

PORTFOLIO COMMITTEE NO. 5 - LEGAL AFFAIRS

Wednesday 1 September 2021

Examination of proposed expenditure for the portfolio area

POLICE

CORRECTED

The Committee met at 09:30.

MEMBERS

The Hon. Robert Borsak (Chair)
The Hon. Lou Amato
Ms Abigail Boyd
The Hon. Trevor Khan
The Hon. Natasha Maclaren-Jones
The Hon. Adam Searle
The Hon. Walt Secord
Mr David Shoebridge (Deputy Chair)

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**

The CHAIR: Welcome to the virtual hearing for the inquiry into budget estimates 2021-2022. Before I commence I would like to acknowledge the Gadigal people, who are the traditional custodians of the land on which the Parliament sits. 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 viewing this broadcast. Today the Committee will examine the proposed expenditure for the portfolio of Police. Today's hearing is being conducted as a fully virtual hearing, which enables the work of the Committee to continue during the COVID-19 pandemic without compromising the health and safety of members, witnesses and staff. As we break new ground with the technology, I would ask for everyone's patience through any technical difficulties that we may encounter today. If participants lose their internet connection and are disconnected from the virtual hearing, they are asked to rejoin the hearing by using the same link as provided by the Committee secretariat.

Before we commence I would like to make some brief comments about the procedures for today's hearing. 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. All witnesses in budget estimates have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. Today's hearing is being broadcast live from Parliament's YouTube channel, and a transcript will be placed on the Committee's website once it becomes available.

Finally, a few notes on virtual hearing etiquette to minimise disruptions and assist our Hansard reporters. Could I ask Committee members to clearly identify who questions are directed to, and could I ask everyone to please state their name when they begin speaking. Could everyone please mute their microphones when they are not speaking. Please remember to turn your microphone back on when you are getting ready to speak. If you start speaking whilst muted, please start your question or answer again so it can be recorded for the transcript. Members and witnesses should avoid speaking over each other, so we can all be heard clearly. Also, to assist Hansard, may I remind members and witnesses to speak directly into the microphone and avoid making comments when your head is turned away from it. All witnesses will be sworn prior to giving evidence.

MICHAEL COUTTS-TROTTER, Secretary, Department of Communities and Justice, sworn and examined

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

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

The CHAIR: We might start with Labor. Mr Secord?

The Hon. WALT SECORD: Thank you. For the benefit of Hansard, I am Walt Secord, shadow Minister for Police, shadow Minister for Counter Terrorism. Thank you, Mr Coutts-Trotter, Commissioner Barnes and Commissioner Fuller, for attending. Firstly, Commissioner Fuller, I wish to thank you and the more than 17,000 police officers who are protecting the State and assisting with COVID. I am on the public record many times backing the police officers who put the community first ahead of their own personal health and often safety, and I have spoken in support of frontline police officers who had to confront the illegal protests. Your officers have been thoroughly professional in very difficult circumstances, and I would like you to convey to officers that any questions that are asked today are not a criticism of the hard work of individual police officers. So thank you again for everything you do in these difficult times.

Commissioner FULLER: Thank you.

The Hon. WALT SECORD: It will come as no surprise that I would actually like to begin with COVID. On 26 August *The Daily Telegraph* crime reporter, Mark Morri, reported that at least four New South Wales police officers from different stations have tested positive to COVID, forcing a number of other officers into isolation. He reported that those officers were in the eastern suburbs and in Dubbo in the Central West. Can you give us an update on how many police officers are off duty or affected with COVID at this stage?

Commissioner FULLER: Good morning, Mr Secord. It is nice to meet you. Thank you for the acknowledgement of the work of the NSW Police Force officers. I will certainly pass that on. As you know, the COVID operation has been running since March last year and New South Wales police have been well engaged in a number of different aspects of the operation, not just from a law enforcement perspective but also in terms of the assistance we have given Health. Unfortunately, in August this year we did have some officers who tested positive to COVID as a result of workplace interactions. I think, really, the Police Force needs to be recognised that we went nearly 20 months without an officer getting a positive hit from COVID, given the fact that in the hotel quarantine system alone we have come into contact with around 250,000 returning Australians.

In relation to those officers, Mr Secord, can I say one was a custody officer and they had come in contact with a prisoner who was COVID positive. The other officers were officers who, we believe, have contracted it just in the course of operational duties. Thankfully, all of the officers are in okay health. But as a result of that, of course, the close contact, particularly at Dubbo and eastern suburbs, we did have a number of officers that were quarantining as a result of the close contact.

The Hon. WALT SECORD: Do you have the number of officers who have contracted COVID?

Commissioner FULLER: In terms of, at the moment, in operational deployment it is still my understanding that these are the only officers that have tested positive to COVID as a result of operational deployments. We have had other officers contract COVID through a family or non-workplace incident, sir, but I can certainly take it on notice to get you a thorough update of those officers. Can I say that over 12,000 police have received two jabs at the moment and, in terms of the vaccination of the force, that is progressing well.

The Hon. WALT SECORD: You raised vaccinations of police officers. On 31 July Deputy Commissioner Mal Lanyon told ABC radio that "over 50 per cent of the NSW Police Force are doubled vaxxed." What is the current vaccination rate of the NSW Police Force? I understand there are about 17,500 officers.

Commissioner FULLER: Seventeen thousand seven hundred, sir. At last count over 12,000 officers had received two jabs. But if I could perhaps take on notice to bring back how many officers have received a jab and two jabs—if I could take that on notice. But I know, as of the latest update, we had over 12,000 officers who had received two jabs.

The Hon. WALT SECORD: Thank you. This morning and yesterday there was an indication that Corrective Services were looking at the possibility of releasing, if necessary, if there is a prison outbreak of COVID. Has the NSW Police Force provided any advice, I guess, to corrections and to the Government on what would happen if this occurred?

Commissioner FULLER: We are working closely with Corrective Services and the secretary around potential backlogs of prisoners going into remand. That is something that we faced April-May last year as well. So we are in daily contact with Corrective Services around a potential backlog of remand prisoners that may well

see prisoners have a longer stay in police cells. That is something we are having a daily discussion with. But in terms of any type of early release, I have not been engaged on any strategy around that.

The Hon. WALT SECORD: Thank you, Mr Fuller. Mr Coutts-Trotter, as the most senior government bureaucrat, can you tell me what is the status of this plan to release around a thousand prisoners if necessary? What are the protocols, what are the standards and when would it occur?

Mr COUTTS-TROTTER: Thanks, Mr Secord. I should stress this is not a first resort. This is a last resort, as was recognised by the Parliament when it last year endorsed changes to the Crimes (Administration of Sentences) Act, which provides in limited circumstances for the Commissioner of Corrective Services to consider in extreme circumstances the release on parole of inmates whose health is at higher risk because of COVID, who are in the last 12 months of their non-parole period and who have not committed a range of serious or violent offences. Now, in making those judgements, should it come to that—and I stress this is a last resort, not a first resort—the commissioner will assess that someone is suitable for release considering community safety, the impact on registered victims, the suitability of accommodation, or anything else. Plus, the commissioner can apply conditions without limit, which may include home detention or electronic monitoring.

So the work has been going on, as Acting Commissioner Corcoran indicated yesterday, to identify prisoners who may fit those narrow categories. His estimate, as I understand it yesterday, was that maybe two or three hundred people are in that category. It is sensible that the work take place to identify those people, but no decision has yet been made and we are a long way from, in my view, the need to make any decision about early releases on parole.

The Hon. WALT SECORD: When you say release on parole, that would be the usual conditions that someone would have on parole such as electronic monitoring, reporting to police and things like that. Is that what you mean?

Mr COUTTS-TROTTER: Yes. It is release on parole and parole comes with conditions. The conditions that the commissioner in that circumstance could apply are, as I say, without limit, which includes home detention, electronic monitoring, reporting to police and any other conditions that were deemed appropriate.

The Hon. WALT SECORD: You are saying that this would be a last resort. So there would have to be major outbreaks of COVID in the prison system?

