might actually be a phoenix organisation and that the principals are alleged to have engaged in phoenixing activity. Commissioner, do you think it is appropriate that hotel quarantine security is contracted to an organisation that might be a phoenixing organisation, particularly one that owes a substantial amount of money to the New South Wales Government?

**Commissioner FULLER:** It is my understanding that they are currently under investigation, which I think sounds entirely appropriate.

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

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

**The Hon. ANTHONY D'ADAM:** If SLED makes the decision to revoke the security licence then obviously that has immediate effect in terms of its position as a contractor for—

**Commissioner FULLER:** They would be straight off the contract.

**The Hon. ANTHONY D'ADAM:** They would be straight off, would they?

**Commissioner FULLER:** One hundred per cent.

**The Hon. ANTHONY D'ADAM:** I think that is all the questions we have got for you, Mr Smith.

**The Hon. ROSE JACKSON:** Do you have any questions for Mr Smith?

**Mr DAVID SHOEBRIDGE:** No. Unless the Government wants to investigate any line of questioning, Mr Smith, you can go with grace.

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(Mr Smith withdrew.)

**The Hon. ANTHONY D'ADAM:** Commissioner, can I ask you about section 93Z of the New South Wales Crimes Act. You are aware of this section?

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

**The Hon. ANTHONY D'ADAM:** I understand that in estimates on Tuesday the Attorney General disclosed that there had been two prosecutions under this section and both are now in the process of being annulled by New South Wales police. Is that correct?

**Commissioner FULLER:** That is correct.

**The Hon. ANTHONY D'ADAM:** What is the reason that they need to be annulled?

**Commissioner FULLER:** There was additional red tape put in for some reason that I am not sure of. Nevertheless, we were supposed to tick a box by going to the DPP. The officers in this case did not do that. We prosecuted two individuals. I do not know both of the cases well enough to recant them, but it was picked up in an audit and that resulted in the charges. These people pleaded guilty, I might add; nevertheless, the charges will be withdrawn. They will be recharged and they will still, which I think is absolutely appropriate, face the appropriate charges.

**The Hon. TREVOR KHAN:** It could well have been an amendment that was moved in the upper House that added the additional hurdle.

**Commissioner FULLER:** Which was unhelpful. When you think about police—

**The Hon. TREVOR KHAN:** We do that sort of thing.

**Commissioner FULLER:** —at midnight, an officer—

**The Hon. ANTHONY D'ADAM:** With respect, Commissioner, it is not appropriate for you to make adverse comments about what the Legislature decided to do or not to do.

**Mr DAVID SHOEBRIDGE:** In fact, I think it is a breach of the standing orders to cast shade on the rulings of the Chamber.

**The Hon. ANTHONY D'ADAM:** Can I just clarify, it is two separate cases, not two cases in one incident.

**Commissioner FULLER:** Two separate cases, that is right. We have put a number of safeguards in place to ensure it cannot happen again.

**The Hon. ANTHONY D'ADAM:** How much does it actually cost? How much would that have cost to have undertaken that prosecution and now have to do it all over again?

**Commissioner FULLER:** The fact that they both pleaded guilty, it would have been a very small amount of money, to be honest with you. If they were big trials it could have cost a lot of money but they were not.

**The Hon. ANTHONY D'ADAM:** When is that likely to occur? When is the process likely to be reinitiated?

**Commissioner FULLER:** I think as we speak it is all happening, the wheels of justice reversing.

**The Hon. ANTHONY D'ADAM:** Commissioner Barnes, you recently made a submission to a Federal parliamentary inquiry stating that since the COVID-19 outbreak there is a noticeable increase in online activity amongst the extreme right-wing community, particularly around COVID-19 rhetoric. You say that there is a concern that the pandemic is being used to support broader extreme right-wing views such as the "boogaloo" ideology and that there have been numerous concerns amongst communities regarding increased abuse and physical assaults, particularly in the Asian community. Has your intelligence identified a greater risk as a result of this phenomena that you have identified in your submission?

**Commissioner BARNES:** As you would appreciate, the ideologies and attitudes are one thing. Capability is the other thing that makes evil attitudes dangerous. We have not necessarily seen any increase in capability across the board. There have been increased amounts of communication among those groups that were concerning, but for that reason it has been monitored.

**The Hon. ANTHONY D'ADAM:** Commissioner Fuller, I understand that 18 per cent of Chinese Australians in a recent Lowy Institute report said that they had been physically threatened or attacked because of

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their Chinese heritage. What work has been undertaken, particularly regarding identification by—sorry, I have directed it to the wrong commissioner and will go back to you, Commissioner Barnes—the Crime Commission of the increased online activity by extreme right-wing groups to better protect the Chinese community? Have you done any research on how that might be achieved?

**Commissioner BARNES:** No, I am not aware of any monitoring of online communications that indicated that Chinese people were at greater risk now than at any other time.

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

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

**The Hon. ROSE JACKSON:** Commissioner Fuller, I might just go back to the line of questioning that I was discussing previously with you. One of the other findings that Elizabeth Broderick made when you asked her to come and look at NSW Police Force was that one in three female officers had been subject to sexual harassment by their colleagues. Obviously that is quite an alarming statistic. Have you taken any particular action in relation to that?

**Commissioner FULLER:** Absolutely. That cultural change is now embedded into our leadership programs. It is about the language we use as leaders, the importance of people understanding that bad behaviour in a sexual nature is a direct report to me, and talking. We have conferences with women leaders. It is about setting standards, recruitment numbers and how many women are in leadership positions. It is a whole package of things that we are consistently working on to have a safe workplace.

**The Hon. ROSE JACKSON:** On women in leadership positions, we still have a situation where less than one in four sergeants, less than one in five inspectors and only about one in 10 superintendents are women, so we still have a very lopsided—

**Commissioner FULLER:** And every time I addressed a women's group, they would say that the old promotion system was the greatest inhibitor to promoting women in the workforce. That is one of the reasons why we have a new promotion system that gives great equity to the best person getting the job, not the person who has the most amount of time to study. The new promotion system will have a significant impact on gender and equity in terms of promotion.

**The Hon. ROSE JACKSON:** And when was the new promotion system brought in?

**Commissioner FULLER:** Late last year.

**The Hon. ROSE JACKSON:** Is one of the tenets of the new promotional system an attempt to better balance work and family commitments for women and in particular understand that they might need flexible work arrangements at certain times in their career? Is that embedded in the new promotion system?

**Commissioner FULLER:** In a sense it is. The new promotion system is about just clearly explaining that you can do the job. The old promotion system was an examination where you had to invest an enormous amount of hours to answer all of these questions that women just do not have. We know all the reasons why they do not have that: because they are working and juggling families and carers' responsibilities and it was the greatest single inhibitor. Now they get to walk in and explain why they are the right person for the job just like anyone else does in any other employment. I think it will have a significant impact on our percentages going forward.

**The Hon. TREVOR KHAN:** This was a bit of legislation that passed through our House, was it not, supported by both sides?

**The Hon. ROSE JACKSON:** Yes.

**Commissioner FULLER:** It was, if I can answer your question.

**The Hon. ROSE JACKSON:** There is the issue of under-representation of women in senior leadership positions. I appreciate you say that you are hoping that the new promotional system will address that. There is still an issue in relation to the distribution of female officers in different areas of the force. For example, highway patrol and tactical operations have significantly fewer women.

**Commissioner FULLER:** In highway patrol I think we have just promoted four new female inspectors, which is outstanding work by the commander, who is a female, Assistant Commissioner Karen Webb, who has a lot more females now in the highway patrol. The challenge then is attracting females into that type of work. The areas like tactical operations—I mean, I would not want to work there, to be honest with you. Not every area in the organisation is attractive to people for certain reasons. If you look at the mounted unit, we have had problems

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attracting men there and we have had a big drive to get some more men in the mounted unit. We never give up, but there are some types of roles that are not attractive to me because I do not want to go camping, get in the mud or dig. There are things that you just do not want to do. But I think areas like the highway patrol are a really good example where we are driving change by picking women to do leadership roles.

**The Hon. ROSE JACKSON:** And to the extent that it is personal preference, of course. But I think you can accept, Commissioner, that historically sexist attitudes about what roles women are well suited can also play a role. For example, you see women very over-represented in administrative roles and in some of the more prestigious, perhaps physically demanding roles, you see fewer women. Is there some acknowledgement of that in the way that you try and distribute officers around the force as well?

**Commissioner FULLER:** We look at commands—from a leadership perspective, as long as you do not need a specific skill for that role then they are open for everyone. Again, I feel like the new promotion system will level that out. But there are some roles that classically women have not applied for because I just do not think that they would like that work. And I do not like it either.

**The Hon. ROSE JACKSON:** Going back to some of those questions around where there have been examples of misconduct, you acknowledge that and officers have left the force—

**Commissioner FULLER:** And I have sacked officers as well for consistent behaviour around sexual harassment, yes.

**The Hon. ROSE JACKSON:** Can you understand how, with only 15 per cent of people who have experienced sexual harassment making a formal complaint, when they see that the outcome of complaints is essentially the perpetrator being able to walk away, they can perhaps conclude, "What is the point of making a complaint"?

**Commissioner FULLER:** I think it is fair they feel that way, but I think as well I cannot control employment law. I cannot control everything. All I can do is make sure that I get these people out of the organisation as quick as I can and that the victims feel supported. I know in some cases they do not. They feel broken. I accept that. But I cannot take it more seriously than saying, "I am the arbiter of all these matters." No matter how minor they are in terms of—I personally take on board every one.

**The Hon. ROSE JACKSON:** Does it concern you then when—I think just last week there were reports obviously that said:

Women in the NSW Police Force say a vulgar "boys' club" culture enables discrimination and harassment ...

One woman said:

... she only heard the result of one of her 10 complaints ...

Does that concern you that that is still going on?

**Commissioner FULLER:** I think there was some unfair reporting in the newspaper by a particular journalist and we offered him to come—we would make as many policewomen available to him to talk to and they could talk honestly about their journey, good or bad, and that was refused. I think we also need to come to terms—there are a lot of senior females who are driving positive behaviour. I think by being negative in entirety does mean that the 35 per cent of women that are working hard, doing the right thing, driving cultural change with the leadership team—I think we need to recognise there is a lot going well in our organisation. I think there are some organisations out there that could come and look at us at least to have a look at the changes we are making, to be honest with you.

