

**Budget Estimates 2020-21 – Friday 29 October 2021**

**Portfolio Committee No. 5 – Legal Affairs**

**Police and Emergency Services**

**Responses to Questions on Notice**

**Question (page 36-37 of transcript)**

**The Hon. MARK BUTTIGIEG:** Okay. Can I ask you, Minister, how much money is being saved from the TOLing process of fire stations over the past, say, 18 months? Do we have an idea of the budgetary savings?

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

**ANSWER:**

Fire and Rescue NSW systems are designed to support resourcing and operational decision making but do not quantify the financial implications of such processes. The requested figures would require onerous manual research and calculation of each occasion which is not an appropriate use of resources.

**Question (page 37 of transcript)**

**The Hon. MARK BUTTIGIEG:** Sure, okay. Is it correct to say that the hypothecation of those savings was supposed to be towards fire prevention initiatives? Would that be right?

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

**The Hon. MARK BUTTIGIEG:** Can the commissioner enlighten us as to that?

**Mr DAVID ELLIOTT:** Commissioner, do you have an answer for that, or shall we just leave it on notice?

**The Hon. ADAM SEARLE:** I think that is known as a leading question.

**Commissioner BAXTER:** The first part of the question or the second part of the question?

**Mr DAVID ELLIOTT:** Both, actually.

**Commissioner BAXTER:** In terms of redirection of funds, I am not sure that is the case. Our personnel budget is our personnel budget, which we like to try and use as effectively and efficiently as possible. It would obviously be used in any of our activities necessary. With regard to the second part of the question, I think it would probably be best to do some research and take that on notice.

**The Hon. MARK BUTTIGIEG:** Okay, so we actually do not know whether or not it is supposed to be allocated towards fire prevention initiatives. You will take that on notice.

**ANSWER:**

TOLing is an operational procedure and financial costs are not considered in the decision-making process. Any savings from TOLing is not quantified for allocation toward fire prevention initiatives. When an appliance is TOLed any firefighters not deployed to other appliances can be assigned non-operational duties like home safety visits and other fire prevention activities.

**Question (page 40 of transcript)**

**Mr DAVID SHOEBRIDGE:** Having drafted the code and put it out there, do you have any role in monitoring how it is actually being used in practice?

**Commissioner ROGERS:** Certainly if we get community feedback, we would obviously collate that and we would make the Minister aware of that, but we have not had anything to my knowledge at this time. I will take it on notice just to ensure that there are not things that I am not aware of.

**ANSWER:**

The Rural Boundary Clearing Code is a self-assessment tool for landholders.

**Question (page 42 of transcript)**

**Mr DAVID SHOEBRIDGE:** Thanks. Commissioner Baxter, can you tell me what the legal expenses and related costs incurred by Fire and Rescue NSW have been to date in relation to the matters of John and David Arnot and Fire and Rescue NSW in the NSW Industrial Relations Commission [IRC]? To assist, the matters numbers are 6132 and 6150 of 2020 and 0917 of 2021. Do you know what the cost to date has been?

**Commissioner BAXTER:** I am aware of those proceedings. I do not have those figures to hand, but I would be happy to take that on notice.

**ANSWER:**

Fire and Rescue NSW has not incurred any expense because of the Industrial Relations Commission action involving John and David Arnot. Legal expenses are paid for by our insurer, iCare.

**Question (page 43 of transcript)**

**Mr DAVID SHOEBRIDGE:** Can you also advise what the cost of the two investigation reports undertaken by Mr Dave Madden—I think it was in June 2019—were in relation to the allegations against John and David Arnot?

**Commissioner BAXTER:** Yes. I would have to do that on notice too, Mr Shoebridge.

**ANSWER:**

The total cost of two independent investigations completed by Dave Madden is \$59,531.81. This comprises assessment inquiries totalling \$11,554.37 and disciplinary investigation (2 respondents) totalling \$47,977.44.

**Question (page 43 of transcript)**

**Mr DAVID SHOEBRIDGE:** Can you also advise what the legal expenses incurred by Fire and Rescue NSW have been in the Ken Maxwell matter? For assistance, I think that is matter 1024 of 2020 in the NSW IRC.

**Commissioner BAXTER:** Yes, we will do that.

**ANSWER:**

Fire and Rescue NSW has not incurred any expense because of the Industrial Relations Commission action involving Mr Maxwell. Legal expenses are paid for by our insurer, iCare.

**Question (page 43 of transcript)**

**Mr DAVID SHOEBRIDGE:** And then, the Andrew Fraser matter—that is, again, in the IRC. It is 2009 and it is matter number 4133—the last four digits of those IRC proceedings. Can you give those too?