Mr COUTTS-TROTTER: That is right, but it is a possible scenario. It is not a likely scenario, but it is a possible scenario, as the Parliament recognised in endorsing the legislative power to do this in an extreme circumstance.

The Hon. WALT SECORD: Thank you, Mr Coutts-Trotter. Commissioner Fuller, I would like to take you to the public health orders. You would be aware that there have been 48 changes in 68 days to the various public health orders, and that works out to an average of a change every 1.4 days. How are officers responding on the front line to the changes in the public health orders? How is it communicated to them, and how are they enforcing them?

Commissioner FULLER: Thanks, Mr Secord. Obviously, over the evolution of the health orders since February last year I suspect there has been a lot more changes than that. We have our general counsel work with general counsel at the Department of Premier and Cabinet to construct, what we would determine, a fact sheet so officers have an understanding of either the new health order or the evolution of the health orders. To assist with police, we have legal reps in our police operations centre 24/7 in case officers are unsure. We have a process whereby at each area command a supervisor will verify the infringement notice, and that is then double-checked at the police operations centre to ensure that it is fit against the health orders at the time the ticket was written. Of course, the justice system still evolves around that if someone would elect to take that matter to court. So we put an enormous amount of support around police, acknowledging, Mr Secord, that the evolution of the health orders is a challenge for police and obviously enforcing the laws to try and get community compliance in a pandemic has certainly been a challenge for the force.

The Hon. WALT SECORD: I do not know if you would be aware, but on 6 August I lodged a question on notice in relation to the public health orders. I asked a specific question about maintaining physical distance or social distancing of 1.5 metres. The Government reported back—and I am quoting directly:

While the NSW Government continues to advise individuals to maintain physical distancing of 1.5 metres from others, this is health advice and not a provision of any Public Health Order.

How does that play out when police officers are dealing with people on Bondi Beach, or in the community, when in fact the requirement of social distancing of 1.5 metres is actually not the subject of a public health order?

Commissioner FULLER: Yes. I think, throughout the pandemic, good health advice and the health orders have conflicted the community at times, and I understand that. But I guess the guiding principle is that, if you think about it at the moment, the one person per four square metre rule is the primary piece of legislation that we use to enforce, not the 1.5 metre distance that you should be apart that is a relatively safe distance. I understand from the public's perspective they will scratch their head. But, you know, washing hands is not a health order; it is just good health advice. Being 1.5 metres from someone is just good health advice. But if you think about Bondi Beach then you can only have as many people there that one per four square metres would allow. We work with local government, in terms of parks and beaches, trying to determine that to best enforce that one per four square metre rule. At times it has been a one person per two square metre rule—obviously in better times when licensed premises et cetera were open.

The Hon. WALT SECORD: Commissioner, in the area of the infringement notices, how many have been issued as of this week in New South Wales?

Commissioner FULLER: Yes, I can say that between March last year and April this year we issued around 2,900 tickets, Mr Secord. Obviously, with the Delta variant there was an escalation in police activity given the nature of the virus. I will take it notice, but we have issued in the last, probably, six weeks around 18,000 infringement notices. But, again, if I could take that on notice. But it has been a significant escalation since the Delta variant has played out across New South Wales.

The Hon. WALT SECORD: You would be aware that in the United Kingdom in April a quarter of all infringement notices were dropped or appealed by the community. What is the sticking rate, so to speak, of the infringement notices in New South Wales? What occurs and what are the processes to challenge or dispute an infringement notice?

Commissioner FULLER: Thanks, Mr Secord. As I said, the justice system still exists and, like with any infringement notice, you can write to have that ticket reviewed and/or you can elect to take that matter to court. In New South Wales, the Police Force is not a beneficiary of any funds derived from policing activities. I would have to take on notice and chase from one of the other agencies around what is actually happening post-police in that part of the justice system, if that is okay?

The Hon. WALT SECORD: Okay. I want to take you to the attack on the St Marys COVID testing centre on the weekend. A police officer who was commenting on it said the perpetrators were "likely to do it again". Experts in the field that monitor far-right groups and that have advised me—these are academics and people who follow these groups—say that in fact this was not just simply a random attack. What is the status of the investigation? What is your view that it is in fact beyond just a local resident doing that and that it is actually an organised attack?

Commissioner FULLER: Thanks, Mr Secord. I think the pandemic has brought out the best in the New South Wales community, and I think probably we have seen some of the worst as well. We have certainly seen a rise in negative and, I suppose, right-wing sentiment, particularly online and threats to public figures have certainly increased. In terms of that attack, malicious damage through arson and graffiti, we would believe it is clearly a targeted attack, and it is being investigated. I will take on notice the status of the investigation, but it is an open investigation—Crime Scene attended. Obviously we have taken that very seriously, particularly given the important role that the vaccination centres are playing in protecting the people of New South Wales.

The Hon. WALT SECORD: Earlier, I think it was last year, ASIO head Mike Burgess said that 50 per cent of their activity now was monitoring far-right groups. Has the NSW Police Force discovered—has there been a ramp-up or increase in far-right wing activity in New South Wales under COVID?

Commissioner FULLER: I think over the last five years it is fair to say there has been a progressive increase in right-wing extremism. Other States around Australia have probably seen a more significant increase. It probably consumes around 20 per cent of the time of our counterterrorism team more broadly versus other types of extremism. But, nevertheless, it has certainly increased during COVID. Again, I think the online vitriol, the number of protests we have seen around Australia—I know this is a New South Wales question, but certainly some of the violence that we have seen during protests is unusual for Sydney.

The Hon. WALT SECORD: Mr Coutts-Trotter, what is the vaccination rate in your department?

Mr COUTTS-TROTTER: I cannot give you a figure for the department as a whole. I suspect you might be interested in knowing what the vaccination rates are for correctional staff?

The Hon. WALT SECORD: Yes.

Mr COUTTS-TROTTER: I should preface this by saying that, working with Justice Health and other health providers, we have had vaccination clinics inside custodial facilities for both inmates and staff. Looking at

that data—in other words, people who have been vaccinated by Justice Health—the latest Justice Health data shows a bit over 41 per cent are double dosed, 53.5 per cent one dose. But we also ran a survey of correctional staff and nearly 3,000 people responded to that survey. That indicated, among those survey respondents, about half of them had had vaccinations in the community, and the people who responded to that survey reported a double vaccination rate of about 50 per cent and a single vaccination rate of about 80 per cent. So we do not have—we can draw some inferences from that, but I can give you an estimate only.

The Hon. WALT SECORD: Okay, thank you. Commissioner Fuller, I think you said 12,000 out of 17,700 officers are vaccinated—I will stand corrected. Is that double vaxxed?

Commissioner FULLER: It is my understanding it is, Mr Secord. We were given priority from Health very early in the piece and we still are, particularly in the local government areas [LGAs] of concern, so I certainly expect to see that continue to grow. I would expect that we would be near 100 per cent vaccinated this year, given the role that we play coming in contact with COVID so regularly.

The Hon. WALT SECORD: A police officer that is—

Mr DAVID SHOEBRIDGE: Thanks, Walt. I think that is your time.

The Hon. WALT SECORD: You are not the Chair, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: Well, I will go to the Chair then.

The Hon. WALT SECORD: Okay. Thank you.

Mr DAVID SHOEBRIDGE: I am going off that message app that we have, Walt, about the time.

The Hon. WALT SECORD: Yes. Thank you, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: Thank you. I thank all three of you for coming today. Mr Coutts-Trotter, you gave two figures about vaccination rates. One, I believe, was of prison officers. Is that right?

Mr COUTTS-TROTTER: Yes, it was. They were two perspectives on prison officers. The first was a rate of people who had been vaccinated by Justice Health and the second was a rate reported in a survey which included people who had undertaken a vaccination in the community.

Mr DAVID SHOEBRIDGE: And the highest of those two rates for double dose vaccination was 50 per cent?

Mr COUTTS-TROTTER: That is right.

Mr DAVID SHOEBRIDGE: What date is that?

Mr COUTTS-TROTTER: That was as at mid last week.