**The Hon. ROSE JACKSON:** Perhaps the Parliament is one of them. But nonetheless, Commissioner, is the NSW Police Force a boys club?

**Commissioner FULLER:** No, it is not. Now, has it been a boys club in the past? Yes, it has. But now we have areas like the mounted unit where there are girls clubs and I need to get more men in there. You try to get equity everywhere you can. I think 35 per cent—and if you put admin staff in, then the workforce almost balances to 50-50. It is a bit hard just to call it a boys club when you are balancing, with sworn and unsworn, nearly 50 per cent.

**The Hon. ANTHONY D'ADAM:** I might just come back to Commissioner Barnes. You would obviously be aware of the incident that occurred in the Grampians just recently with an extreme right-wing group and there was also that recent attack by a member of the Proud Boys on a security guard at a media outlet.

**Commissioner BARNES:** Sorry, I am not aware of the second incident.

**The Hon. ANTHONY D'ADAM:** The media outlet attack?

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**Commissioner BARNES:** Yes, I am. In Melbourne.

**The Hon. ANTHONY D'ADAM:** How much of a risk are these groups to New South Wales?

**Commissioner BARNES:** It is not something you can calibrate and put a number on. They are obviously increasing in risk, and they are under increasing attention for that reason.

**The Hon. ANTHONY D'ADAM:** How do you calibrate the risk? How do you assess the varying competing risks? Presumably you have to make some decisions in terms of where you put your attention?

**Commissioner BARNES:** People are entitled to express repugnant views. If they move to the stage where there is a basis to suspect they may either themselves engage in violence or encourage others to engage in violence, then they risk being charged with criminal offences.

**The Hon. ANTHONY D'ADAM:** I understand that of the Five Eyes countries, Australia is the only one that has not listed any right-wing extremist organisations as terrorists. Do you think that designating a right-wing organisation such as the Proud Boys, as Canada has done, is an appropriate course of action?

**The Hon. TREVOR KHAN:** There is one under consideration right now. It was announced last week by—

**The Hon. ANTHONY D'ADAM:** The question is to Mr Barnes.

**The Hon. TREVOR KHAN:** Well, you make a statement that was corrected in a previous budget estimates.

**Commissioner BARNES:** It is under consideration right now at the Commonwealth level.

**The Hon. ANTHONY D'ADAM:** Right. Thank you. Commissioner, after a drop in numbers during 2017 in homicide shoot with intent to murder figures, the number of shootings have started to creep up again. In October 2019 to September 2020 figures with 12 in the Greater Sydney area, and a jump from five in the previous year. Has this trend continued, and is it related to the current outbreak of gang violence in the Cumberland and Bankstown local government areas?

**Commissioner FULLER:** Some are domestic related but a majority are related back to organised crime and there is a link to turf war. Then there is a link to those who owe money for drugs not received.

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

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

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

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

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

**Mr DAVID SHOEBRIDGE:** My question is to the crime commissioner, Mr Barnes. In terms of the where the concern is in terms of far right extremism, you said that—I think in submissions the Crime Commission has made to a Federal inquiry—you have a rising concern in relation to far right extremism in New South Wales. Is that right, Mr Barnes?

**Commissioner BARNES:** As you know, the Federal inquiry is looking at the impact of COVID on law enforcement, and so our submission addressed whether or not there had been any increased threat, amongst other things, from those groups, yes.

**Mr DAVID SHOEBRIDGE:** And it would be fair to say that your submission said that there were some far right-wing groups who were creating conspiracy theories and political theories around COVID-19 and seeking to use that as an opportunity to increase their reach in New South Wales. Would that be fair to say?

**Commissioner BARNES:** Yes, they were applying their analysis of Government action, in some cases, as further examples of our freedoms being trammelled by government. They were also talking about groups they

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target—people from foreign communities—introducing the infection into what was otherwise a pure Australian community, and they were talking about using COVID to target those groups by introducing it to mosques and synagogues.

**Mr DAVID SHOEBRIDGE:** Yes, all deeply offensive and appalling posts, which had taken the opportunity—if I could call it that way—of COVID to try and press their ideological wagons. Is that right?

**Commissioner BARNES:** I think that is a fair assessment, yes.

**Mr DAVID SHOEBRIDGE:** Have you got an assessment separate to COVID-19 of whether or not neo-Nazi and sort of proto-fascist groups are on the rise or not in New South Wales?

**Commissioner BARNES:** I know that groups who might pose a terrorist threat are constantly being monitored, and we contribute to that monitoring through the Joint Counter Terrorism Taskforce [JCTT] involving New South Wales police, ASIO and the AFP. That monitoring has been ongoing for a long time. To say to what extent that has been increasing, I would have trouble giving you a detailed answer.

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

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

**Commissioner FULLER:** Mr Chair, sorry to interrupt you. Could I have five minutes to have a read of this document?

**Mr DAVID SHOEBRIDGE:** Has it just arrived?

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** Yes. Do you know what I might do? I might just finish the line of questioning with Commissioner Barnes and we'll take a short break. We might have a 10-minute recess if members are okay with that.

**The Hon. TREVOR KHAN:** I can't argue with that but unless he is going to be asked a question now, can he get a head start?

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

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

**Mr DAVID SHOEBRIDGE:** Commissioner Fuller, there have been a number of complaints made to police from the Sikh community. Most recently, in the last few weeks there was an attack on a Sunday night in Harris Park on four young Sikh men. It appeared to be, on the face of it, motivated by reason of their identity and potentially by reason of political disputes, especially regarding the farmers law in India.

**Commissioner FULLER:** Correct.

**Mr DAVID SHOEBRIDGE:** Can you shed any light on what the extent of the police investigations are and what the police response is?

**Commissioner FULLER:** There is a two-tiered response to this. There is the criminal investigation that is happening and there have been other matters made to police and they are continuing at the moment. It has been challenging getting statements off some of the victims. I am not talking about the most recent one. We also have Assistant Commissioner Peter Thurtell, who is our multicultural spokesperson. He is working with the community and the community leaders trying to ensure that we keep peace in Australia, being mindful that these issues are happening a long way away.

**Mr DAVID SHOEBRIDGE:** Have New South Wales police undertaken any investigations about what, if any, political motivation or intent may have been underlining these attacks against the Sikh community?

**Commissioner FULLER:** Our intelligence command is doing environmental scanning across open source, looking for information that may assist us. At the end of the day, the community leaders need to work with us to ensure that we do not see violence on our streets. So that is happening. Does the joint counterterrorism team have an open investigation in relation to this matter? The answer is no, but obviously if there was an



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escalation and we thought they need to be involved, then of course they would. But we would be sharing intelligence with them.

**Mr DAVID SHOEBRIDGE:** Does your investigation in relation to that spate of attacks, particularly against the Sikh community, involve consideration about whether they have political motivations, particularly coming from the far right political movement—if I could call it that way—from India.

**Commissioner FULLER:** I guess that joint tension we are looking at it collectively—political motivation, local issues and what is happening overseas. That is all captured in the overall intelligence picture.

**Mr DAVID SHOEBRIDGE:** Are you willing to sit down with the Sikh community leaders and hear their concerns first-hand?

**Commissioner FULLER:** Assistant Commissioner Peter Thurtell was tasked by me to do that but, of course, if a community group wanted to meet with me—I mean, I meet with them all the time. So if you are saying to me they want to meet with me, they have not asked personally. I am happy to meet with them, yes.

**Mr DAVID SHOEBRIDGE:** All right. This might be a convenient time. Why don't we have a 15-minute? How long will it take you, Commissioner Fuller?

**Commissioner FULLER:** Not long.

**Mr DAVID SHOEBRIDGE:** We will say 20 past and, Commissioner Barnes, I think you may go and not come back.

**(Commissioner Barnes withdrew.)**

**(Short adjournment)**

**Mr DAVID SHOEBRIDGE:** Thank you for that time, Commissioner. We will have a document that I understand you will tender shortly, which addresses those answers on very short notice, which we will endeavour to publish on the Committee's website as soon as a redacted version is made available.

**Commissioner FULLER:** Thank you.

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

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

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

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

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

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

**Mr DAVID SHOEBRIDGE:** The answer from the DPP?

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** Do you have any data on how long it is taking you to get answers? This was a sufficiency of evidence brief, was it?

**Commissioner FULLER:** That is correct.

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

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

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

## CORRECTED

**Commissioner FULLER:** No, we do not.

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

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

**Mr DAVID SHOEBRIDGE:** Thanks. Mr Baxter, did you make a series of comments on the New Zealand Professional Firefighters Union's Facebook page recently?

**Commissioner BAXTER:** No, I did not.

**Mr DAVID SHOEBRIDGE:** There is a series of posts that purport to come from a Paul Baxter. Have they been raised with you?

**Commissioner BAXTER:** Yes. I was made aware of them by a friend in Germany, as the matter happens, and it appears that someone made either a copy or some kind of a duplicate account under my name and made comments. I was made aware of those.

**Mr DAVID SHOEBRIDGE:** I will show you this document and we can just make sure we are talking about the same thing.

**Commissioner BAXTER:** Okay.

**The Hon. TREVOR KHAN:** I suspect you are.

**Commissioner BAXTER:** Yes, those are the ones I was made aware of.

**Mr DAVID SHOEBRIDGE:** Is that an image of you, though, Mr Baxter? Has someone gone to that trouble?

**Commissioner BAXTER:** Yes.

**Mr DAVID SHOEBRIDGE:** It is your evidence that it was not you who did that?

**Commissioner BAXTER:** That is right.

**Mr DAVID SHOEBRIDGE:** And that it appears to be a fake Facebook account?

**Commissioner BAXTER:** That is right.

**Mr DAVID SHOEBRIDGE:** Have you contacted Facebook to try to get it shut down?

**Commissioner BAXTER:** No, but I went about the normal securities of changing passwords and things like that, yes, I did.

**Mr DAVID SHOEBRIDGE:** Was it someone who took over your Facebook account, a dormant Facebook account?

**Commissioner BAXTER:** I do not think so. I think it was a duplicate account or something made with my account.

**Mr DAVID SHOEBRIDGE:** And you do not have a habit of making Facebook comments during work hours?

**Commissioner BAXTER:** I do not make any Facebook comments on any public sites other than my friends and family.

**Mr DAVID SHOEBRIDGE:** Probably a very wise course of action, Commissioner.

**Commissioner BAXTER:** I think so.

**Mr DAVID SHOEBRIDGE:** Commissioner Fuller, last year the LECC recommended that New South Wales police ensure Professional Standards Command, and I quote from the LECC recommendation:

... monitor all newly registered misconduct matters and be involved in the triaging of misconduct matters relating to bullying and harassment with a view to identifying any patterns of behaviour amongst specific officers or complaint clusters about specific officers, specific police stations or Commands. The identified offending behaviour should then be investigated.