**Commissioner BAXTER:** Yes, we can do that.

**ANSWER:**

Fire and Rescue NSW has not incurred any expense because of the Industrial Relations Commission action involving Mr Fraser. Legal expenses are paid for by our insurer, iCare.

**Question (page 43 of transcript)**

**Mr DAVID SHOEBRIDGE:** In providing those answers, can you confirm whether or not the advice previously provided to Parliament on 18 March this year that said legal expenses for Fire and Rescue NSW for the period from 1 July 2016 to 8 March 2022 had been just \$156,334—can you confirm whether or not that answer was actually correct?

**Commissioner BAXTER:** Yes, we will do that.

**ANSWER:**

I refer to the original response provided to Question on Notice 5395 (1)(d) as tabled to the Legislative Assembly.

**Question (page 44-45 of transcript)**

**The Hon. MARK BUTTIGIEG:** Can I ask you, Minister or Commissioner—that response time. When was that removed? You referred to it in one of your earlier answers that it was removed. Can I ask when that happened?

**Commissioner BAXTER:** My understanding is some time, but I can come back to you on notice with the exact year. It has not been in place since I have been here, and I have been in the role since early 2017.

**ANSWER:**

This has not been referenced in a Fire and Rescue NSW Annual Report since 2002-03 and was replaced with a nationally agreed universal reporting structure that measures the 50th and 90th percentile response times to structural fires.

## POLICE

### Page 2 and 3 of Transcript

**The Hon. WALT SECORD:** You would be familiar with Interpol. Have New South Wales or Federal authorities issued a red, yellow, blue, black or green notice?

**Commissioner FULLER:** My understanding is all the notices have been applied for but I will take on notice the exact position in terms of where Interpol is at, to date.

**The Hon. WALT SECORD:** This morning I took the liberty of checking on the Interpol website. There are about 15 Australians who are on international search at the moment. There still is not anything on the red, yellow, blue, black, green, orange, purple notices that are issued. Do you think that is an oversight?

**Commissioner FULLER:** It is my understanding that, like all things unfortunately, there is a bureaucratic process that has to be followed and that we have asked through our Federal partners who are responsible for making those requests and that is all in train. But certainly I would have hoped that that would have happened by now. But we will certainly take on notice, as of this time and date, where exactly that is up to.

#### **ANSWER:**

Prior to the recapture of Mostafa Baluch on 10 November 2021, arrest warrants for him were issued.

A Blue Notice was issued for all Australian Law Enforcement agencies to arrest Mostafa Baluch for the outstanding warrant. A Red Notice was sought as a matter of priority and was going to be issued at a suitable time.

The Passenger Analysis Clearance and Evacuation (PACE) System Alert was in place for Mostafa Baluch and his family. Every State and Federal agency were looking for Mostafa Baluch with searches of premises being conducted across NSW, SA and Victoria. It was suspected that Mostafa Baluch remained onshore

## Page 3 of Transcript

**The Hon. WALT SECORD:** Are you confident that the police did everything that they should have in the court to present the case that he was a flight risk; that he was cashed up; that he would have the means—

**Mr DAVID ELLIOTT:** From what I understand from the police last Friday, the police made it very, very clear and, obviously, this guy did not come in as a clean skin. I mean, he already had criminal convictions but I would have to take on notice exactly what the arguments by the police were to the magistrate. I can take that on notice and we can provide that to you.

### **ANSWER:**

The NSW Police Force provided full details addressing all issues to the prosecutors from the Commonwealth Office of Director of Public Prosecutions (ODPP).

The Fact Sheet ran to 46 pages without full ANOM transcripts.

Issues around the facts of the investigation included:

- the allegation that the importation was for 900kg;
- that Mostafa Baluch was part of an organised criminal group;
- that Mostafa Baluch had access to \$30 million cash; and
- criminal antecedents of previous serious drug convictions.

## Page 5 of Transcript

**The Hon. WALT SECORD:** How many police officers do we actually have on—what did you entitle it? Strike Force Raptor?

**Mr DAVID ELLIOTT:** I can answer that. It is important because the Government increased police numbers by 1,500 over this parliamentary term, and I think the commissioner has already redirected 115 back to Raptor. They have got over 6,000 arrests since it was established.