Mr DAVID SHOEBRIDGE: Given there is so much anxiety, and for good reason, about COVID—the damage, the death and the illness that COVID will cause in New South Wales prisons—do you think it is acceptable that you have got double dose vaccination rates amongst prison officers as low as 50 per cent?

Mr COUTTS-TROTTER: No, we want them to be higher and I have communicated to staff of the organisation that we are undertaking a risk assessment process to consider precisely this issue. By the end of this week we will have identified those workforces within Youth Justice that in our view need to be mandatorily vaccinated to come to work and by Monday the same for correctional staff. We are taking an approach as an employer under work, health and safety legislation, so we have got to—if we make that direction, it has to be reasonable and lawful, and a key consideration there is the quality of the risk assessment that we have undertaken. That has been underway—as I say, finished for Youth Justice and corrections within the next week and for the whole of the agency by the end of September.

Mr DAVID SHOEBRIDGE: Mr Coutts-Trotter, why have you waited until there has been such substantial COVID outbreaks amongst the prison population to do that assessment? Why has it taken—

Mr COUTTS-TROTTER: Well, we—

Mr DAVID SHOEBRIDGE: Let me finish, Mr Coutts-Trotter, because we cannot talk over each other.

Mr COUTTS-TROTTER: Sure.

Mr DAVID SHOEBRIDGE: I will start again. Why has it taken major COVID outbreaks in prisons for this risk analysis to be done and for you to start confronting the very real reality of requiring compulsory vaccination for prison officers?

Mr COUTTS-TROTTER: I would not accept the characterisation. The outbreak you are referring to happened on Friday last week. This work has been underway for some while, and obviously we have been doing a whole range of things to try and manage the risk of transmission of COVID between staff, and between staff and detainees and inmates, including rolling out rapid antigen screening for staff and fresh custodies. We will move as quickly as we can on it, but if we give a direction for it we want it to not be able to be overturned on challenge; we want it to stick. We need it to be appropriately done so that it will stick.

Mr DAVID SHOEBRIDGE: What are the current numbers of cases of COVID amongst inmates in New South Wales prisons?

Mr COUTTS-TROTTER: The total number of people in prison obviously changes from day to day—it is around 12,940. Of those, as at late yesterday, 112 prisoners were COVID positive. I should just point out a couple of things. This is only ever a point-in-time measure, and some of the public reporting by our colleagues in Justice Health relates only to those people who are supported by Justice Health as opposed to supported in Parklea. So 112 people are COVID positive, 50 of them are in the metropolitan remand centre, one is in Silverwater women's and 61 were in Parklea. On Friday 27 August two inmates in Parklea who were not in their quarantine pod tested positive for COVID and we, together with Parklea and the health provider, St Vincent's, responded very quickly.

Over the weekend, everybody in Parklea was tested. Everyone who had transferred from Parklea to other prisons in New South Wales has also been tested. We have got nearly all of the results of those tests for people who have moved from Parklea to other jails and, thankfully, all of the tests we have currently got back are negative. We have also looked at people who have moved from Bathurst to other facilities because, as you would know Mr Shoebridge, there are I think nine prison officers who have tested positive for COVID at the Bathurst facility. We have tested everybody in Bathurst, around 500 people. As yet, the results have come back no positive results and no positive results among people who have moved from Bathurst to other facilities. I should also add, everybody who had moved from Parklea or Bathurst to another facility is in isolation within the jails in which they are accommodated. So that is the update of the situation.

Mr DAVID SHOEBRIDGE: Mr Coutts-Trotter, how on earth were two inmates who were COVID positive not in their isolation pods at Parklea? How on earth did that happen?

Mr COUTTS-TROTTER: Well, the short story is we don't know. Justice Health, St Vincent's Health, the private operator and our teams have obviously been taking a very close look at how this happened. They do not know yet how the virus got from the quarantine pods in Parklea, 6A and 6B, to a non-quarantine pod, 6C. I do not have an answer to that question. It may emerge in time, but we do not have it yet.

Mr DAVID SHOEBRIDGE: What was the cause of the now 50 COVID cases at the metropolitan remand centre at Silverwater? What was the cause of that?

Mr COUTTS-TROTTER: They are people who come in with COVID from the community, Mr Shoebridge. All of the inmates at the Metropolitan Remand and Reception Centre and Silverwater women's contracted COVID prior to coming into custody. So they are identified as COVID positive when they come into custody and isolated.

Mr DAVID SHOEBRIDGE: Are you seeking to have alternate arrangements—reconsideration of bail—for COVID positive inmates, particularly those who are non-violent offenders, to prevent as many as possible COVID positive inmates in the prison system?

Mr COUTTS-TROTTER: Recognising the appropriate functions of people within the justice system, we have made sure that heads of jurisdiction or their officers, and particularly the Acting Chief Magistrate, is aware of the situation and regularly updated on the situation within the custodial system. Similarly, I have spoken myself to Legal Aid, to the Aboriginal Legal Service and to the DPP and others, so that people understand the situation. I understand from talking to Legal Aid and the Aboriginal Legal Service that they will bring forward fresh bail applications for a number of people who are currently held in custody.

If you look at the situation now compared to the COVID outbreak last year, we are seeing similar rates of bail refusal. In other words, in 2020 following the pandemic outbreak we saw a reduction in bail refusal rates and we have seen a similar reduction in response to the Delta outbreak. What we have not seen is a significant number of people on remand discharged on bail to the community. Clearly, Legal Aid and the Aboriginal Legal Service are going to bring forward a number of those matters this week. I do know that the Acting Chief Magistrate has indicated to his magistrates that any requests of that nature need to be dealt with as a matter of urgency.

Mr DAVID SHOEBRIDGE: Mr Coutts-Trotter, why isn't there an administrative process in place, using the powers that were granted to the Commissioner of Corrective Services, to proactively bring forward the

paroling of non-violent offenders? Why are you insisting upon not using those powers in what is now a very delayed and clogged court process?

Mr COUTTS-TROTTER: Again, I would not accept some of the characterisations in the question. It is clearly a measure that is available to the Commissioner of Corrective Services, but it is a last resort measure, not a first resort measure, and I would not characterise the situation inside prison—nearly 13,000 inmates, 112 with COVID, COVID within quarantine facilities, except for Parklea. I do not understate the anxiety that families with people in Parklea are feeling. But I would not characterise the situation as anywhere near being out of control. It is under management. But preparatory work in case things get worse, as we have discussed earlier, is underway and, should it be necessary, then I am sure the commissioner will use those powers.

Mr DAVID SHOEBRIDGE: Are new inmates still being admitted into Parklea in circumstances where you do not yet know how the quarantine breach occurred?

Mr COUTTS-TROTTER: No. No, they are not. The commissioner has reduced the number of facilities accepting fresh custodies, and in the metropolitan area fresh custodies will be centralised to the metropolitan remand centre and away from Parklea.

Mr DAVID SHOEBRIDGE: Has there been a prohibition on inmates being moved from Parklea until you understand the nature of the breaches?

Mr COUTTS-TROTTER: Yes. There was a precautionary system-wide shutdown. There are 36 facilities; they were all locked down initially until we got better information. Parklea is locked down together with, I think, 16 other facilities. The balance, based on the results of testing, are now back to normal operation.

Mr DAVID SHOEBRIDGE: Mr Coutts-Trotter, you would have read the report from the Inspector of Custodial Services about the many failings in the health oversight—and particularly the Justice Health response—for prisons. Are you not concerned, given the multiple comorbidities and the various serious pre-existing health conditions that the prison population has, that this COVID outbreak could potentially see mortalities if you do not urgently reduce the overcrowding?