Do you remember that recommendation coming from LECC?

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CORRECTED

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**Commissioner FULLER:** I read all of LECC's reports. In relation to that, Mr Shoebridge, Professional Standards Command undertook an enormous amount of work about looking for indicators even beyond bullying and harassment that might be indicators that could be something to do with sick leave or it could be something to do with other types of complaints. It could be something to do with excessive force complaints. They undertook a huge piece of work trying to look at what the common themes are among officers who behave badly. That was a by-product of that recommendation.

**Mr DAVID SHOEBRIDGE:** Alright, but what the LECC are asking for is going beyond that—to actually have effectively a live database of misconduct matters, particularly those involving bullying and harassment, to see if there is a pattern developing in, say, one command.

**Commissioner FULLER:** We do have a database that allows us to look across all commands around complaint matters.

**Mr DAVID SHOEBRIDGE:** Are you doing that? Are you monitoring that database to see how many bullying and harassment complaints happen, command by command?

**Commissioner FULLER:** Yes.

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

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** That would include this partial financial year, to the extent you have that evidence?

**Commissioner FULLER:** The data is not like pulling information out of the Computerised Operational Policing System [COPS], but I will get you whatever information I can, probably on a month-by-month basis or however the trend is produced, whether it is quarterly or six monthly. But I understand what you are asking for.

**Mr DAVID SHOEBRIDGE:** Have you had concerns raised with you about any particular commands where there may be a pattern, and in fact a significant number of bullying and harassment complaints being made in relation to any one command?

**Commissioner FULLER:** Not for bullying and harassment.

**Mr DAVID SHOEBRIDGE:** Have you had concerns about a pattern of misconduct matters arising from any one particular command?

**Commissioner FULLER:** Surry Hills Police Area Command certainly had an increase in a broad range of indicators that allowed us to take a deep dive, and we identified that there was a lack of supervision and support and that officers needed more training. We have taken that as a template now, so we are continually reviewing across all commands. This is not about punishment, necessarily, but it is about leadership and experience and profiling commands. We talked about gender. Gender is important, but experience is important and supervision is important. These are age-old things that came out of the royal commission.

**Mr DAVID SHOEBRIDGE:** Commissioner, have you had any concerns raised with you about the number of bullying and harassment complaints that come out of the Wagga Wagga command?

**Commissioner FULLER:** I was the regional commander for the Wagga Wagga command for 2010 and 2011. It is a complex command. It is a district now and there are a number of police who have retired medically unfit and unhappy, and the command has certainly had its challenges culturally over the years. There are lots of good police there who work extremely hard, but it is one of the more difficult, culturally challenging commands.

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

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

**Mr DAVID SHOEBRIDGE:** Would it be fair to say that the Wagga Wagga command is on your radar, given the concerns and the number of concerns that have come out of the Wagga Wagga command?

**Commissioner FULLER:** It is a command that I certainly visit as often as I can and leadership visits as often as we can, particularly to support the police that are in the workforce. Yes.

**Mr DAVID SHOEBRIDGE:** Do you have a strategy to address concerns about management practices in the Wagga Wagga command?

## CORRECTED

**Commissioner FULLER:** Yes, absolutely. We ensure that we backfill positions when they become vacant. We continue to put more staff in the command. Wagga Wagga is one of the biggest inland cities in Australia. It is an area that has changed dramatically socio-economically over the past 20 or 30 years. We have spoken about the 1,500 and I have put a lot of new police positions in there: DV positions and mid-level crime positions. We are constantly looking at leadership, and we are constantly looking at complaint and other data.

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

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

**Mr DAVID SHOEBRIDGE:** Commissioner, are you tracking the number of complaints that have been initiated by more senior management in the police—by that I mean superintendent level and above—the number of complaints that are made by individual members of the senior management to determine if there are any patterns there?

**Commissioner FULLER:** About them or them making complaints?

**Mr DAVID SHOEBRIDGE:** Them making complaints or being the source of complaints.

**Commissioner FULLER:** Superintendents making complaints?

**Mr DAVID SHOEBRIDGE:** Correct, about officers in their command.

**Commissioner FULLER:** We obviously track complaint data. There is a phenomenon about upward bullying. That does exist as well. We find often when new commanders come in and they are trying to make improvements, sometimes that is resisted. That does create challenges. We track complaint data. Do we specifically track complaints made by an individual rank? No, we do not.

**Mr DAVID SHOEBRIDGE:** In terms of tracking complaint data, does part of that involve—if there has been a significant number of complaints by one officer, do you then send somebody in to track the nature of those complaints to see if there is a pattern in them?

**Commissioner FULLER:** We certainly have the ability for Professional Standards—they have in the past—to escalate and take over complaint matters that are more serious or too complex to be left within a command. That can happen, yes, and does happen.

**Mr DAVID SHOEBRIDGE:** You would have had police raise concerns with you that the complaints process is being used to silence dissent. That would not be news to you, that there are those complaints made about the way in which the complaints process is used.

**Commissioner FULLER:** I think some people will make complaints about anything. But I think that the oversight of New South Wales police, honestly, since the royal commission—I cannot believe that in this day and age someone could try and say that they are being stifled, with human rights commissions. There are all these different commissions out there to support the voice of people, including people in the upper House. This idea that we are smothering complaints, I think it is mythical, to be honest with you. And I am not blind to corruption, I am not blind to bad behaviour.

**Mr DAVID SHOEBRIDGE:** Are you tracking the data? I say this in circumstances where there has been persistent reporting, some of that including the allegations that more than a hundred police have reported issues about the way in which complaints are managed within a command, to silence dissent or to exclude people from the command. You would have seen that reporting this year, commissioner.

**Commissioner FULLER:** I am sorry, I got lost in the question. Are you asking me if I track data to the granular detail of what you are speaking about? No, I do not.

**Mr DAVID SHOEBRIDGE:** Have you sought some data analysis since the persistent media reporting that as many as a hundred police have reported issues about the way complaints are managed within a command?

**Commissioner FULLER:** Have I spoken to Deputy Commissioner Worboys? Have I spoken to Assistant Commissioner Cassar and Professional Standards Command [PSC] about Wagga and my expectations? Yes, I have.

**Mr DAVID SHOEBRIDGE:** Have you asked for a data analysis on complaints to track patterns?

**Commissioner FULLER:** As in broad patterns, yes, but not to the granular detail you are talking about.

## CORRECTED

**Mr DAVID SHOEBRIDGE:** Do you think that would be a useful management tool?

**Commissioner FULLER:** For the Commissioner of Police or for the management of the command?

**Mr DAVID SHOEBRIDGE:** Not necessarily for you to do the data analysis but for you to have the data analysis requested so you could see whether or not those patterns existed.

**Commissioner FULLER:** Data is only an indicator. Data is not evidence of behaviour. But I acknowledge we use data across all areas of the organisation.

**Mr DAVID SHOEBRIDGE:** But it appears you are not doing that analysis on complaints.

**Commissioner FULLER:** I said we do plenty of complaint analysis. I have already said that we do complaint analysis. But you have asked me some questions specifically about ranks. Do I break it down to ranks? No, I do not.

**Mr DAVID SHOEBRIDGE:** I will hand over to the Opposition.

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

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

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

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

**The Hon. ANTHONY D'ADAM:** I see. Can I ask about the response times. Is there a benchmark for the metropolitan area?

**Commissioner BAXTER:** There is not a benchmark as such. There is the reporting that goes into the Report on Government Services, which looks at all of our response times grouped up as a State, across Fire and Rescue and across RFS. We do look at our response times, obviously, all the time to make sure that we are being able to achieve reasonable response levels to all of the communities.

**The Hon. ANTHONY D'ADAM:** What is a reasonable response level in the metropolitan area?

**Commissioner BAXTER:** If you are asking someone who is calling 000 and asking for help, zero is the response time. What we try to gauge off is averages. Obviously, with averages there are very quick response times and there are long. Then once again we break it down into the categories of incidents, whether those are automatic fire alarms, whether they are structure fires, whether they are rescues, whether they are hazardous materials incidents. So there is a huge amount of data to report back against that.

**The Hon. ANTHONY D'ADAM:** On average, how long should it take for a vehicle to get to an incident?

**Commissioner BAXTER:** Like I say, there is not—

**The Hon. ANTHONY D'ADAM:** What do you aim for? I suppose that is where I am getting at.

**Commissioner BAXTER:** The problem today with modern fires is we cannot get to, for example, a structure fire—a house fire or a building fire—in under the time that it takes for a building to be fully involved in fire these days. Our information today is a working incident at a fire in a home, for example, could be fully engaged within three minutes. We simply cannot meet that. That is why we invest so heavily in fire education and prevention activities, to prevent those fires from occurring in the first place. Obviously, as fast as possible is the time that we want to be in attendance at any of those incidents because of the fact that people—

**The Hon. ANTHONY D'ADAM:** What is the average then?

**Commissioner BAXTER:** The average across—

**The Hon. ANTHONY D'ADAM:** Metropolitan Sydney.

**Commissioner BAXTER:** If you just give me a moment, I will give you those figures, when I can find the paper. The average for 2019 to 2020 is—once again this is averages. It is what we consider the ninetieth percentile. The median value of that is 11 minutes, 58 seconds.

## CORRECTED

**The Hon. ANTHONY D'ADAM:** Eleven minutes is the average across metropolitan—

**Commissioner BAXTER:** That is within fire districts, within urban fire districts.

**The Hon. ANTHONY D'ADAM:** Within a fire district. I see. What fire district serves Oran Park now?

**Commissioner BAXTER:** That is serviced by two stations, being Camden and Narellan stations.

**The Hon. ANTHONY D'ADAM:** How do you calculate the response time for calls that are originating in Oran Park?

**Commissioner BAXTER:** The same way.

**The Hon. ANTHONY D'ADAM:** Are you able to provide that data either now or on notice?

**Commissioner BAXTER:** In 2019 to 2020 there were 85 incidents across all of those categories I listed earlier, with an average response time of 11 minutes, four seconds.