**Commissioner FULLER:** Raptor was a unit that used to sit within Criminal Groups. In March this year, as a result of escalating crime, we made Raptor a standalone unit within the State Crime Command, with its individual superintendent and management team. By 1 July next year, that unit will be up over 130 positions. We have put additional positions into Organised Crime, into the robbery unit and into mid-level crime right across Sydney and, in fact, New South Wales. I would be happy, on notice, to provide the list and the expansion of numbers in the different squads. Maybe I will do it yearly for you, in terms of the expansion.

**ANSWER:**

As part of the 1,500 additional police, the NSW Police Force's State Crime Command received a total of 48 new positions across five crime Squads (in the third-year allocation).

These included:

- SCC Child Abuse and Sex Crimes Squad (10 positions)
- SCC Crime Operations (2 positions)
- SCC Robbery and Serious Crime Squad (6 positions)
- SCC Criminal Groups Squad (10 positions)
- SCC Raptor Squad (20 positions)

## Page 6 of Transcript

**The Hon. WALT SECORD:** So why in the last graduation southern New South Wales and far North Coast New South Wales received no graduates, and there was public commentary in southern New South Wales that the local community leaders were angry that they were no new police officers. There were vacancies down there. There was a community need. Why were there no police officers sent to southern New South Wales?

**Commissioner FULLER:** If you could perhaps, on notice, let me know the actual district so I can give you an answer. It would be one of two things: that there actually weren't vacancies, for one; or, secondly, they had received a reasonable amount of probationary constables the intake before and there was a greater need in the city. We often find—particularly in metro, closer to the 2000 postcode—officers cannot afford to live in the city. Once they do their three years they do transfer out into regional New South Wales or greater metro, which does mean that often the new recruits do come into the areas near the CBD, because that is the area where we see vacancies most often, because of housing affordability.

**The Hon. WALT SECORD:** You have actually touched on something. Have you found that police officers are unable to actually afford to live in the areas that they are policing?

**Commissioner FULLER:** Particularly in the Sydney CBD. The reality is that if you live in Greater Sydney then you can drive to the eastern suburbs and you can drive to these places, and that is fine. But after three years, when you have done your tenure, if you can get closer to home then you could not blame officers for making that move. They are in driving distance to the command, in what is reasonable. But the reality is that after three years, many make the decision to take vacancies down south in beautiful areas of New South Wales. But if you do have a particular command, I can isolate the reason why.

**The Hon. WALT SECORD:** Okay. On notice, the Tweed on the North Coast.

**Commissioner FULLER:** Yes, done.

### **ANSWER:**

Tweed/Byron Police District has received six Probationary Constables to date in 2021, including two Probationary Constables allocated in August 2021.

Probationary Constables' placements take into consideration multiple factors. One of the major factors is the availability of vacant positions within the PAC/PD.

Both Tweed/Byron and South Coast PDs have very little issue in attracting officers to their Commands. They often fill vacancies via advertising for substantive Constables. Both PDs also have officers staying within the Commands for longer periods, often because of lifestyle, so fewer vacancies arise at these locations.

## Page 7 of Transcript

**The CHAIR:** You are talking about military-style weapons, which are very restricted—almost non-existent—in New South Wales. What is the process that determines a category A or B firearm that is legal and what is not legal when it comes to its appearance?

**Commissioner FULLER:** Unfortunately, my expert in this field, Mr Cook, fell over and snapped his ankle and he cannot be here. I am certainly not an expert in all aspects of it. I am happy to take that on notice.

**The CHAIR:** Can you take that on notice?

**Commissioner FULLER:** Absolutely.

### ANSWER:

The NSW Police Force's role is to ensure that responsible firearms possession and use is balanced with public safety. This includes appropriate controls on firearms for which the appearance may be additionally intimidating or threatening.

Firearms that can be possessed and used by a person with a Category A and B licence includes:

- air rifles;
- rimfire rifles (other than self-loading);
- shotguns (other than pump action, lever action or self-loading);
- shotgun/rimfire rifle combinations;
- muzzle-loading firearms (other than pistols);
- centre-fire rifles (other than self-loading);
- shotgun/centre-fire rifle combinations; and
- lever action shotguns with a magazine capacity of no more than five

rounds.

All prohibited firearms are excluded from these licence categories.

Schedule 1 of the *NSW Firearms Act 1996* contains what firearms are prohibited firearms. In relation to appearance-based controls, Item 7 of Schedule 1 applies. The legislation has been in its current version for a significant period of time. It is clear and provides the legislative substance upon which such determinations are made.



The methodology used by the NSW Police Force Forensic Ballistics Investigations Section is quite complex and technical and informed by multiple sources.

## Page 7 and 8 of Transcript

**The CHAIR:** This one is for the Firearms Registry. Maybe I will direct it to Mr Lindsay. Are you still there, Mr Lindsay?