Mr COUTTS-TROTTER: You describe overcrowding. As a result of a \$3.4 billion upgrade of the correctional system—prison building—there is now sufficient prison capacity. The protocol now for people coming in as fresh custodies is that they are to be quarantined alone in a cell except where they are on a health assessment, particularly a mental health assessment—it makes sense to quarantine someone in company with one other person. Quarantine, of course, is where people are asymptomatic. They have not tested positive but on a precautionary basis, as a fresh custody, we hold them in quarantine for at least 14 days and undertake two COVID PCR tests. People are isolated alone if they are symptomatic or they have got a COVID-positive test. So at the moment, while the capacity is requiring close management, I would not describe it as overcrowded. We are able to create safe environments in quarantine and isolation. Should that not be the case, of course we would move to other measures. It is really important, as you say, given the underlying health vulnerabilities of many people in prison, that we are really, really cautious about this and we will be.

Mr DAVID SHOEBRIDGE: Commissioner Fuller, you would be aware of the very, very real and serious COVID outbreak in Wilcannia in western New South Wales?

Commissioner FULLER: Yes.

Mr DAVID SHOEBRIDGE: Have you spoken with your officers directly about the form of policing that is being undertaken, particularly of the First Nations community, in Wilcannia?

Commissioner FULLER: Sorry, can you put it in context? There is an emergency management operation being led by police in Wilcannia at the moment focusing on people's health and vaccination. I am just not sure when you use "police operation" what term you are talking about.

Mr DAVID SHOEBRIDGE: I am talking about the work of police, your police, in the Wilcannia community.

Commissioner FULLER: Yes, we—

Mr DAVID SHOEBRIDGE: Have you spoken to your police about their work in the Wilcannia community during this COVID outbreak?

Commissioner FULLER: Yes. They are leading the Australian Defence Force on the ground at the moment and the vaccination clinics, obviously ensuring that there is appropriate transport, food, medicine, and that other agencies are represented in the community. There is an enormous amount of work happening in that community to protect all the community from the virus and particularly the spread of the virus.

Mr DAVID SHOEBRIDGE: How many fines have been handed out in Wilcannia since the most recent outbreak?

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

Mr DAVID SHOEBRIDGE: Have you had representations to you from the community in Wilcannia concerned about individuals—First Nations members of the community—being fined between \$1,000 and \$5,000 for undertaking daily activities such as shopping? Have these concerns been raised with you?

Commissioner FULLER: No, so I am happy to take that on notice.

Mr DAVID SHOEBRIDGE: Commissioner Fuller, I have had multiple representations to me from members of the First Nations communities, who are desperately in need of food in quite desperate lockdown circumstances, having been fined for going fishing to seek food for their family—traditional fishing, seeking food for their family. Are police fining First Nations community members when they are going fishing, trying to get food in the lockdown?

Commissioner FULLER: I have not heard any of those stories, but I am happy for you to send them through to me personally and I will review them—if they exist, of course.

Mr DAVID SHOEBRIDGE: Equally, Commissioner, I have had multiple representations about First Nations peoples, again in circumstances where they have enormous difficulty obtaining fresh food, being fined by police when they are out engaging in traditional hunting for kangaroo to get some fresh food for their families. Have you had any of those reports given to you?

Commissioner FULLER: No. More than happy to receive those from you.

Mr DAVID SHOEBRIDGE: Do you accept that in those circumstances, with fresh food being at such a premium in Wilcannia, that it is inappropriate to fine First Nations peoples if they are, in a COVID-safe way, seeking to get food by way of fishing and/or hunting?

Commissioner FULLER: I would have to see the tickets before I answer that question. But I look forward to receiving those complaints from you.

Mr DAVID SHOEBRIDGE: Equally, Commissioner, a number of community organisations have told that they have been prevented by police from handing out fresh food supplies and food supplies to the community although they have been in receipt of significant donations to enable them to help the community. Is that a directive from New South Wales police to prevent community organisations handing out donated food supplies in Wilcannia?

Commissioner FULLER: Police and defence are working with NGOs and are delivering thousands of food packages across the State, so that certainly does not sound correct. But I am happy to receive that as an additional complaint.

Mr DAVID SHOEBRIDGE: Are you saying that police and armed forces are handing out food? But I am asking you about community groups—

Commissioner FULLER: I said the Australian Defence Force, not armed forces.

Mr DAVID SHOEBRIDGE: I am sorry. I do not understand your distinction there, Commissioner. Can you explain it?

Commissioner FULLER: The Australian Defence Force are on the ground in a peacekeeping role. They are not armed. They do not come with any powers. They are vaccinating people, they are assisting with welfare packages and I think the way you have framed it is incorrect.

Mr DAVID SHOEBRIDGE: Commissioner, I am asking you whether or not your officers are preventing community groups from directly handing to the community, in a COVID-safe manner, donated food parcels. Have your police been preventing community groups from delivering food aid to the Wilcannia community?

Commissioner FULLER: Not to my knowledge. But obviously anything that is taken into a community of concern would need to be done in a way that does not endanger the community, and those people dropping the food off would need to have the appropriate protective equipment not to take any more COVID into the community. Again, you would have to really send me the details of all these complaints so I could fairly assess them. Because if someone turned up with a basket full of food, they had no masks, they had no hand cleansing, they had no idea about the dangers of COVID, then sending them into a community may be disastrous. So, again, more than happy to receive any of these complaints to substantiate the truth.

Mr DAVID SHOEBRIDGE: But, Commissioner Fuller, you would have no theoretical objection, I assume, to community groups with approved COVID safety plans handing out donated food and delivering donated food to the Wilcannia community, would you?

Commissioner FULLER: No, not as a general statement.

Mr DAVID SHOEBRIDGE: Commissioner, it was reported in *The Sydney Morning Herald* that you said—and indeed I think you made this report publicly—in relation to COVID policing, and this is a direction to your police:

I appreciate there's a lot to take in with the health orders, but I am asking you to put community policing to the side for a short period of time ...

I have said before, if you write a ticket and you get it wrong, I understand, and I won't hold you to account for that.

Do you recall giving that communication to New South Wales police?

Commissioner FULLER: Absolutely.

Mr DAVID SHOEBRIDGE: Did you speak with NSW Health before you gave your direction to New South Wales police to put community policing aside?

Commissioner FULLER: The reality is that the Delta variant was spreading across the State. We were seeing low levels of compliance by people in relation to the health orders. I was sought, by the Government, to establish a police operation to improve compliance with the health orders. We were issuing—on days, we were issuing probably four times the amount of cautions as we were taking infringements. From the commissioner's perspective, I believed that we needed to take stronger action and I told the officers I would support them in taking that action. We still are issuing cautions right across the State, but the reality is that the level of enforcement has increased. That was certainly feedback not just from the Government but from the community—they expected that people actually listened to and applied the health orders equally across the State.

Mr DAVID SHOEBRIDGE: Who in the Government told you to not do community policing?

Commissioner FULLER: That is a decision of mine in terms of language. Now in terms of the way that we have policed COVID from March to April, last year to this year, we have issued, I think, 2,900 tickets. COVID was well in control and, I mean, Health and police were well in control. The State was safe. The Delta variant—

Mr DAVID SHOEBRIDGE: Commissioner Fuller, my question was quite specific. Commissioner—

Commissioner FULLER: Sorry, can I finish my answer or—

Mr DAVID SHOEBRIDGE: But it is not responsive, Commissioner Fuller. Who in the Government gave you the direction that you relied upon to direct your police to—

Commissioner FULLER: I have already answered that.

Mr DAVID SHOEBRIDGE: —cease community policing? Who in the Government?

Commissioner FULLER: You are not listening. I said it was a decision by the commissioner.

Mr DAVID SHOEBRIDGE: Sorry, it was a decision by you?

Commissioner FULLER: I said that at the commencement of the answer that you interrupted me on.

Mr DAVID SHOEBRIDGE: Unfortunately, my time has expired. I am sure we will come back to this.

Commissioner FULLER: I can't wait.

The Hon. WALT SECORD: Commissioner, I would like to return to some of the questions earlier about the 12,000 police officers out of the 17,700. That works out to around two-thirds vaccinated. What steps is the Government taking to increase vaccination rates amongst police officers?

Commissioner FULLER: Mr Secord, I apologise if it is just me but you are underwater. I apologise. If you could just ask the question again.