**The Hon. ANTHONY D'ADAM:** Can I ask about how you prioritise. I am assuming there is some dialogue with the Government about priorities in terms of station construction. Where does Oran Park sit in terms of your priority list? It is a commitment that has been made.

**Commissioner BAXTER:** Oran Park is the next priority for building of a new station and staffing, followed by—there is a number of areas. Obviously, west and south-west is of big interest to us. So we have had ongoing discussions with the Minister around both of those resources—Oran Park, Marsden Park. Also of interest now is the aerotropolis area, which is going to have massive growth over the next five to 10 years, and we expect—

**The Hon. ROSE JACKSON:** So when you say—apologies, Commissioner Baxter. I was not trying to interrupt you.

**The Hon. TREVOR KHAN:** But you are. He is still answering the question.

**Mr DAVID SHOEBRIDGE:** Is that a point of order?

**The Hon. TREVOR KHAN:** Yes, it is.

**The Hon. ROSE JACKSON:** Point taken. Sorry.

**Mr DAVID SHOEBRIDGE:** Rose, let Commissioner Baxter finish.

**Commissioner BAXTER:** Sorry, where are we at?

**The Hon. ROSE JACKSON:** You were just saying "aerotropolis".

**Commissioner BAXTER:** The aerotropolis—we expect to see extra fire stations required there from the mass amount of activity that will be resulting from the airport and the surrounding industrial and commercial buildings that we expect to develop there over the years.

**The Hon. ROSE JACKSON:** When you say you have had discussions with the Minister about Oran Park and Marsden Park, what is the nature of those discussions? Is that you saying, "We think these are priority areas and we need a budgetary allocation for those?" Is that the nature of those discussions?

**Commissioner BAXTER:** Yes, absolutely, because the development of both Oran Park and Marsden Park—obviously capital was allocated for them for the purchase of the land to secure the position to build the stations on, but also that has sat on one of our budget lines for quite a few years. I think it was 2013, if I recall rightly, that the original budget allocation was made to purchase the land. The expectation was that completion would be around 2023. That is my recollection.

**Mr DAVID SHOEBRIDGE:** Sorry to interrupt, Anthony. Commissioner, we have now been provided with a copy of your answers to the questions that were put on notice to you, where a number of names have been redacted. I can just indicate that that has now been received and I was just asking for a resolution that we receive it and publish it.

**The Hon. TREVOR KHAN:** I so move.

**Mr DAVID SHOEBRIDGE:** Alright.

**Commissioner FULLER:** Thank you, Chair.

**Mr DAVID SHOEBRIDGE:** All in favour? All against? Carried. For anybody who is watching the feed, I would expect that that would be published on the Committee's website in the very near future. Sorry, Mr D'Adam.

## CORRECTED

**The Hon. ANTHONY D'ADAM:** That is okay. Thank you. Is the absence of a budget allocation the only reason why Oran Park has not proceeded?

**Commissioner BAXTER:** Well, without budget we cannot build a fire station.

**The Hon. ANTHONY D'ADAM:** But there might have been some other obstacle as the reason why the Government has held back on the money flowing.

**Commissioner BAXTER:** Not that I am aware of.

**The Hon. ANTHONY D'ADAM:** No. So it is solely a budgetary issue that is preventing it from proceeding?

**Commissioner BAXTER:** Well, tempered with that has to be the requirement for a station in the first place. Whilst we know that the development of both of those western and south-western areas is going ahead pretty well, it was not as fast or as rapid as was initially thought. We take into account the ability of the nearby stations across the whole network of our resources to be able to meet those time lines. As you can see, they are not well outside the expected response times at the moment, but it is increasing year on year.

**The Hon. ANTHONY D'ADAM:** Okay, thank you. Can I ask about the interaction between yourself and the Minister's office? If a request comes to dispatch a vehicle to a street party, for example, does that go through your office?

**Commissioner BAXTER:** We get a number of requests from the Minister's office because a number of public requests go to the Minister's office to ask for Fire and Rescue support at those things. To be honest, we leap at the opportunity to attend those things because the primary part of our job is community interaction and community education and prevention. All of those community engagement opportunities provide us with an avenue to interact with the public and to discharge that responsibility.

**The Hon. ANTHONY D'ADAM:** Coming back to my original question, did the request about Kellyville come through you?

**Commissioner BAXTER:** I think there were a number that came through from the Minister's office that I passed on to our community education team and to the local command to see whether they could fit them in with their normal responsibilities. Obviously, operational activity and availability is the prime consideration taken into account as to whether they would attend any such event or not.

**The Hon. ANTHONY D'ADAM:** How does that request get communicated to the local station? Does it come from your office or—

**Commissioner BAXTER:** Most likely would be passed from my office to the local area or zone commander to action.

**The Hon. ANTHONY D'ADAM:** In terms of the assessment about the operational impact, where does that occur?

**Commissioner BAXTER:** From frontline managers.

**The Hon. ANTHONY D'ADAM:** Frontline managers make that assessment?

**Commissioner BAXTER:** Yes.

**The Hon. ANTHONY D'ADAM:** But do you think then if they get a request from your office saying that the Minister has asked for this, that is going to place a level of pressure on those frontline managers that is perhaps inappropriate?

**Commissioner BAXTER:** Well, it would come from the commissioner's office, from me. What I find with most of our frontline commanders is that they are only too happy to be able to help. As I say, the opportunity for us to present in front of members of the community is something that we are looking for all the time.

**The Hon. ANTHONY D'ADAM:** Do you think it might compromise the assessment about whether there are other operational constraints on that?

**Commissioner BAXTER:** Absolutely not. The operational response always comes first; it is always the primary consideration.

**The Hon. ANTHONY D'ADAM:** What happens if there is a fire? I do not know which district is serviced by Kellyville, but what if there is a fire on the other end of the district? That appliance is taken offline, is it?

## CORRECTED

**Commissioner BAXTER:** That happens every day. For example, if the Kellyville appliance was tied up at another incident, we would either move another station nearby to that district or respond—another district. But for those types of community activities, most likely the fire appliance and crew stays available throughout that activity, so they are available to—

**The Hon. ANTHONY D'ADAM:** So they are available to be called to an incident?

**Commissioner BAXTER:** —respond to any other emergency. That is right.

**The Hon. ANTHONY D'ADAM:** But that adds to the response time, does it not?

**Commissioner FITZSIMMONS:** Not necessarily.

**Commissioner BAXTER:** Well, it depends where the incident is. It could be faster.

**The Hon. ANTHONY D'ADAM:** It might.

**Commissioner BAXTER:** Yes.

**The Hon. ANTHONY D'ADAM:** So it is a risk, is it not? It is an additional risk that is being taken on.

**Commissioner BAXTER:** But that is a risk that we play every day. We have what we refer to as our dynamic risk tool, which is used by our communication centres. That pulls on the data from AVL, or automatic vehicle location, to know where the nearest and most appropriate resource is at all times. You could never say it would be longer or shorter, because it would be highly dependent on where the incident was that we were responding to.

**The Hon. ANTHONY D'ADAM:** It is an unknown, is it not?

**Commissioner BAXTER:** Yes.

**The Hon. ANTHONY D'ADAM:** But there is an element of risk there that you are taking because of a request that the Minister has made for a non-operational reason.

**Commissioner BAXTER:** No, no. It is everyday business for us, just the same as you might see a fire appliance parked at a school discharging a community education activity or parked at a building doing a pre-incident plan. Those are normal activities. I think one of the common misnomers today is that firefighters sit around fire stations all day, waiting to go to calls. That is simply not the case. Firefighters are a mobile resource and they move all around the city all of the time to discharge their responsibilities.

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

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

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

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

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

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

**The Hon. WES FANG:** How appalling that our emergency services might engage with the public!

**The Hon. ROSE JACKSON:** Commissioner Baxter, in your view is Fire and Rescue NSW adequately funded in terms of the mental and emotional wellbeing of the workforce?

**Commissioner BAXTER:** Look, I am pleased to say that as a result of the bushfire funding package that was made available, we have been able to make significant progress with our mental health and wellbeing teams. We had already taken the decision to put additional resources into that area and we have received in the order of another \$7 million towards our full-time mental health support team, which is going to provide us with additional full-time firefighter support officers—which are our first port of call for all of our firefighters—and additional professional mental health workers insofar as full-time psychologists. We have made more progress against that in the last 12 months than we have probably made in the last five years.



## CORRECTED

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

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

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

**Commissioner BAXTER:** We have seen, though, an increase in the amount of requests for support based on mental health issues. However, I add to that that I think that from our point of view that is actually a good problem for us to have because that is indicating to us, through the huge amount of work that has been done through our peer support team and, indeed, across our people and culture division, removing that stigma of firefighters to be able to report on and talk about those issues is becoming far more acceptable in the workplace. So what we would be looking for in the longer term performance indicators is that reducing the severity of those mental health issues over the longer term would indicate to us that the whole system for us is working.

**The Hon. ROSE JACKSON:** In terms of the people who are putting up their hand and asking for help and support now, are all of those requests able to be met?

**Commissioner BAXTER:** Yes, there is a number of different ways people can access help because some people do not want people within the organisation knowing about it, so there is the external Employee Assistance Program, there is our chaplaincy system and then, as I say, there is our peer support network and there is our welfare officers and then there is our psychologist as well. Where someone had raised an issue and wanted to deal with that completely outside the organisation, we were also able to support that as well.

**The Hon. ROSE JACKSON:** In terms of the Orchard Hills emergency services academy, what is the cost of that project?

**Commissioner BAXTER:** The project is ongoing but I think we are on record at a previous estimates committee as reporting the total investment, noting that it is a public-private partnership arrangement, as being circa \$80 million. However, there is ongoing investment into that facility as funds allow.

**The Hon. ROSE JACKSON:** Is there an intention to have the training college at the academy privatised and set up as a registered training organisation, a separate RTO?

**Commissioner BAXTER:** There has been no discussion that I am aware of that has taken place in that regard.

**The Hon. ROSE JACKSON:** What is the nature of the public-private partnership at Orchard Hills?

**Commissioner BAXTER:** The nature of the public-private partnership is about the access to the land. The partner, which was—what are they called now? Aware Super?

**Commissioner FITZSIMMONS:** Aware Super. It was First State.

**Commissioner BAXTER:** It was First State Super—who own the land and the buildings. It is a long-term relationship and that allows us—sorry, they own the land, the buildings, and we own all of the other assets, so the training props and what have you that are on site.