**Mr LINDSAY:** Yes, I am.

**The CHAIR:** Do employees at the Firearms Registry receive customer service training?

**Mr LINDSAY:** I would have to take that on notice. We have not run customer service training since I started here in July. I am unsure if they had that kind of training previously.

**The CHAIR:** That is interesting.

**Mr DAVID SHOEBRIDGE:** That cannot be true, can it? That cannot be accurate. That you have a public-facing entity like that—it cannot be true.

**Commissioner FULLER:** There are two parts to this, Mr Borsak. One is obviously the people at the Police Assistance Line, who take most of the phone calls, as you know, who have received ongoing customer service. If we could take it on notice, we will deliver to you all of the things that have been done over my time in improving customer service in that space, including getting rid of the backlog, finally—as you would be aware

.....

**The CHAIR:** I am happy to hear about the backlog, but I am just on customer service at the moment. We can get to the backlog. I am quite happy to do that. Do employees know, when they begin employment with the Firearms Registry, that a large function of their role is dealing with the firearms community in a customer service capacity?

**Mr LINDSAY:** We do have an induction package for our adjudication officers when they start at the Firearms Registry, which contains components of customer service.

**The CHAIR:** Can you table that document?

**Mr LINDSAY:** Yes, I would have to take that on notice and provide that through that avenue.

### **ANSWER:**

All staff at the Firearms Registry need to complete an induction training package as part of onboarding. As part of the induction, staff are required to acknowledge, by signature, the Standards of Professional Conduct. The Standards require staff comply with all NSW Police Force policies and procedures relevant to their job, which is inclusive of the Customer Service

Charter that states every member of the NSW Police Force is responsible for delivering quality customer service.

Customer service is a key capability across all role descriptions at the Firearms Registry, with staff requiring an intermediate, adept or advanced level of customer service as an entry requirement to the role.

Customer Service Representatives at the Firearms Registry are provided with intensive customer service training as part of their induction with direct coaching and quality assurance measures in place, such as reviewing recorded calls and providing a self-assessment as to the quality of the responses. Ongoing coaching, mentoring and training are provided via one-on-one sessions, peer review, and in team meetings.

PoliceLink Firearms Registry Customer Service representatives provide first point customer service for the Firearms Registry through the 1300 362 562 phone line. There is a strong focus on customer service from the outset and customer satisfaction as first call resolution is part of the mission statement within PoliceLink.

**Page 8 of Transcript**

**The CHAIR:** I am aware that the Firearms Registry used to have published key performance indicators [KPIs], but I do not think they are being made available at the moment. Does the registry have KPIs or equivalents that are being prepared if not necessarily being published on the website anymore?

**Mr LINDSAY:** Yes, we do have KPIs. As part of our realignment within the registry, we are currently in a transition period into a realign structure, there are KPIs being developed and implemented across all categories of business that we are currently undertaking.

**The CHAIR:** Can we get copies of those and the current reading on those KPIs, please?

**Commissioner FULLER:** You will be impressed.

**The CHAIR:** I am always impressed. Are the KPIs being achieved, or were they being achieved? Are things getting better? I have not been able to get up to date on that.

**Commissioner FULLER:** The backlog was unacceptable and I was unhappy with it. I know equally were you for some time. The efforts of Mr Hudson, Mr Cook and Mr Lindsay have seen that backlog reduced significantly. There is not a backlog now in terms of fresh applications. The by-product of that, of course, is that anyone who was not successful in getting a licence and has appealed, there is a small backlog in those reviews. That really is a by-product of the activity of getting rid of the backlog in fresh applications. I can ask Mr Lindsay to give those to you now or, if you wanted to save time, we can take that on notice.

**ANSWER:**

The Firearms Registry structural realignment was recently completed in November 2021, with recruitment action currently underway. The KPIs have recently been finalised with the assistance of the Business Improvement team. As such, the KPI analysis is in its infancy.

Activity Type	#Days to complete
CRM cases	14
CRM emails	14
Dealers and armourers	28
Internal reviews	21
Permit	28
PTA	28
Validation Gun Safe - renewal, new application, add Cat G/R	7
Validation paper renewal, new application, add Cat G/R, minor permit	7

**Page 9 of Transcript**

**The CHAIR:** Just a quick one—and you probably will not be able to answer this, but maybe take it on notice—of those internal reviews that you are going through the process of finalising, again from 2017 to 2020—or even right up to 2021—how many of those internal reviews were resolved in favour of the applicant? That is what I would like to know. I very rarely hear of anyone getting a favourable application through from the registry in terms of internal review. I do not expect you to answer that off the top of your head.