The Hon. WALT SECORD: Bear with me for one second, please. Is that okay?

Commissioner FULLER: A little better, yes.

The Hon. WALT SECORD: Sorry about that. Commissioner, earlier in the hearing you mentioned that 12,000 of the 17,700 police officers are vaccinated. That is about two-thirds. What steps are you taking to increase vaccination rates amongst police officers?

Commissioner FULLER: The good-news answer to that is even just in the last half an hour I have got the actual updated figures, Mr Secord. We have 15,433 officers have received one dose and 13,336 officers have received their second dose. So nearly 70 per cent of the workforce has one dose. Health have been extremely supportive of New South Wales police being vaccinated. We have our own vaccination hub set up in locations in Sydney. In days coming up, we will get special days again for police officers to be vaccinated. We will work towards 100 per cent of the workforce to be vaccinated in the coming months unless, of course, you have a medical reason why you can't. But 70 per cent of the workforce to date has had one dose, and I think we are really progressing well.

The Hon. WALT SECORD: Commissioner, the officers that were required to be involved in the 69 protests yesterday and the protests that occurred in July, were special provisions or special consideration given to those who had not had their second vaccinations? What occurred involving those protests?

Commissioner FULLER: In terms of hotel quarantine, officers who work in the hotel quarantine system must be vaccinated. In terms of frontline policing, we have not mandated yet that you have to have had a single or a second dose, but work health and safety were working this week to come up with a policy decision around the vaccination of the organisation. From my perspective, as the commissioner, I want every officer and every civilian employee vaccinated just because of the inherent risk of policing and the nature that we do our business. I would hope by the end of the year that we are at maximum vaccination.

The Hon. WALT SECORD: On the concept of vaccine passports, have you provided advice to the Government on policing, regulating and enforcing vaccination passports?

Commissioner FULLER: Certainly, from the police perspective, we are supportive of a system, whether that is through Service NSW or otherwise, where there is one source of truth in terms of not just enforcement but from an employment perspective. We are supportive of a vaccination passport. What that looks like, I guess we have left that to the experts.

The Hon. WALT SECORD: Thank you, Mr Fuller. Mr Coutts-Trotter, do you have anything to add in the area of vaccination passports?

Mr COUTTS-TROTTER: No.

The Hon. WALT SECORD: Commissioner Fuller, on 1 July you announced that you intended to retire next April. I want to thank you for your service and for steering the community and the officers. But you put a little bit of a caveat on that—you said depending on COVID and what is the response. Are you still intending to retire in April or is there a COVID question mark over that?

Commissioner FULLER: The vaccination rate is really the key, Mr Secord, for mine, and that 80 per cent number. If that is achieved in New South Wales and the rates of vaccination are going extremely well, I think I can safely hand over to an incoming commissioner. I think we have to live with COVID. For mine, the concept that I would need to stay until there was a resolution, I think I would be around well past my use date. At this stage it certainly is my intention to retire, but not this year—certainly next year. There is an enormous amount of work to be done this year, so I am certainly not walking away from the job this year. The reality is the vaccination rate is key to our passport back to freedom. Perhaps the issues of the way that this has been policed, it will be a good time for a new commissioner to come in with a fresh set of eyes and lead the force back towards community policing and away from COVID-19. I think in many ways it will probably be a good time to pass the baton over.

The Hon. WALT SECORD: When the hard lockdowns occurred in western Sydney and south-west Sydney, there were concerns about policing of those areas expressed by community leaders. Can you give us a bit of an update in that area?

Commissioner FULLER: We have done an enormous amount of work with those communities. We actually have very good relationships with the communities and the leaders. We engaged that through emergency management arrangements. I think what was particularly important was the use of our multilingual services and the way that we communicated across those communities about vaccination rates and about staying safe. It reached the point probably four or five weeks ago where the feedback was that they were at saturation point around communication and they had gotten the message clear in terms of what was needed.

The Delta variant obviously has been such a great challenge for police and for Health. Nevertheless, we are treating the virus itself like it is a criminal. Therefore, wherever the virus is you will see an increased police presence. Whilst there are some in the community who are concerned about that, there are plenty of people who are unhappy with low levels of compliance. I think the numbers of calls to Crime Stoppers and to local police is indicative that there are plenty of people out there doing the right thing and they are not happy with the current

restrictions as a result of people not applying the health orders appropriately. We will continue to work with local groups and we will continue to work with local community leaders, but I am certainly not denying that it is not a challenge at times.

The Hon. WALT SECORD: Commissioner, there was also concern expressed about the deployment of military, army. How is that working and how is the NSW Police Force interfacing with the army in those areas?

Commissioner FULLER: Defence have been on the ground since the bushfires back in 2019—believe it or not. They have been on the ground assisting New South Wales police, NSW Health, Rural Fire and, most importantly, local communities. They are well trained; they understand planning and logistics extremely well. At the moment we have nearly 1,000 members of the Australian Defence Force on the ground across New South Wales. Again, there are four key vaccination hubs that have been set up in western New South Wales. We have officers in and around western and south-western Sydney assisting police with welfare checks, dropping off food and a whole range of other activities. They are also assisting police with the hotel quarantine operation. They have been such an invaluable resource for the people of New South Wales. They are well received on the ground. There have been more than a handful of occasions where we have done welfare visits on COVID-positive people where we have had to call 000, summon an ambulance and we have saved lives. The value that they have added on the ground versus this potential issue around the perception, I think the value way outweighs the perception of a few perhaps in relation to defence.

The Hon. WALT SECORD: I want to take you to the high-profile, what has been dubbed the Maroubra party. What were the stumbling blocks or why did it take, I think you have said, a strike force or task force or a special unit to look into this? What was the delay or why did it take a while to do that?

Commissioner FULLER: The challenges, and I have to unfortunately even accept this as a reasonable challenge, is that the contact tracers have such important work to do, which is putting aside the clinical aspect of protecting the people's lives who may have been at the party who have COVID. But it is about working out the close contacts. If you do not get that part right, you do not stop the spread of the virus. I understand there are times when there is a delay in telling police what happened because there is a delay in finding out the truth around the close contacts. I guess a line has to be drawn in the sand at some stage, but I think it is reasonable that we give Health and the contact tracers a reasonable amount of time to work out the close contacts because if you cannot work out the close contacts, then you do not stop that community transmission. With the Delta variants, that has been a great challenge for us. Nevertheless, Mr Secord, we are pretty bullish and we do not forget. We will ring every day and ask for the names, and eventually we will get them and eventually we will take necessary action.

The Hon. WALT SECORD: Are there protocols in place involving the contact tracing and New South Wales police?

Commissioner FULLER: We do not work with the contact tracers. They play an important role. The Australian Defence Force is certainly assisting with that. But the law enforcement side of those community transmissions where there has been a breach of the health orders, police is reliant on receiving that information from NSW Health.

The Hon. WALT SECORD: So does NSW Health make a decision? Do they have discretion in the sense that if someone has violated a public health order, can they in fact waive prosecution of that health order in exchange for getting further information from a person?

Commissioner FULLER: That is a fascinating question. I don't think they are a prosecuting authority in relation to the health orders. But could I take that on notice? It is a good question. You have stumped me.

The Hon. WALT SECORD: Immediately after the 69 protests yesterday across the State, the organisers indicated that they were regrouping for another protest on 18 September. How much police resourcing and activity is actually going into responding to these groups?

Commissioner FULLER: Too much, in short, Mr Secord. If you go pre-COVID, we had around 1,000 protests a year in New South Wales. They were generally peaceful. You had very few arrests made. The relationship between protest organisers and police was generally a positive one, but obviously the COVID protests are very different. Last year we had organisers come forward. We were able to challenge these matters in the appropriate judicial system. Obviously, 2021 is a very different environment around protests. You do not tend to have protest organisers anymore. You just have a group of people—a rabble, if you like—turning up.

It is using up an enormous amount of police resources that could well be used assisting Health at the moment. I just think that people underestimate the risks they take coming together in such big numbers. We have heard this morning that COVID exists in our prisons and it exists now in police custody. This idea that you would put yourself close to that, and your families close to that, it just makes no sense at all at the moment. There are so

many other ways that people can protest at the moment without actually having to turn up and, particularly, be violent.