**The Hon. ROSE JACKSON:** And that is the only private engagement in the academy. Other than the fact that the land and the buildings are privately owned, the rest of the academy and its work is done by Fire and Rescue NSW and/or the RFS, or is there—

**Commissioner BAXTER:** Wholly and solely by Fire and Rescue, but it is termed an emergency services academy. In fact just two weekends ago we had significant multi-agency training there, and we are always discussing with both the SES and RFS, and police, how the various agencies can benefit from the training props and facilities that are available there.

**Commissioner FITZSIMMONS:** It was a public-private partnership for the construction and long-term leaseback, was it not?

**Commissioner BAXTER:** Yes.

**Commissioner FITZSIMMONS:** And then you effectively run the facility.

**The Hon. ROSE JACKSON:** Yes. As I said, I asked about an RTO, but there is no intention to bring on any other private providers or private operators within that facility?

## CORRECTED

**Commissioner BAXTER:** Certainly not at my level, not that I am aware of. There has been no drive to do that, and noting that we are an RTO anyway under the government arrangements to issue and moderate qualifications.

**The Hon. ROSE JACKSON:** That is right. Commissioner York, I want to ask about the billboards that went up in and around western Sydney in relation to flooding, which were branded as SES billboards, SES advertising. Were you involved in the development and rollout of that advertising campaign?

**Commissioner YORK:** No, that was before I commenced in this role.

**The Hon. ROSE JACKSON:** Since your commencement in the role, have you had any concerns raised with you in relation to that advertising campaign?

**Commissioner YORK:** I have been informed that some of the community found them quite confronting. From my understanding, they were reflecting the risk. It is a high-risk area in relation to flooding, and I understand that some of those billboards are no longer there.

**The Hon. ROSE JACKSON:** Is there an intention from you, at least in terms of going forward, to continue with that type of advertising?

**Commissioner YORK:** No, it is not part of the communication and media campaign that we are currently doing. So, we have been increasing our community awareness in that area over the last 12 months. We have had two campaigns, which was a lot of doorknocking, pamphlets and some online media, and using the local media outlets as well. We are planning now another session of that campaign, and it has been very successful. In fact, our results on the survey has led to 71 per cent of that community taking a positive action in relation to their awareness and preparation in relation to the flooding in the Hawkesbury-Nepean Valley area.

**The Hon. ROSE JACKSON:** Just in terms of the campaign that was run before your time as commissioner, are you aware of whether or not that originated from your predecessors in the SES and was something that was an SES-overseen campaign, or was it your understanding that that was done more so from the Minister's office or another agency?

**Commissioner YORK:** My understanding is, and we are currently in a partnership with the department of primary industry and environment, that it was a partnership in relation to that campaign between those two organisations, but NSW State Emergency Service are the combat agency for floods, and we take the focus and priority in relation to getting the information out to the community, but I am not aware of the details of the campaign prior to when I started.

**The Hon. ROSE JACKSON:** So you are not aware of who came up with the idea or who proposed it to who. That is not information that you have.

**Commissioner YORK:** No, or who approved the billboards, no.

**The Hon. ROSE JACKSON:** Okay, thanks. I just want to ask a little bit about flood emergency plans. From my understanding, a number of flood emergency and flood preparedness plans are out of date. How regularly are those audited?

**Commissioner YORK:** We would not class them as out of date. There are review dates that are specified to be done, and it takes into account any change in risk, so development, changes of watercourse, extra drainage et cetera. So we rely on the council to do a flood study. Once they have completed their updated flood study, we then go and update our flood plans. There are a number that have passed their review date, but we are working our way through reviewing those and working with council and, where possible, motivating the council to complete their more recent flood studies.

**Mr DAVID SHOEBRIDGE:** Commissioner Fuller—"commissioner" is a difficult title in these circumstances. Commissioner Fuller, thank you for providing those further details. There are just a couple of questions that flow from that.

**Commissioner FULLER:** Yes?

**Mr DAVID SHOEBRIDGE:** The first is that I see from the answers that the matter was transferred—

**Commissioner FULLER:** Do you mind—

**Mr DAVID SHOEBRIDGE:** —and this is the answer to question 27.

**Commissioner FULLER:** Thank you.

## CORRECTED

**Mr DAVID SHOEBRIDGE:** There are a number of phone calls between South Australia Police and New South Wales police between 21 and 28 November 2019 where the investigation was initially transferred. Do you see that?

**Commissioner FULLER:** Sorry, I am making a meal of it.

**Mr DAVID SHOEBRIDGE:** I will start again.

**Commissioner FULLER:** No, not your question; I am making a meal of getting the 27—do you mind if I quickly read it again?

**Mr DAVID SHOEBRIDGE:** The question is: How much contact and when did the strike force have with the South Australia Police? The first answer is "a number of times between 21 and 28 November 2019 where the investigation was initially transferred". Do you see that?

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** It is not clear from that whether it was transferred on the twenty-first or the twenty-eighth, but at least by 28 November 2019 the matter had been transferred to New South Wales police. That is how I read that. Is that correct?

**Commissioner FULLER:** Correct.

**Mr DAVID SHOEBRIDGE:** Then the answer to question two is about when did the complainant speak to New South Wales police, and the first time was a phone call on 26 February 2020. Do you see that?

**Commissioner FULLER:** Yes.

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

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

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

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

**Mr DAVID SHOEBRIDGE:** Because there is nothing in the chronology that has been provided in these answers that would explain or gives a reason for the delay.

**Commissioner FULLER:** I accept that. I would just again reiterate that we pulled this together as quickly as we could and there would be additional questions. We did not leave information out to be difficult, but this is not like a normal question on notice where I have four weeks to comply with or three weeks.

**Mr DAVID SHOEBRIDGE:** Commissioner, I suppose on the face of it it is quite a concerning delay, is it not, if you have a serious sexual assault complaint—

**The Hon. WES FANG:** Point of order—

**Mr DAVID SHOEBRIDGE:** Just let me finish my question and then you can take your point of order.

**The Hon. WES FANG:** Okay.

**Mr DAVID SHOEBRIDGE:** On the face of it, there is a concern there, is there not—a serious sexual assault complaint matter and there is a three-month delay between it being transferred and the first contact between the police and the woman making the complaint?

**The Hon. WES FANG:** My point of order is that the commissioner has committed to taking the question on notice for you. To then press his opinion when he has taken that on notice is, I think, not within the spirit, particularly given that he has had the answers brought to you within hours of receiving the questions and taking the questions on notice initially. I think that it is appropriate that he be given the time now—

**Mr DAVID SHOEBRIDGE:** I get the flavour of your point of order.

**The Hon. ROSE JACKSON:** To the point of order: The questioner is allowed to ask whatever questions he wants, so long as they are in order—which they are. The commissioner can continue to take matters on notice if he wishes to do so. There is no such thing as the "spirit" of the thing.

## CORRECTED

**The Hon. TREVOR KHAN:** To the point of order: I think Rose is right. It is always the point that I have taken. Nevertheless, this is a matter of particular sensitivity and the commissioner has actually gone out of his way to help us. I am concerned if the commissioner is, in a sense, embarrassed by having gone to this effort to help us but had the caveat of not being able to answer all the questions, if he is then kicked around the room because there are parts still missing. I think that is a bit unfair.

**The Hon. WES FANG:** I think it is unfair.

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

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

**Mr DAVID SHOEBRIDGE:** Commissioner, I did not put that in my question and I do not know the reason for the delay or the gap in time. I am asking for you to provide an answer. I am quite comfortable with you providing it on notice to actually explain the passage of time.

**Commissioner FULLER:** But, in fairness, you said to me that that was really concerning and that is a direct—in fairness, so how else do I take that? It cannot be concerning the victim.

**The Hon. WES FANG:** Mr Shoebridge—

**Mr DAVID SHOEBRIDGE:** If this is a point of order, I will take it; if it just a statement, I will not.

**The Hon. WES FANG:** Point of order: The witness had taken the question on notice and then your line of questioning—and I am happy to check *Hansard* to confirm the exact wording—was on the along the lines of, "it is concerning and do you agree that", and that was when I took my point of order.

**Mr DAVID SHOEBRIDGE:** That is not a point of order. It is just not.

**The Hon. WES FANG:** I think it is actually a new question, which is why I was raising the initial point of order, which was that the question was taken on notice.

**Mr DAVID SHOEBRIDGE:** That is not a point of order. Commissioner, to get it in context, perhaps you could take this on notice: Is there a policy about proactive engagement in these circumstances? Because I can see that it would be very difficult for a complainant if there was a three-month delay between the matter being transferred to a police force and actually hearing anything back. Is there a policy about proactive engagement and support of complainants?

**Commissioner FULLER:** Absolutely, but there are plenty of cases—and this could be one—where the victims do not want to engage. We need to respectfully let me answer the question before we draw a conclusion around incompetence.

**Mr DAVID SHOEBRIDGE:** I was not making that allegation of incompetence, Commissioner.

**Commissioner FULLER:** You would not have been saying that about the victim, Chair. The victim in this case or the family of the victim or the friends of the victim—no-one has criticised the police response to this.

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

**Commissioner FULLER:** Correct.

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

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

## CORRECTED

**Mr DAVID SHOEBRIDGE:** Commissioner, the 19/20 annual report shows the number of people on senior executive salaries in the New South Wales police had risen to 74.

**Commissioner FULLER:** The 1920?

**Mr DAVID SHOEBRIDGE:** Yes.

**Commissioner FULLER:** Oh, the 19/20?

**Mr DAVID SHOEBRIDGE:** Correct, yes—financial year.

**The Hon. TREVOR KHAN:** I make that sort of mistake at my age.

**Mr DAVID SHOEBRIDGE:** Do you have details of the current number of senior executives?

**Commissioner FULLER:** I am sorry—

**Mr DAVID SHOEBRIDGE:** And these are public service senior executives, non-uniform.

**Commissioner FULLER:** I was having fun with Mr Khan. I apologise, Chair. Can you ask the question again?

**The Hon. TREVOR KHAN:** It is always a concern.

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

**Commissioner FULLER:** I could answer that on notice.

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

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

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

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

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

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

**Mr DAVID SHOEBRIDGE:** Commissioner, are you aware of whether or not there is a policy inside the New South Wales police that where civil complaints or civil claims are made against the police it is standard policy for the police to require non-disclosure agreements as part of a settlement agreement?