**Commissioner FULLER:** I do not have that. We will have that data taken on notice.

**ANSWER:**

<b>Year</b>	<b>Total internal reviews</b>	<b># set aside (found in favour of applicant)</b>	<b>% set aside</b>
FY17/18	352	100	28%
FY18 /19	390	106	27%
FY19/20:	445	108	24%
FY20/21:	423	88	21%
FY21-12/11/21	85	19	22%

**Page 9 of Transcript**

**Mr DAVID SHOEBRIDGE:** What volume of drugs and were police manufacturing and selling under the program uncovered by the strike force Operation Dominion?

**Commissioner FULLER:** Can you say the question again?

**Mr DAVID SHOEBRIDGE:** What volume of drugs and what types of drugs were police involved in manufacturing and selling in the operation that was uncovered by the strike force Operation Dominion?

**Commissioner FULLER:** I would have to take that on notice, but I was not made aware of police selling any drugs. I am aware that there has been a significant investigation into the conduct of officers in relation to that, but I would have to take on notice the proposition that police were selling drugs.

**ANSWER:**

As this matter is currently under investigation by the NSW Police Force and is subject to a number of suppression orders and Public Interest Immunity, it is inappropriate to provide any comments at this point in time.

**Page 9 of Transcript**

**Mr DAVID SHOEBRIDGE:** Did police create a drugs syndicate and manufacture drugs to entrap criminals? Was that what the Drug Squad were involved in?

**Commissioner FULLER:** Again, I believe that matter is certainly under investigation and I am happy to take on notice what the outcome of that was. I believe it is still running, but I am happy to take on notice what the actual outcome of the alleged illegal activity was.

**ANSWER:**

As this matter is currently under investigation by the NSW Police Force and is subject to a number of suppression orders and Public Interest Immunity, it is inappropriate to provide any comments at this point in time.

**Page 9 of Transcript**

**Mr DAVID SHOEBRIDGE:** The raid was on 2 July last year. Surely you have had an update since then to find out if police under your command were, as was widely reported at the time, manufacturing drugs and, indeed, had created a drugs syndicate to entrap criminals. You have surely got an update since 2 July last year?

**Commissioner FULLER:** Police were not manufacturing drugs, for a start. The terms of the investigation, again, I will have to get an update on.

**ANSWER:**

As this matter is currently under investigation by the NSW Police Force and is subject to a number of suppression orders and Public Interest Immunity, it is inappropriate to provide any comments at this point in time.

**Page 9 of Transcript**

**Mr DAVID SHOEBRIDGE:** Have any police been charged—

**Commissioner FULLER:** Again, I know there were—

**Mr DAVID SHOEBRIDGE:** —as a result of a strike force called Operation Dominion?

**Commissioner FULLER:** There were two primary officers that were under investigation for either departmental or criminal behaviour, but I will have to get an update in terms of the outcome of that.

**ANSWER:**

As this matter is currently under investigation by the NSW Police Force and is subject to a number of suppression orders and Public Interest Immunity, it is inappropriate to provide any comments at this point in time.

**Page 9 of Transcript**

**Mr DAVID SHOEBRIDGE:** Have you referred the matter to the Law Enforcement Conduct Commission [LECC]? If so, what has happened?

**Commissioner FULLER:** By the nature of them being under investigation, LECC gets access to the complaint immediately. Again, I cannot provide any more light on that matter other than to say my memory is that there were two primary officers who were suspected of departmental or criminal behaviour. There was a Part 8A investigation into that. They are all oversighted by LECC. I cannot be sure of what involvement LECC have or have not played in it, but I can certainly take all that on notice

**ANSWER:**

As this matter is currently under investigation by the NSW Police Force and is subject to a number of suppression orders and Public Interest Immunity, it is inappropriate to provide any comments at this point in time.

**Page 9 and 10 of Transcript**

**Mr DAVID SHOEBRIDGE:** Has the Professional Standards Command undertaken an investigation?

**Commissioner FULLER:** I think I have been clear that there was an investigation into at least two officers for departmental or criminal behaviour. I do not have the answer in terms of what comes next, but I can take that on notice.

**Mr DAVID SHOEBRIDGE:** Minister, you must have been troubled to hear that Drug Squad officers had had their homes raided and that indeed there was a strike force Operation Dominion in place that raided the police homes and commenced an investigation into the allegation that police had created a drugs syndicate and manufactured drugs to entrap criminals. That happened on 2 July last year. What updates have you sought?