The Hon. WALT SECORD: Commissioner, some of the experts that monitor these far-right groups and activity maintain that yesterday's protests were organised by different aspects. Do you believe that yesterday's protests differed from the larger ones in July?

Commissioner FULLER: I think that is too early to say in terms of we need to assess the intelligence, but we are certainly doing that as part of any environmental scan. It is important for a couple of reasons, but I guess, primarily, is that we know that there will unfortunately be future protests. So it is important that we understand the threat to police and the community when these unauthorised protests occur.

The Hon. WALT SECORD: Do the organisers of these protests fall under the work of the fixated persons unit?

Commissioner FULLER: No, the protests do not fall under that at all. Each protest is assessed individually. Days like yesterday are unusual, particularly when it requires a statewide response. We had people at Tweed, Byron, Richmond, Coffs Harbour, mid North Coast, Port Stephens, Fairfield, Sutherland, Hurstville, Blue Mountains. When you talk about those types of numbers, you will have multiple different interest groups who are turning up. The great challenge is trying to work out the different groups and those that are potentially right-wing extremists and those who may have different beliefs. Often we see these days with protest groups that multiple interest groups will come together, and that is the only way that they can get the sort of numbers that we saw yesterday. I guess the challenge amongst all of that is pulling out the intelligence, particularly about those who are violent or dangerous to our community.

The Hon. WALT SECORD: Commissioner Fuller, you would be aware of the protests on the Tweed-Coolangatta border in northern New South Wales. Have you or has the New South Wales police given advice to the New South Wales Government? There is a proposal to move the border checkpoint to the Tweed River and another proposal to the edge of the Tweed shire. Have you provided any advice on whether you would be able to enforce a different border?

Commissioner FULLER: I simply provided the advice from a transport perspective and a policing perspective that it would be unhelpful for New South Wales to move the border. I was not supportive of it.

The Hon. WALT SECORD: What are the unique challenges that you have on the border? Are the problems that are occurring people trying to come back to New South Wales or trying to get into Queensland?

Commissioner FULLER: I think one of the challenges is that Queensland see themselves in a very different situation at the moment than New South Wales in terms of the virus, so their health orders are framed differently. They are open to the idea of protests at the moment because they do not see the Delta variant as a threat to their State. There are multiple challenges in just lining up the different philosophies that our States have at the moment around public safety and the Delta variant. That in itself would make you old, Mr Secord, but then of course you have got different policing strategies and different police powers.

Thankfully, the last couple of protests we have not actually had anyone from New South Wales turn up. The majority of the people were on the Queensland side of the border and they did not come into New South Wales. We did have one protest, I think it was around three Sundays ago, where we had a large number of people from Queensland and a small number of people from New South Wales who have engaged with each other, which obviously was a health risk in itself. The border areas are a challenge for police generally, but certainly from a protest perspective, that has taken the challenge to the next level.

The Hon. WALT SECORD: Commissioner, a lot of commentary has been about COVID, but how is COVID playing out on other crime activity in New South Wales? Generally, is crime increasing, decreasing, stabilising or are we seeing spikes in certain areas?

Commissioner FULLER: Property crime is certainly some of the lowest that we have seen in modern history. It sort of has been fascinating to watch different factors, such as Federal Government injections of money into the economy and the movement of people. But generally, overall crime is extremely low or extremely stable. We certainly are seeing in some areas, such as adult sexual assault, child sexual assault and domestic and family violence, that those numbers are unfortunately consistently high. But in most other areas, from the road toll, et cetera, we are seeing some historic lows for modern history policing. The secretary may have a different opinion on some of those.

The Hon. WALT SECORD: Mr Coutts-Trotter?

Mr COUTTS-TROTTER: I never disagree with the police commissioner on matters of fact. That is all true. I would stress, underline the commissioner's point that in relation to sexual offences and also domestic violence incidents, both criminal and incidents reported to police, while they are not rising, they are stable. And they are stable at very high levels.

The Hon. WALT SECORD: Is that an indication my time has expired? Yes. Thank you.

Ms ABIGAIL BOYD: Thank you. I will lead questions for The Greens and then hand over to my colleague Mr David Shoebridge. I believe that these questions are probably best directed to you, Commissioner Fuller. It does actually come nicely off of the questions that my colleague Mr Secord was just asking. I have been asking Minister Elliott now since the beginning of 2019 exactly why it is that New South Wales is the only jurisdiction in Australia not to be able to produce data on why sexual assault claims are being withdrawn or discontinued. I have been told that the Police Force's computerised operational policing system, otherwise known as COPS, although it records the reasons for withdrawal and discontinuation of sexual assault claims, you cannot capture that data. After asking several more questions, I have been told that actually COPS is now going to be replaced with a new system known as IPOS and that the IPOS system will provide that functionality. However, it is not expected to be able to actually extract that data for another four years. I want to know why this has not been more of a priority for the NSW Police Force. Commissioner Fuller, is sexual assault a priority for the NSW Police Force?

Commissioner FULLER: Absolutely, it is. Thanks for the question. Could you tell me which police force does this well? I would be interested so I can go and research it.

Ms ABIGAIL BOYD: Yes. Pretty much every other jurisdiction in—New South Wales. I am happy to provide you with that data.

Commissioner FULLER: No, I will do the homework. Can I just say this: Sexual assault is a very different journey for a victim than many other types of crimes. The reason for a matter discontinuing is not just as simple as, "I no longer want to proceed". So I think there will always be challenges in coming up with a data set that gives you a perfect snapshot of why victims discontinue with the journey. I find it a little hard to believe that any force has that sort of rich data, but I will certainly go away and test that.

Ms ABIGAIL BOYD: I would encourage you to do that. It is unfortunate that this issue has not come across your desk earlier.

Commissioner FULLER: Can I say that not every victim comes to police, and not every victim that goes to another agency who makes a report of it seeking welfare or health support comes to police. I think this is a much more complex issue, to be honest with you, than just looking at police and how it interacts with the justice system. I guess what I am saying is I do care. I do want to make this journey better for victims. I know there is a range of reasons why victims do not go ahead. That is because quite often the chance of successful prosecution is extremely low and the journey that a victim goes on in these cases is a traumatic one.

I suspect that police have these honest conversations with victims along the journey as well. Now, is that unhelpful? Potentially it is. But we know that the successful prosecution rates for sexual assault versus property crime are immeasurably different. I think that the work that the Attorney General has done at the moment with the review in relation to this new legislation would need to be passed through both Houses of Parliament. I will not see that, obviously. I will take on notice the IPOS question, and as we build this system the ability to get better data out around the victim's journey. I will certainly take that on notice.

Ms ABIGAIL BOYD: As you have identified, there are many reasons why someone might withdraw a complaint or why it might get discontinued by the police themselves. That is why that data that we have obtained from the rest of Australia has been so useful in working out what we can do better. I would really encourage the NSW Police Force to get on board with capturing that data as well. I do not understand, to be frank, how it can be that every other jurisdiction is able to do this and we are—

Commissioner FULLER: Again, I am at a loss, but I will go away this week and I will ask the question. But the reality is you would have legal advice that says the matter does not have a likelihood of success and you would have a victim saying, "I don't want to proceed". They are the two key reasons why a matter would stop before it got into the courtroom. There are multiple reasons within those two cohorts, but either the victim does not want the matter to proceed or we have been given legal advice to say that there is no likelihood of a successful prosecution. They are the two key cohorts. Within those two cohorts, you are never going to get the thousands of different reasons why. But let me go away and look at those as the two primary reasons why a matter does not progress into our justice system to see what I can find from our systems. I will also go to, say, Victoria, which is a large organisation, to see how they are extracting their data.

Ms ABIGAIL BOYD: Thank you. With respect, there was a proposal earlier this year for the consent app—and we are not going to cover that again—but the idea that we could fix something as complicated as consent with technology, yet you have overseen a police force that has been unable to capture something as simple as data. This is actually a very pressing concern, and it is something that has been reported a lot in the media. So it does surprise me.