**Commissioner FULLER:** The civil claims is all but out of my hands. It is dealt with through the insurer. There are matters that are settled that I would probably not settle that I would like to run. Whilst the behaviour of the settlement is my responsibility, often the terms are determined outside of my hands.

**Mr DAVID SHOEBRIDGE:** Commissioner, would you be aware of the fact that in the overwhelming majority of cases, when police are offering settlements they come with the requirement that the settlement include a confidentiality agreement—basically, a gag agreement?

**Commissioner FULLER:** I would imagine that is a standard commercial agreement. I think people rarely even apply it by the way the leaks to the papers occur, so I am not sure that it is worth the paper it is written on. But, again, I would imagine that that is a fairly standard clause in settlements.

**Mr DAVID SHOEBRIDGE:** Do you think it is appropriate to require confidentiality as part of a settlement when there is public money being paid to resolve a claim? Do you think that is a good public policy position?

**Commissioner FULLER:** Well, it is a public policy position; it is not a New South Wales police position then, is it?

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**Mr DAVID SHOEBRIDGE:** Well, if you speak to lawyers who act in matters against police, it is almost a uniform part of a settlement offer from the New South Wales police, including offers that come from general counsel.

**Commissioner FULLER:** Why are police continually second-class citizens? If every other agency can settle with confidence, but we cannot. So commercially we are treated like second-class citizens?

**Mr DAVID SHOEBRIDGE:** Commissioner, that is your observation.

**Commissioner FULLER:** We are less important than doctors or lawyers or teachers or politicians. We are only applying the same rule as everyone else does. As you said, it is a general standard.

**Mr DAVID SHOEBRIDGE:** I think I put it to you it was a general proposition when police—

**Commissioner FULLER:** No, you said it was a general standard.

**Mr DAVID SHOEBRIDGE:** The transcript will speak for itself, commissioner. I will not debate you on it. Do you believe it is appropriate—

**Commissioner FULLER:** I think it is appropriate—

**Mr DAVID SHOEBRIDGE:** Let me finish the question.

**Commissioner FULLER:** Sorry, apologies.

**Mr DAVID SHOEBRIDGE:** Do you think it is appropriate for New South Wales police to require confidentiality on civil settlement claims when it is public money that is being paid over?

**Commissioner FULLER:** I am happy that we are applying general standards.

**Mr DAVID SHOEBRIDGE:** Do you think it is appropriate that confidentiality agreements be sought in matters involving persons who have concerns about the way in which police dealt with sexual assault claims, for example?

**Commissioner FULLER:** I am satisfied that New South Wales police applies the same process as the rest of government does.

**Mr DAVID SHOEBRIDGE:** Is it true that the New South Wales police are willing to effectively pay to silence a victim as part of a confidentiality agreement? They are willing to pay to actually get the confidentiality and the gag. Is that part of the police—

**Commissioner FULLER:** The alleged victims have the right to go to media, they have the right to go to politicians. It is matter for themselves.

**Mr DAVID SHOEBRIDGE:** Not if they have a confidentiality agreement, they don't.

**The Hon. TREVOR KHAN:** It depends on what the confidentiality agreement covers.

**The Hon. WES FANG:** You are the Chair and this is the difficulty we have. I would have raised an objection to that last question.

**Mr DAVID SHOEBRIDGE:** On what basis?

**The Hon. WES FANG:** On the basis that it was out of order.

**Mr DAVID SHOEBRIDGE:** That is a very intellectual point of order. Having heard your compelling argument, I do not believe it is a point of order. Commissioner, is it true that the police are effectively willing to pay to silence critics through confidentiality agreements?

**Commissioner FULLER:** I would rather not pay any money and people go to the media. The lawyers will not be happy with that, those same lawyers who are complaining, who make their money out of it—the ambulance chasers.

**Mr DAVID SHOEBRIDGE:** So you have a policy position of not wanting to settle claims?

**Commissioner FULLER:** No, I would rather people go to the media and air their grievances or go to oversight and air their grievances.

**The Hon. WES FANG:** I think you are now putting words in the witness's mouth, Mr Shoebridge, and I would ask that you do not do that.

**Mr DAVID SHOEBRIDGE:** Sorry, commissioner, had you finished?

## CORRECTED

**Commissioner FULLER:** There are multiple—sorry, sir.

**The Hon. ANTHONY D'ADAM:** But can I ask—

**Mr DAVID SHOEBRIDGE:** No, I am going to let you finish. Before either Mr D'Adam or Mr Fang interfere again with your answers, I am going to allow you to finish your answer.

**Commissioner FULLER:** It is hard to keep up.

**Mr DAVID SHOEBRIDGE:** It is, tell me about it.

**Commissioner FULLER:** From my perspective, you create avenues for people such as oversight, LECC. They can go to that. They can go to the Industrial Relations Commission, the Human Rights Commission, they can go to members of the upper House, they can go straight to the media. There are all these avenues for them. Some people take an avenue to litigate against us and we as the insurers—insurers for government—apply the same rules for New South Wales police as every other agency. It is not as though New South Wales police has their own rules around settling civil claims.

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

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

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

**Commissioner FULLER:** Done. Noted.

**Mr DAVID SHOEBRIDGE:** Done. I think at this stage I will hand over to the Opposition.

**The Hon. ANTHONY D'ADAM:** I am going to ask Commissioner Baxter, apparently Wodonga in Victoria is upgrading to two fully staffed stations in a city with a population of 45,000. I think earlier we heard how Wagga Wagga is the largest inland city—it has 65,000 people—but it only has one fully staffed, 24-hour appliance—

**The Hon. WES FANG:** Sorry, did you say Wodonga?

**The Hon. ANTHONY D'ADAM:** Wagga Wagga, sorry.

**The Hon. WES FANG:** That is in Victoria.

**The Hon. ANTHONY D'ADAM:** Yes. The first example was Wodonga in Victoria and the second example was Wagga Wagga.

**The Hon. WES FANG:** You know it is co-located with another town, right?

**The Hon. ROSE JACKSON:** Point of order: I just do not even know what is going on over there. Can other members please be quiet?

**Mr DAVID SHOEBRIDGE:** I am going to say this. It is 4.19 p.m. on the last day of two weeks of budget estimates. It has the potential to become untidy.

**Commissioner FULLER:** We have got half an hour to go, haven't we?

**Mr DAVID SHOEBRIDGE:** We have got half an hour to go, so can we all just stay in our lanes. The Opposition has the questions.

**The Hon. WES FANG:** Stick to Sydney, mate.

**The Hon. ANTHONY D'ADAM:** So there is one fully staffed, 24-hour appliance at Turvey Park Station and apparently it is 20 years old. The other appliance is in the city. A pumper and a tanker at Turvey Park are often taken off line when staffing falls below safe levels, as is the pumper at Wagga Wagga Station, which is also an on-call hazmat support vehicle and the region has no full-time professional hazmat technicians. Do you think this is an acceptable state of affairs for the people of Wagga Wagga?

**Commissioner FITZSIMMONS:** I cannot comment on the Wodonga staffing situation. That is—

**The Hon. ANTHONY D'ADAM:** That is just for comparison. It has got two for a 45,000-person city.

**Commissioner FITZSIMMONS:** As I say, the Wodonga situation would be subject to whatever other resources they have around them, as is the case for New South Wales. Our resources are made up of a network of

## CORRECTED

stations and we only take appliances offline for matters of training and we recall staff to staff appliances where we feel that the risk has become too high.

**The Hon. ROSE JACKSON:** I think we are going to try and get you out of here, Commissioner Fitzsimmons.

**Mr DAVID SHOEBRIDGE:** Commissioner Fitzsimmons, I might just show you this document.

**The Hon. TREVOR KHAN:** This will have to be a zinger. It has been waiting.

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

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

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

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

**Mr DAVID SHOEBRIDGE:** So is it the case that if you are living in rental accommodation at the time of the fires and the only home that you owned burnt down that you would not be eligible for support because your principal place of residence is the rental accommodation?

**Commissioner FITZSIMMONS:** I do not mean to be pedantic but one's home is usually where they live, not necessarily what they own. So they may own a property, they may own a house, there may own something. So it is about the principal home or the principal place of residence where the focus of relief and assistance is.

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

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

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

**Commissioner FITZSIMMONS:** That we may have reviewed?

**Mr DAVID SHOEBRIDGE:** Yes.

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

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

**The Hon. ROSE JACKSON:** I think this question is probably for Commissioner Rogers.

**Commissioner FITZSIMMONS:** Sorry, does that mean I get to go?

**The Hon. ROSE JACKSON:** Yes, apologies.

**Commissioner FITZSIMMONS:** Thank you, Chair. Thank you, Committee.

**(Commissioner Fitzsimmons withdrew.)**



## CORRECTED

**The Hon. ROSE JACKSON:** Commissioner Rogers, I wanted to ask you where the review of the personal protective equipment was up to?

**Commissioner ROGERS:** Are you talking about respiratory protection?

**The Hon. ROSE JACKSON:** I am reading from a statement made by the Minister in reference to the previous RFS Commissioner. He indicated that the RFS would be conducting "a review of personal protective equipment" at the end of the bushfire season. But it was specifically related to respiratory protection.

**Commissioner ROGERS:** Yes, correct. We have commenced that review. We have engaged occupational hygienists to carry out I guess several things: literature review on what other agencies are doing throughout the country and also identify what the knowledge is. What that has given us is quite a number of areas where there is actually a knowledge gap. So what has been happening across the country is there have been assumptions made about, "Well, we'll do X, Y or Z," but it has been in the absence of hard data. We are doing some work with Wollongong university, and we have actually just gone out and called for expressions of interest for some of our firefighters to look at things like metabolic heat.

One of the issues we face in this area is we can put better quality masks on—no issue at all and we can do that tomorrow. But the problem is some of the masks bring with them—once people are working in the bush for 12 hours in a day, that brings other issues like metabolic heat rise and obviously bringing heat stress. So the concern we have is that if we suddenly just react and throw another mask on, it might create another problem whilst you are trying to fix one. We have consultative committees with our volunteer firefighters. We are talking with other agencies. We are doing this research. We will share that with Fire and Rescue as well, that research, to make sure that we all have the benefit of the best research to ensure that our firefighters get the best possible protection.

The commitment I have made to our organisation is that there are a number of research topics that are going to take some time to do. But what we will do is have an interim solution for the next fire season that will basically say, "In these circumstances, here is a better quality mask." The P2 masks that we provide them still do meet the Australian standard, but we recognise that people did not feel in some cases they were provided the right support, particularly when things other than natural bush are burning—like cars, tyres, homes. Those masks are not necessarily the best protection. So it is a complex body of work. We have certainly got a lot of work in train now, and we will have an interim solution, but I think it is going to be some time to get a final solution.