.....  
**Mr DAVID ELLIOTT:** Not in a public forum. I am not going to be discussing these matters in a public forum. The Commissioner has told you that it is going to go on notice. We will make sure it goes on notice and we will be providing information that can be provided, that can be put into the public domain, but I am certainly not going to provide a running commentary on this matter.

**ANSWER:**

As this matter is currently under investigation by the NSW Police Force and is subject to a number of suppression orders and Public Interest Immunity, it is inappropriate to provide any comments at this point in time.



**Page 10 of Transcript**

**Mr DAVID SHOEBRIDGE:** Commissioner, how many police are on strike force called Operation Dominion?

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

**Mr DAVID SHOEBRIDGE:** Is that strike force investigating only those two police whose homes they raided, or is the strike force looking more broadly at the activities of the Drug Squad?

**Commissioner FULLER:** I would hope that they are looking more broadly at any involved officer. Again, I will take that on notice.

**Mr DAVID SHOEBRIDGE:** If you have the terms of reference of Strike Force Dominion, will you provide that on notice?

**Commissioner FULLER:** Yes

**ANSWER:**

As this matter is currently under investigation by the NSW Police Force and is subject to a number of suppression orders and Public Interest Immunity, it is inappropriate to provide any comments at this point in time.

**Page 11 of Transcript**

**Mr DAVID SHOEBRIDGE:** I am going to ask you again: Will you provide details of the racehorses you have had any interest in during the course of your career as both the police commissioner and as a commissioned officer?

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

**Mr DAVID SHOEBRIDGE:** Will you include in that the individuals who you own horses with?

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

**Mr DAVID ELLIOTT:** Yeah. I am not sure that is a terribly—

**The Hon. TREVOR KHAN:** I know wide latitude is taken in budget estimates and this is a commissioned officer. It might be legitimate to ask about what former horses he has had, but I struggle to see how it comes anyw here within our terms of reference to go where Mr Shoebridge is now going.

**Mr DAVID ELLIOTT:** Yeah.

**Mr DAVID SHOEBRIDGE:** To the point of order: I want to be clear. If the police commissioner owns horses in shares with other individuals, I think it is very relevant—

**Commissioner FULLER:** Well, I don't.

**Mr DAVID SHOEBRIDGE:** —to understand with which other individuals—

**Commissioner FULLER:** I already explained to you, I do not have any racehorses.

**Mr DAVID SHOEBRIDGE:** —the Commissioner does or previously owned horses with. We may disagree, Mr Khan, on whether that is relevant—

**The Hon. TREVOR KHAN:** We do.

**Mr DAVID SHOEBRIDGE:** —but that is the purpose.

The **CHAIR:** I will rule. It is up to the Commissioner to answer it the way he sees fit. I think the question is quite valid and he can answer it the way he wants to.

**ANSWER:**

The Commissioner does not have any current racehorse ownership. Records of previous ownership have not been kept.

**Page 11 and 12 of Transcript**

**Mr DAVID SHOEBRIDGE:** How many adults have been subject to STMP3? If you have an indication, how many adults are currently subject to STMP3, and then if you have the same data for young people?

**Mr DAVID ELLIOTT:** You want actual statistics? No. I will take it on notice.

**Mr DAVID SHOEBRIDGE:** How many young people—those under the age of 18—have been targeted by STMP3?

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

**Mr DAVID SHOEBRIDGE:** Does that mean that you will take that on notice as well?

**Mr DAVID ELLIOTT:** That is what I said.

**Mr DAVID SHOEBRIDGE:** Do you know how many young people who are Aboriginal or Torres Strait Islander have been subject to STMP3?

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

**ANSWER:**

As of 8 November 2021, there were 667 adults currently on STMP III.

There were a total of 1,724 adults who have been subject to STMP III since 4 November 2020.

As of 8 November 2021, there were 74 juveniles currently on STMP.

There were a total of 209 juveniles who have been subject to STMP III since 4 November 2020.

119 juveniles who have been subject to STMP III since 4 November 2020 have identified themselves as Aboriginal or Torres Strait Islander.

**Page 12 of Transcript**

**The Hon. ADAM SEARLE:** Thanks for the commentary. Minister, last estimates, on 1 September, I asked some questions of Deputy Commissioner Hudson and Assistant Commissioner Walton about the fixated persons unit and its deployment against Mr Kristo Langker, the producer of the Friendlyjordies program. I did ask for the charter or the standard operating procedures for the fixated persons unit to be provided on notice. While we did get on notice a descriptor of how the system works, we did not get a copy of the standard operating procedures or the charter of the unit, if I can put it that way. Was that an oversight or are you not going to provide that to the Committee?