Commissioner FULLER: I agree. I took a strong stance earlier this year around victims of sexual assault. I must have missed your support at the time whilst people were putting the boot into me. Nevertheless, I certainly thank you for the question. I will take those seriously on notice, and I will check with the other jurisdictions.

Ms ABIGAIL BOYD: Thank you. I will hand over to my colleague.

Mr DAVID SHOEBRIDGE: Mr Fuller, one of the most high-profile sexual assault investigations that the New South Wales police were tasked with was the investigation that became known as Strike Force Wyndarra, involving the allegations in relation to the former Federal Attorney General. You are aware of Strike Force Wyndarra?

Commissioner FULLER: Yes. We have discussed it before at estimates, I believe.

Mr DAVID SHOEBRIDGE: The post-operational report from Strike Force Wyndarra has now been largely released and largely unredacted. It provides:

Investigators from the Child Abuse and Sex Crime Squad never had the opportunity to commence the investigation into the historical sexual abuse of X due to her passing by suicide.

Are you aware that that was the content of the post-operational assessment?

Commissioner FULLER: I have not revisited any of that matter since it was closed off earlier this year. But are you asking me to accept what you are saying or take it on notice? I am not sure what you are asking.

Mr DAVID SHOEBRIDGE: I am asking if you are aware [audio malfunction].

Commissioner FULLER: You are hanging for me. I am not sure if it is just me. I am not the only lucky one.

Mr DAVID SHOEBRIDGE: Sorry, Mr Fuller. I think I got [audio malfunction].

Ms ABIGAIL BOYD: You broke up, Mr Shoebridge. You might want to try again.

Mr DAVID SHOEBRIDGE: Can you hear me now, Mr Fuller?

Commissioner FULLER: I can now.

Mr DAVID SHOEBRIDGE: I was asking if you were aware that that was the conclusion of the post-operational assessment, Mr Fuller. Do I understand [disorder].

Commissioner FULLER: I have not read that—no, what I am saying is that that matter has been finalised. If you want me to go back and read the post-operational assessment, I am happy to do that.

Mr DAVID SHOEBRIDGE: I would ask you to explain, if you could, given that that was the conclusion of the post-operational assessment—that the investigation never commenced—how it is that the New South Wales police in their media statement on 2 March 2021 said:

Based on information provided to New South Wales police, there is insufficient admissible evidence to proceed. As such, NSW Police Force has determined that matter is now closed.

How could that statement have been issued when it is so obviously contradictory to the assessment of their own strike force?

Commissioner FULLER: I am happy to take both of those matters on notice. I will read them and I will come back to you on notice.

Mr DAVID SHOEBRIDGE: Mr Fuller, do you accept that given the concerns that were in the community and that remain in the community about this matter that there is an absolute obligation on New South Wales media for being accurate in this regard?

Commissioner FULLER: Sorry, I did not understand the question about the media.

Mr DAVID SHOEBRIDGE: What I am putting to you, Mr Fuller, and I will be very clear, is that the New South Wales police media release of 2 March 2021 was plainly wrong in saying that following an investigation there was insufficient admissible evidence, when indeed the post-operational assessment makes it

clear no investigation commenced. Are you concerned that New South Wales police media gave out a misleading and inaccurate statement on the matter?

Commissioner FULLER: I think you have asked me this question twice. I have said to you I will take it on notice. I will go back and review both of the documents and I will come back and answer you on notice. I do not see you asking the same question again is going to get a different response from me. I understand the question, and I understand you have referred to two documents. I think I have the right to go back and review those before I answer the question. I think it is called procedural fairness. I think that was what we spoke about.

Mr DAVID SHOEBRIDGE: Perhaps.

Commissioner FULLER: Not perhaps.

Mr DAVID SHOEBRIDGE: Mr Fuller, can you confirm that the very day that New South Wales police closed the investigation, shut down the strike force, was the very same day that they received in their possession a signed, dated statement from the alleged victim? On the same day police received a signed, dated statement, they also shut down the strike force.

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

Mr DAVID SHOEBRIDGE: When you do that, Mr Fuller, can you explain, if that is the case, how on earth that those two things coincided? The receipt of—

Commissioner FULLER: I am happy to take that on notice. Thank you.

Mr DAVID SHOEBRIDGE: Do you think that would be an unusual practice, to shut down a strike force about an alleged sexual assault on the same day that police received a vast amount of additional fresh material signed by the alleged victim? Is that usual practice for police?

Commissioner FULLER: It would all depend, I suppose, on whether the police knew that that information was forthcoming or it was not forthcoming. Again, in fairness, I have to look at all the circumstances around that before I answer that question.

Mr DAVID SHOEBRIDGE: When you do that, can you answer what, if any, merit assessment was undertaken within the less than 24 hours that the police had with that signed statement before they shut down the investigation?

Commissioner FULLER: Absolutely. I will take that on notice as well.

Mr DAVID SHOEBRIDGE: Commissioner Fuller, I asked you earlier whether or not what I understand now to be your decision to put aside community policing was supported by any NSW Health advice. I did not receive a clear answer, so I am going to ask you again. Was your decision to put aside community policing during this COVID response consistent with NSW Health advice you received?

Commissioner FULLER: I am not sure how policing and Health advice come together in relation to this. What I did is I gave an undertaking to assist Health in two ways. One was assisting with contact tracing. The second one was treating the virus like a criminal, putting police in the areas of concern at the right time and the right place and taking strong action to try and reduce the spread of the most challenging Delta variants. The evidence was that police were issuing cautions four to one. That was not having an impact in terms of shaping community behaviour in some areas and the spread of the virus was obvious that that was the case. From my perspective, to increase community compliance on the back of all of the complaints we were receiving in terms of COVID, I gave police the confidence to take strong action where necessary, and I stand by it.

Mr DAVID SHOEBRIDGE: So, Commissioner, when you came to the conclusion—and I will quote from you earlier today:

We are treating the virus itself like a criminal, so wherever the virus is in the community, we will be there.

That is a decision you have made from a policing perspective and it has not been informed or supported or endorsed by NSW Health. Is that right?

Commissioner FULLER: NSW Health are supportive of the police operation. They are supportive of the police assistance in terms of assisting with contact tracing. They are supportive of police being in the right time in the right place to stop the spread of the virus. In terms of how I do that, that is a matter for the Commissioner of Police.

Mr DAVID SHOEBRIDGE: So it is your position that you can basically arrest the virus. Is that right? You can arrest this pandemic, and using your arrest powers and your fine powers, you can prevent the pandemic? You can police it out of the way. Is that—

Commissioner FULLER: That sounds sort of like a nonsensical statement. But what I will say is that by using the current methods of the way that we profile crime—in that we look at time, date and place and the movement of the virus through our community—if we can somehow assist Health in stopping the spread of that community into additional LGAs, then we actually protect those LGAs from stronger restrictions.

Mr DAVID SHOEBRIDGE: Do you have any statistical evidence that your more aggressive policing, particularly in western and south-western Sydney, has led to a reduction in COVID transmission? Do you have any reliable statistical evidence to support that belief?

Commissioner FULLER: I believe that if it was not for the policing of the virus and the Delta variants, it would probably be at 10,000 cases. I think the health system would be entirely overwhelmed. I think if it was not for the way that we have policed this, that we would be in a disastrous situation in this State.

Mr DAVID SHOEBRIDGE: I hear your opinion. I am asking if you have any evidence that the more aggressive policing has reduced COVID, particularly when you look at the differential in policing rates [disorder].

Commissioner FULLER: Certainly. If you look at—

Mr DAVID SHOEBRIDGE: Indeed, where you have more police, that does not seem to be working, does it, Commissioner?

Commissioner FULLER: Look at the United Kingdom. The United Kingdom, with a very similar policing environment, they took a very different attitude to it. One hundred and thirty thousand people dead, Mr Shoebridge. How about that statistic. One hundred and thirty thousand people dead.