**The Hon. ROSE JACKSON:** The final solution will take some years even you think to conclude the research to fill the gaps?

**Commissioner ROGERS:** It would take some time. I am not sure if it will be years, but it will take some studies. So things like putting monitors on people to get the actual things that they are experiencing, carbon monoxide monitors—so there is a whole suite of things that the hygienists and the group are working on and recommending. But certainly this research deficit, we will be relying on external partners. Luckily we have the University of Wollongong that is going to do some significant work, but there will still be a number of things. If we can link it into what universities are already doing, hopefully we will get that truncated. If it becomes new bodies of research, then that time potentially is years.

**The Hon. ROSE JACKSON:** For the bushfire season that is going to commence at some point in the second half of this year, we can expect that RFS volunteers will have access to other better masks than P2 masks? That is an expectation that is not unreasonable?

**Commissioner ROGERS:** Yes.

**The Hon. ROSE JACKSON:** Excellent. I want to clarify—obviously we had the massive injection of funding into the Rural Fire Service via the Celeste Barber donation and all of the subsequent litigation around that. It was a commitment that was given that that donation would be strictly in addition to government funding of the RFS and that there would not be any commensurate reduction in government funding because Celeste Barber had raised \$50 million for you guys. Is that what has occurred? Has there been any reduction in government funding for the RFS because of that donation?

**Commissioner ROGERS:** No, absolutely not. In fact, the RFS has a significant budget increase post the fires. The Minister and the Premier made it very clear that that money was to be used on top of what we would normally allocate instead of replacing it, and that has exactly been the case. So our commitment financially to all the normal allocations we do for protective equipment, uniforms, all of those things still stands, and that money—for example, one of the things that that money is being spent on is a new generation of helmets that we are in the process of rolling out at the moment. We would have ultimately replaced those helmets, but this has allowed us to accelerate them and get those helmets out to people quicker, which is a better helmet for our firefighters. We

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are very much focused on things that are going to make life better for firefighters. In my view, it is a once-in-a-generation opportunity to change a whole lot of things to make our service better but also the volunteers who are in it, a better experience for them.

**The Hon. ROSE JACKSON:** Thanks, Commissioner. Commissioner Baxter, are Fire and Rescue NSW firefighters being used as a stopgap for paramedics when they are unable to attend calls?

**Commissioner BAXTER:** No, they are not being used as a stopgap, but they are used in addition to paramedics. There is a number of different programs that we have underway where we assist NSW Ambulance. The first one is our community first response program, which is in locations where there are no ambulance resources immediately available. Those firefighters are trained to a high level of capability to be able to attend in the first instance any medical or trauma events, but in all cases either a road ambulance or aerial response would come from NSW Ambulance.

Fire and Rescue NSW has a long history of supporting other ambulance requests for assistance in all of our locations, and that can be from assisting to lift patients out of awkward locations; it can be to move people out of high-rise buildings where they cannot be transported down stairwells or lifts; or a myriad of other circumstances that occur. We will often, even as recently as last week, attend to medical events that occur when our resources are out and about in the community. As I said, last week a cardiac arrest occurred for a crew that was on a training evolution where they used their skills, their training and our equipment, as far as advisory defibrillators and resuscitation equipment, to save a life.

**The Hon. ROSE JACKSON:** Are you aware, though, of concerns around there being a lack of clarity or clear protocols in relation to how paramedics and Fire and Rescue perhaps jointly respond to events and, for example, Fire and Rescue turning up before paramedics have arrived and having to deal with complex medical emergencies for which they are not properly trained? Are you aware of those concerns?

**Commissioner BAXTER:** Our people will deal with those every day as a matter of their normal responses, for example, to a motor vehicle crash where they might be attending first to serious injuries and will always do their best to support the injured person or medical person, as the example I just described earlier, because it saves lives.

**The Hon. ROSE JACKSON:** Of course.

**Commissioner BAXTER:** I am not sure that there is a lack of clarity. Our people are trained by NSW Ambulance paramedics to deliver the type of care which is clearly stipulated within our operating protocols and should not go beyond that. As I discussed with the Community First Responder, those protocols go an awful lot further and those protocols are well understood by the firefighters who do that, because they are in some cases administering medications.

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

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

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

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

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

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

**The Hon. ROSE JACKSON:** How many flood rescues did SES conduct?

**Commissioner YORK:** It conducted 197 during that period.

**The Hon. ROSE JACKSON:** Obviously when there are flood events or other emergency events, there can be a substantial number of people calling the SES. Are there enough staff to answer all those calls? Are you adequately resourced to deal with some of those volumes of requests that are coming in at those times?

**Commissioner YORK:** Yes. So there is a couple of ways that calls come in. There is 000, which goes to our emergency service agencies who have permanent staff, as well as the calls that come in to 132 500. We have a surge capacity. We have got a contract with a private recruitment or private body that provides resources

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for us. During this COVID period it was really successful to see that they could not all come in and we could increase our capacity because we put into account remote call-taking as well. Not only did some come into the building but they were able to do it from remote locations and take calls and activate our resources out to those calls.

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

**Commissioner FULLER:** For which activity, sorry?

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

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

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

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

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

**Commissioner FULLER:** But then there is a lot of subpoena-type matters that we do use Crown Sols and other internal lawyers for. And Office of the General Counsel [OGC] itself does a lot of internal work.

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

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

**Mr DAVID SHOEBRIDGE:** I think the question was not about you personally, was it?

**The Hon. ROSE JACKSON:** No, not you personally. Sorry, New South Wales police.

**Commissioner FULLER:** No, I accept what you were saying. It was not like a—I understand.

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

**Commissioner FULLER:** Sorry?

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

**Commissioner FULLER:** Absolutely.

**The Hon. ROSE JACKSON:** Yes, thank you. That is fine.

**The Hon. ANTHONY D'ADAM:** Commissioner Baxter, how many new NSW Fire and Rescue firefighters do we currently have?

**Commissioner BAXTER:** I think the number is in the order of—sorry, what firefighters did you say?

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

**Commissioner BAXTER:** We have got several different workforces. We have our permanent firefighters. We have on-call firefighters and—

**The Hon. ANTHONY D'ADAM:** Yes, if you want to give me figures for permanent, retained and operational support divisions.

**Commissioner BAXTER:** Our current establishment number of full-time firefighters is 3,463.

**The Hon. ANTHONY D'ADAM:** That is permanent full-time firefighters?

**Commissioner BAXTER:** Yes.

**The Hon. ANTHONY D'ADAM:** Retained firefighters?

**Commissioner BAXTER:** Retained firefighters is 3,798.

**The Hon. ANTHONY D'ADAM:** Of those two figures, how many are actually people?

**Commissioner BAXTER:** That is establishment.

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**The Hon. ANTHONY D'ADAM:** That is establishment numbers. How many of those positions are actually filled?

**Commissioner BAXTER:** The headcount for permanent firefighters, which is actual people, is 3,445.

**The Hon. ANTHONY D'ADAM:** It is slightly separate, is it not? The headcount and the actual number of positions filled is slightly different, is it not?

**Commissioner BAXTER:** That is right. We currently have more real people, if you like, than establishment positions, but that is quite often the case to manage the ebb and flow of recruitment, retirements and resignations.

**The Hon. ANTHONY D'ADAM:** Can I ask you about safe and effective minimum crewing for Fire and Rescue?

**Mr DAVID SHOEBRIDGE:** Have you almost finished this line of inquiry?

**The Hon. ANTHONY D'ADAM:** I am. Just one more question after this. It is currently a minimum of four in a fire truck, is it not?

**Commissioner BAXTER:** No, we have some instances where a fire truck will have two.

**The Hon. ANTHONY D'ADAM:** Right. Can you explain that situation?

**Commissioner BAXTER:** Because they are different types of appliances and they have different staff requirements.

**The Hon. ANTHONY D'ADAM:** Can those appliances do the same things as a—

**Commissioner BAXTER:** No, we are talking about different specialist appliances like—

**The Hon. ANTHONY D'ADAM:** Different specialist appliances.

**Commissioner BAXTER:** —aerial appliances, hazardous materials appliances, technical rescue vehicles, bushfire tankers—yes, the list goes on.

**The Hon. ANTHONY D'ADAM:** Does that mean that those appliances are not available to fight structural fires, for example?

**Commissioner BAXTER:** No, all of our appliances are available to fight structure fires and we have safe minimum numbers that we operate with in terms of interior fire attack, which is always a minimum of four people on scene. How they get there will depend on what appliance is available at the time and what appliance is a respondent to that particular incident.

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

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

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

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

**Mr DAVID SHOEBRIDGE:** I think we may be cutting across each other, but—

**The Hon. TREVOR KHAN:** I thought you guys coordinated.

**The Hon. ROSE JACKSON:** I do not know his questions.

**Mr DAVID SHOEBRIDGE:** I may not have listened—

**Commissioner FULLER:** I could kill two birds with one stone if I—

**Mr DAVID SHOEBRIDGE:** If the same questions can be answered in one, then by all means.

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

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

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

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

**Commissioner FULLER:** Yes. External lawyers?

**Mr DAVID SHOEBRIDGE:** —of external lawyers.

**Commissioner FULLER:** Yes.

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

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

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

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

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

**The Hon. TREVOR KHAN:** Yes, sure.

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

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

**Mr DAVID SHOEBRIDGE:** Commissioner Fuller, did you have any communications with either your Minister or any other Government member when the proposal to bring forward drug law reforms arising out of the ice inquiry was floated at the end of last year?

**Commissioner FULLER:** Could you ask that one more time?

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

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

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

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

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

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

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

**Commissioner FULLER:** Yes.

**Mr DAVID SHOEBRIDGE:** There was a substantial amount of public commentary about it at the time. Do you recall that?

**Commissioner FULLER:** The first I had heard of that was in the media.

**Mr DAVID SHOEBRIDGE:** Alright. Did you have any communication with your Minister about the issue of depenalisation at that time?

**Commissioner FULLER:** Not until it was in the media.

**Mr DAVID SHOEBRIDGE:** After it was in the media, what, if any, communications did you have with your Minister about it?