**Mr DAVID ELLIOTT:** I will take that question on notice. If it was an oversight, we will certainly make sure that we get it to you.

**ANSWER:**

The Fixated Persons Investigations Unit Business Rules are attached at **Annexure A**.

**Please note that these business rules are not for public distribution, as per the handling requirements of the Australian Government Protective Security Policy Framework.**

**Mr DAVID SHOEBRIDGE:** Mr Walton, who in the Department of Premier and Cabinet referred Mr Langker to the police?

**Assistant Commissioner WALTON:** Mr Brady, I believe, was the facilitator. He made the referral to Sydney city. I am not sure how much detail he had or provided. He may well have just been a conduit from Mr Barilaro's office into the local police.

**Mr DAVID SHOEBRIDGE:** If you have any detail, if you can provide that on notice, that would be appreciated.

**Assistant Commissioner WALTON:** Thank you. Yes.

**ANSWER:**

On 1 December 2020, Shane Brady, Associate Director of Security, Department of Premier and Cabinet, contacted the Sydney City Police Area Command on behalf of Mr Barilaro regarding an incident involving Jordan Shanks and Friendlyjordies.

**The CHAIR:** Police Minister, airsoft and gel blasters, much like paintball, is a massively popular sport worldwide, generating up to US\$1.5 billion a year. They are legal in nearly every country in the world, including many countries where real firearms are heavily banned. Airsoft and gel blasters are harmless. They are certainly not firearms, but they are treated as such in New South Wales. What makes gel blasters and the airsoft game so much more dangerous in New South Wales than in any other part of the world that they should remain banned in New South Wales?

**Mr DAVID ELLIOTT:** I will take that on notice. I have never played it.

**ANSWER:**

The NSW Police Force classifies gel blasters an air gun, which is a Category A firearm. This has been based on an expert determination.

The gel ball has been similarly classified as ammunition.

In addition, gel blasters that substantially duplicate in appearance a military style firearm are classified as a prohibited firearm pursuant to Schedule 1 of the *Firearms Act 1996*. Gel blasters considered to be imitation firearms by the Australian Border Force also require permission to be imported.

**The CHAIR:** So have I. Is there any reason why these sports and that equipment cannot be regulated and legalised like paintball markers currently are in New South Wales so that they can also participate, especially since paintball is not treated as being real firearms?

**Mr DAVID ELLIOTT:** I will take it on notice. I am more of a golfer myself, so I will have to find out.

**ANSWER:**

Paintball markers are regulated under the *Paintball Act 2018*, which is administered by the Minister for Customer Service.

Permits are required to possess paintball markers and are issued by NSW Department of Fair Trading.

The NSW Police Force understands that gel blasters do not fall within the definition of 'paintball markers' and are therefore, not subject to the *Paintball Act 2018*.

## Page 18 and 19 of Transcript

**The CHAIR:** Minister, has the New South Wales Government made a formal response to the recommendations by the Coroner regarding the Edwards inquest?

**Mr DAVID ELLIOTT:** Yes. I will get you an update on that one. What would you like to—anything specific?

**The CHAIR:** Has a response been tabled yet?

**Mr DAVID ELLIOTT:** We have obviously got—yes. The answer is yes. There have been 24 recommendations, which have all been supported or supported in principle.

**The CHAIR:** So it has been tabled. Roughly when?

**Mr DAVID ELLIOTT:** I will take that on notice. I do not know what day it was tabled.

**The Hon. TREVOR KHAN:** Last couple of weeks, I think.

**The CHAIR:** It was the last couple of weeks? I did not catch up with it.

**Mr DAVID ELLIOTT:** I might have the date, if you can just give me one second. If there is a specific date here, I will have it.

**The CHAIR:** If it has been tabled, we will find it.

**The Hon. TREVOR KHAN:** It rang a bell.

**The CHAIR:** It rang a bell.

**Mr DAVID ELLIOTT:** No, I do not have the definite date, but it has been tabled and we have accepted the recommendations. Some of them obviously relate to police training and some of them have been related to the Firearms Registry, which led to the new strategic plan. I can tell you I have met with the court to make sure that there is a more open line of communication to stop some of the deficiencies that caused this tragedy. I will take the date on notice.

### ANSWER:

The NSW Police Force provided a formal response to the Attorney General on 7 October 2021 in relation to the recommendations made by the Coroner.