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

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

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

**Mr DAVID SHOEBRIDGE:** But your position—

**Commissioner FULLER:** This was 12 or 18 months ago, but it was my position.

**Mr DAVID SHOEBRIDGE:** The discussion you had with the Minister was at the end of last year when you reiterated the police position that in relation to certain possession charges you would prefer a—

**Commissioner FULLER:** That was after the media, I will not say "leak", but the media interest in the decriminalisation.

**Mr DAVID SHOEBRIDGE:** Yes, and you reiterated the police's position.

**Commissioner FULLER:** I reiterated that my response to the ice inquiry has not changed.

**Mr DAVID SHOEBRIDGE:** And that remains your position now?

**Commissioner FULLER:** Absolutely.

**Mr DAVID SHOEBRIDGE:** Commissioner, there has been an ongoing saga involving the theft of Jeff Loy's car outside his house. I think it was on 19 April or so 2020. You would be aware of that? I will call it a saga, you do not have to adopt that characterisation.

**Commissioner FULLER:** No, I do not think it is a saga, but I am all ears.

**Mr DAVID SHOEBRIDGE:** Does the NSW Police Force now accept the fact that his vehicle was not parked on private property? Is that now the position of the New South Wales police?

**Commissioner FULLER:** The New South Wales police commissioner's position was that it was on public property. I counselled Mr Loy, and that is in public record.

**Mr DAVID SHOEBRIDGE:** The initial statements from the NSW Police Force asserted that it was parked on Deputy Commissioner Loy's driveway and not on public property, and that is why charges were not preferred. When I say "charges", I think it was an infringement that was not proceeded with. Is that still the case?

**Commissioner FULLER:** From my perspective, and he was counselled. He is a 40-year decorated veteran and he was counselled by me over it, and that was leaving his car unlocked in a public place. I took that approach to it, I think, a week after the incident. I believe that there was a media release that was inaccurate and we righted that in the press when we were identified. But the New South Wales police commissioner took action against him for what was a minor matter versus 40 years of outstanding service to the people of New South Wales.

**Mr DAVID SHOEBRIDGE:** So was that the decision that was made? Even though, on the face of it, it is an infringement of the traffic laws to leave your vehicle unlocked in a road or a road-related area. Was the decision not to refer the infringement notice based upon his career? Was that the rationale?

**Commissioner FULLER:** No, the officers made a decision. That comes with the oath of office, that officers can make decisions to use discretion. They were not put under any pressure by me to give a ticket or not to give a ticket. Irrelevant to that, I felt it was important from a community perspective, that I counsel him over it. That was done and I am on the record saying that very early in the piece. That may have conflicted with a media release, but the reality is that it also conflicted with my actions.

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

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

**Mr DAVID SHOEBRIDGE:** Commissioner Baxter, have you been engaged with Project Remediate?

**Commissioner BAXTER:** No.

**Mr DAVID SHOEBRIDGE:** Are you aware of Project Remediate, which is the New South Wales Government's somewhat slow to be rolled out response to flammable cladding?

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**Commissioner BAXTER:** We are represented on the New South Wales Government's cladding task force. We are also represented on the newly formed new products group. I cannot recall what it is called, but that has a name as well. So we have been engaged all the way along.

**Mr DAVID SHOEBRIDGE:** Those at least, if you follow Minister Anderson's line of logic, all come from Project Remediate, but you were not aware that they come under Project Remediate.

**Commissioner BAXTER:** Yes, sorry, the subgroup of remediate that we are involved with is the Cladding Products Safety Panel.

**Mr DAVID SHOEBRIDGE:** Are you aware of how many current high-risk buildings there are in New South Wales that have flammable cladding and are high-risk because they contain flammable cladding?

**Commissioner BAXTER:** Yes, the current amount when I checked earlier this week from the task force website was 375 on 4 February.

**Mr DAVID SHOEBRIDGE:** And how many of those are high-rise residential?

**Commissioner BAXTER:** Whether they are high-rise or not I cannot tell you, but whether they are a class 2 building, which is an accommodation building, 217

**Mr DAVID SHOEBRIDGE:** Which is high-rise residential?

**Commissioner BAXTER:** Yes.

**Mr DAVID SHOEBRIDGE:** Are you aware that the Government's policy agenda under project remediate, which includes those two subcommittees you spoke about, are only addressing the 217 class 2 buildings. Are you aware of that, Commissioner?

**Commissioner BAXTER:** Well, they are being addressed as a priority. The rest of the buildings where we have felt that there is a fire risk or any other kind of safety item, we are providing consistent and ongoing advice to the building consent authorities or the councils. In that regard we have visited and undertaken more than 4,000 site visits, with 7,300 inspections. But we are prioritising the work on the class 2 because they are the ones that present the most risk.

**Mr DAVID SHOEBRIDGE:** Is there a plan to get the, on my numbers, about 158 other buildings that are identified as high risk because they have cladding, but are not class 2 buildings—is there a plan on how to remediate those?

**Commissioner BAXTER:** There will be individual plans with each of the building consent authority. As I said, we provide ongoing advice to the building consent authority where we have concerns with each one of those buildings. There have been many reports provided.

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

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

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

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

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

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

**Mr DAVID SHOEBRIDGE:** That concludes my questions.

**The Hon. ANTHONY D'ADAM:** Commissioner Fuller, you would be aware of a recent shooting that went through a window at Auburn Hospital? You are aware of that, I am sure

**Commissioner FULLER:** Absolutely.

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

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

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

**Commissioner FULLER:** Can I take that on notice?

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

**The Hon. ROSE JACKSON:** I will ask about highway patrol.

**Commissioner FULLER:** I can't get you out of a ticket, I'm sorry.

**The Hon. ROSE JACKSON:** Don't worry about that, I am not like the Minister for Police.

**Commissioner FULLER:** That is too soon.

**The Hon. ROSE JACKSON:** I am tired.

**Mr DAVID SHOEBRIDGE:** Nor are you armed with a submachine gun.

**The Hon. ROSE JACKSON:** I understand, commissioner, that last year when we asked about highway patrol, you mentioned a Deloitte review into highway patrol.

**Commissioner FULLER:** Yes.

**The Hon. ROSE JACKSON:** Has that review been completed?

**Commissioner FULLER:** It had, and there was discussion around reversing the centralisation of the highway patrol, which I did not accept. We did make some other significant structural changes, including upgrading a number of senior sergeants to inspector positions to create better supervision in the field for officers and to support officers. So there was a big piece of change management that occurred, and that was really well driven by Assistant Commissioner Webb and Deputy Commissioner Loy. We have seen a number of new senior positions created. Women have gone into many of those positions, continuing to drive cultural change.

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

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

**The Hon. ROSE JACKSON:** I think though you mentioned some discussion in the report about reversing the centralisation. Was that a recommendation of the report that you did not accept?

**Commissioner FULLER:** Well, I got to a point where we were looking at keeping it centralised. Part of the re-engineering was recognising regional New South Wales is a slightly different model of service delivery. We moved to districts and back to the old officer-in-charge model. It is not quite the same as what it was but it is really about having an officer who the local community knows is in charge. That sort of decentralised model—the highway patrol could have been a better fit by decentralising. But having two different types of command and control set, the deputies and I were not comfortable with that. So we made a decision rather than to decentralise regional New South Wales and keep the city centralised under the Huntingwood model, we would just make a greater investment in terms of supervision, rank and some other changes.

**The Hon. ROSE JACKSON:** Anyway, you have taken on notice whether it might be publicly available. I wanted to ask about user-pays contributions. When a user-pay arrangement is made between a local area commander and an event, where does that money go? Does that go into that local area command or into some central pot?

**Commissioner FULLER:** The money goes a couple of different ways. It goes into the pocket of officers who are working on their days off, and that is great for them. Part of it does go back into the command, into an



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actual line item. Treasury obviously monitor that and in theory they can offset funding to us, depending on what our income is around user pays. During 2020 that really did fall off a cliff because of obvious reasons.

**The Hon. ROSE JACKSON:** That perhaps leads to my next question. How much discretion is at the local area commander level? Because in Operation ca there was some discussion about the local area commander increasing user-pays contributions quite substantially, and there was a suggestion that for some local festival in that area the user-pays contribution was increased from \$2,000 in 2014 to \$70,000 in 2019. Now it may be that that increase was necessary, but I suppose there are questions about how those things are determined.

**Commissioner FULLER:** It is determined through a debate by the organisers and the police commander. I can tell you this, when the organisers are unhappy they write to me immediately and they ask for a dispensation. For things like the Easter Show and other big events, we do that. We often give a 50 per cent discount. There are often country shows where we endeavour—particularly if they are in difficulty—not to charge them. But again there are processes in place for people to appeal those sorts of decisions. I have been a commander for many, many years, and all this is done through negotiation. But I would say if you have someone out there that feels as though they are being over-policed in user pays, please send it to me or get them to write to me.

**The Hon. ROSE JACKSON:** So the process is determined at the local level but there is a sort of appeal process to you?

**Commissioner FULLER:** Absolutely.

**The Hon. ROSE JACKSON:** And to the extent that, for example, the Easter Show or major events, maybe there is some discounting or—

**Commissioner FULLER:** For the Easter Show this year we are doing our best to minimise it because they are struggling. Everyone is struggling and we get that. So we are doing everything we can. Now I cannot do that forever, but we are doing our best to minimise user pays at the moment, understanding that people are under pressure. We do not want the Easter Show to stop happening, or the local country shows.

**The Hon. ROSE JACKSON:** No. You can take it up with my nine-year-old; she is much more fearsome than me.

**The Hon. ROSE JACKSON:** Does the New South Wales Government reimburse the police for that? For example, as you said, you are trying to be understanding about that major events, you are wearing those costs in a way. Is that then just absorbed within the budget?

**Commissioner FULLER:** It is fairly consistent in a sense that the user-pay events—whether it is sporting events or the big shows and the festivals—they are fairly consistent, to be honest with you. That flow of money—taking COVID out—is reasonably consistent. When it is not consistent, it is more around the heavy transport and the big wind farm-type of activities. You might get one year where it—but we can forecast that, and we do.

**Mr DAVID SHOEBRIDGE:** I am certain you have more questions Ms Jackson. But unfortunately the time for questions has concluded. Further questions from both of us will have to go on notice. Commissioners and others, thank you for your assistance today. A number of questions have been taken on notice. You will have 21 days to provide those answers to questions on notice. That concludes today's hearing.

(The witnesses withdrew.)

**The Committee proceeded to deliberate.**