**Mr DAVID SHOEBRIDGE:** Will you provide an accurate answer on notice as to whether or not these forms are signed by young people, as this form suggests, or, as you say is your expectation, are actually signed by guardians or parents? Can you provide an actual answer on notice?

**Commissioner FULLER:** I can certainly do a dip sample—not personally. But I can arrange for a dip sample of these forms, particularly persons under the age of 18, to give you some indicative answer, yes.

**ANSWER:**

Of those currently being targeted that have been provided a letter, 19 young people have signed the document; eight have co-signed with a parent; and two have been signed by a parent/guardian instead. The remainder have refused or have not signed.

There is no expectation or requirement for the young person or their parent/guardian to sign the notification.

**Mr DAVID SHOEBRIDGE:** Commissioner, how many young people have got a driver's licence as a result of engagement in STMP-III?

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

**ANSWER:**

The NSW Police Force Youth Command has assisted young people in obtaining drivers licenses on a needs-basis. Police involvement has traditionally revolved around assisting young people in the application process where they do not have a parent/guardian who can or will assist them. On occasion where driver training is required, police/PCYC have been able to source local volunteers to assist young people in getting their required hours.

**The Hon. ADAM SEARLE:** Just to close the loop on the line of questions I was engaged in previously, Minister, when did you become aware of the fixated persons unit matter against Mr Langker?

**Mr DAVID ELLIOTT:** Well, Mr Searle, I have learnt more about that matter here in the last hour than I knew before I got here. I do not want to trivialise it, but it is not something that the police would necessarily brief me about.

**The Hon. ADAM SEARLE:** No, no. It is just a simple question.

**Mr DAVID ELLIOTT:** I mean, there are 17,000 police officers out there.

**The Hon. ADAM SEARLE:** Take it on notice, if you will.

**Mr DAVID ELLIOTT:** You can take it as a given that I probably found out the same time you did.

**The Hon. ADAM SEARLE:** Okay. Commissioner, when did you become aware? Were you briefed by the unit before they took that action?

**Commissioner FULLER:** No. No, no. Look, I was given a high-level briefing, a verbal briefing, in the last few weeks. I did not even know who Friendlyjordies were.

**The Hon. ADAM SEARLE:** I think it is an age thing, Commissioner.

**Commissioner FULLER:** So, again, not making light of it—and I appreciate why we are debating it today.

**The Hon. ADAM SEARLE:** Yes.

**Commissioner FULLER:** Please do not think I am making light of it.

**The Hon. ADAM SEARLE:** No.

**Commissioner FULLER:** But, again, in the light of COVID and other things, it has not been something I have been discussing regularly, but I would have something where someone walked in and said, "Look, I've come in to brief you on a matter". So I can take that on notice.

**ANSWER:**

The Commissioner of Police was briefed by his Chief of Staff on Saturday, 5 June 2021.

**The Hon. ADAM SEARLE:** There has also been a recent review of the effectiveness of the Police Force conduct management plans covering a period, I think, of 2017-18. It is a very recent report, obviously—only this week—but the matters in it are not new. They go back some period of time. Minister, do you or does the commissioner have any visibility of the matters contained in that report and any potential responses that the police may take in relation to it?

**Mr DAVID ELLIOTT:** No. I will take that on notice, Mr Searle.

**ANSWER:**

The NSW Police Force notes the release of LECC report on Conduct Management Plans on Tuesday, 26 October 2021.

The NSW Police Force will consider the content of this report and any recommendations made by the LECC.

**Page 30 and 31 of Transcript**

**Ms ABIGAIL BOYD:** No. If I were to ask you right now what percentage of all of those discontinued sexual assault claims are because a victim-survivor has withdrawn it, could you tell me the answer?

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

**Ms ABIGAIL BOYD:** I put it to you that you cannot, because you have previously said this in responses to questions on notice.

**Commissioner FULLER:** I do not type the answers up in fairness; we go back to the experts. I am happy to take responsibility for them, but nevertheless I do not type the physical response.

**ANSWER:**

The NSW Police Force is committed to pursuing the potential changes and enhancement to improve information collection and management in relation to sexual violence, and currently progressing several initiatives to improve qualitative and quantitative information, including the ability to record outcomes in both child and adult sexual assault cases.

Work is underway to rectify the system of recording substantive withdrawal reasons via IPOS, which is a multi-year project that involves assessment and transformation of a wide range of systems within the NSW Police Force, where over 100 different systems will be decommissioned and replaced with IPOS, unifying a range of disparate data.

In the interim, the NSW Police Force will continue to undertake internal analysis of trends in sexual assault cases and look at ways to improve processes.