Mr DAVID SHOEBRIDGE: Is that your evidence? The United Kingdom, with their laissez-faire approach under Boris Johnson is your comparator? That is what you have relied upon in your aggressive policing response, Commissioner? Is that seriously your evidence?

Commissioner FULLER: You asked for evidence. I have just given you some.

Mr DAVID SHOEBRIDGE: And that is the quality of the evidence you have relied upon for your zero tolerance aggressive policing, particularly in western and south-western Sydney? That is the [disorder].

Commissioner FULLER: I never used "zero tolerance", and I think it is wrong that you put words in my mouth. We still issue cautions to people every day for COVID-related fines. I would ask that you do not put words in my mouth. Have some respect.

Mr DAVID SHOEBRIDGE: Indeed. I think it is a two-way street, Commissioner Fuller. Could I ask you about the evidence you gave about the incident at Lockyer Street involving a deputy police commissioner who was found, reported in by members of the public, to be lying down, unmoving on the footpath near midnight. Do you recall that?

Commissioner FULLER: The evidence I gave where, sorry?

Mr DAVID SHOEBRIDGE: To a former budget estimates hearing, where you gave evidence about how Mr Lanyon spoke to you about that event where he was found on the footpath at close to midnight and reported in by members of the public. Do you recall that evidence?

Commissioner FULLER: I recall giving evidence in relation to Mr Lanyon, yes.

Mr DAVID SHOEBRIDGE: Your evidence was that Mr Lanyon had told you that he had had a medical episode and had low blood pressure and that explained him lying down and being found by ambulance officers and police close to midnight on the footpath. Do you recall that evidence?

Commissioner FULLER: I do not have the transcript with me, but I recall that being certainly a part of my evidence, yes.

Mr DAVID SHOEBRIDGE: Mr Fuller, we have now had access to the full paramedic reports. They show absolutely that Mr Lanyon had a very healthy blood pressure, and they also show unambiguously that he was smashed, heavily intoxicated and clearly there by reason of being intoxicated. Have you checked those paramedic records?

Commissioner FULLER: I think it is so concerning that someone's medical records can be obtained and then leaked, and you are worried about whether he was intoxicated or not. You can access someone's medical records and leak them to the media and that is okay? We are talking about someone who may or may not have been intoxicated. I am pretty blown away by this whole thing, to be honest with you. It is not an offence to be intoxicated, I hope, in a public place. I hope.

Mr DAVID SHOEBRIDGE: Mr Fuller, you know that the documents were released following a detailed and thorough process, including an arbitral process from a very senior retired judge in New South Wales. There was no leak. Have you have been told it is a leak? In which case, I am not sure where you got that information from. You know it went through a detailed arbitral process, don't you?

Commissioner FULLER: Sorry, are you talking to me? [Disorder]

Mr DAVID SHOEBRIDGE: Mr Fuller, you know that the phrase "leak" is plainly false. You know that it was released following a detailed process in the New South Wales Parliament involving a senior retired judge. You know that, don't you?

Commissioner FULLER: My information was, and if I am wrong, I will stand corrected, that it was in the papers before it was anywhere else.

Mr DAVID SHOEBRIDGE: You have often been wrong on this, Mr Fuller. I am asking you whether or not you want to correct your prior evidence.

Commissioner FULLER: I will take it on notice and go back and have a look at the time frame of it.

Mr DAVID SHOEBRIDGE: Deputy Commissioner Lanyon was intoxicated, smashed, he had healthy blood pressure and he gave you a false version, according to your evidence, about what happened on the night. Are you just simply going to accept that your deputy commissioner gave you a plainly false version of events? And then you repeated that to the New South Wales Parliament under oath. You think that is fine, do you?

Commissioner FULLER: I spoke to the CEO of Ambulance. I gave that evidence as well. We spoke in relation to was there any issues that I needed to be concerned about in terms of unlawful conduct or conduct obviously in breach of policy, I suppose. There was a discussion around low blood pressure. I am not a doctor, not a professional. But the CEO of Ambulance said his information was consistent with what could have been low blood pressure. From that perspective, I think it is reasonable that I did not just let this lie. I actually contacted the CEO of Ambulance, as I stated on the record at last budget estimates, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: Mr Fuller, what you stated on the record at last budget estimates was plainly false and directly contradicted by all of the paramedic records. You also failed to mention that Deputy Commissioner Lanyon had to be restrained by police because he was shaping up and threatening the paramedics. Are you okay with that behaviour by Mr Lanyon, as disclosed in the paramedic records?

Commissioner FULLER: I am disappointed that Mr Lanyon obviously brought the office into question. He is a decorated police officer, he is a very experienced police officer and he should have known better. It is certainly not an offence to be intoxicated in a public place. I would imagine that most people would be happy with that. At the end of the day, I did counsel him for his behaviour and that is on the record as well. Again, all I can do is go to the head of Ambulance and ask the appropriate questions. The responses I gave meant the matter was finished. Now we also—[disorder]

Mr DAVID SHOEBRIDGE: Commissioner Fuller, since then—

Commissioner FULLER: We also referred the matter to the Law Enforcement Conduct Commission [LECC]. They have looked at this twice and have decided to leave it with New South Wales police. It is not as though this matter has not been played out in the public, so I am not sure what you are looking for in this.

Mr DAVID SHOEBRIDGE: Commissioner, what I am asking for is that senior police be held to the same account as constables or members of the ordinary public would. If Mr Lanyon's threatening behaviour towards paramedics doing their duty had been undertaken by an ordinary member of the public or a constable, there would have been a police investigation and a potential prosecution for assault. Mr Lanyon has had none of that. He has been waved through by you following his own false assertions to you, which you then repeated to budget estimates. I am putting to you that that is a woefully inadequate form of accountability.

Commissioner FULLER: I acknowledge your comments. Again, he has been counselled for his behaviour. I have not received any complaints from anyone in Ambulance. I have spoken to the head of Ambulance to make sure that my actions were appropriate. LECC had been informed about this. I am not sure where the big cover-up in this exists, to be honest with you.

Mr DAVID SHOEBRIDGE: Will you review Mr Lanyon's conduct in terms of him (a) providing what is clearly false evidence to you when you asked him about it and (b) a potential assault of paramedics who are simply trying to do their job and should not have been sworn at and face the conduct from Mr Lanyon? Will you undertake those two reviews?

Commissioner FULLER: If I receive any additional information that allows me to open a fresh investigation, then of course I will.

The Hon. WALT SECORD: Mr Chair, are we out of time or can I resume questions?

The CHAIR: We have just gone over time, sorry.

Commissioner FULLER: I am on overtime as we speak, Mr Secord.

The CHAIR: Would you like more overtime? No. We will call it a day. We will have a break and will restart at 11.15. Thank you very much for coming.

(The witnesses withdrew.)

(Short adjournment)

GARY WORBOYS, Deputy Commissioner, NSW Police Force, Deputy State Emergency Recovery Controller, sworn and examined

MARK WALTON, Assistant Commissioner, Investigations and Counter Terrorism, NSW Police Force, sworn and examined

SCOTT COOK, Assistant Commissioner, Police Prosecutions and Licensing Enforcement Command, NSW Police Force, sworn and examined

DAVID HUDSON, Deputy Commissioner, Investigations and Counter Terrorism, NSW Police Force, sworn and examined

The Hon. WALT SECORD: Deputy Commissioner Hudson, I would like to follow up on some of the questions asked earlier and explore some comments that you made in *The Sydney Morning Herald* on 26 August, where you said that the New South Wales police are monitoring 1,000 on "terrorism continuum" as neo-Nazi risk rises. Is that an increase? Is that a decrease? How does that compare to the pre-COVID environment?

Mr HUDSON: Thank you for the question, sir. I think we have seen an increase during the COVID environment. To put those comments in some form of context, I was referring to the entire terrorism continuum that we monitor. We have a very advanced system, known as the "known entity management system", where we have four tiers—

The Hon. WALT SECORD: I am sorry, sir; could you repeat that? I could not hear that.

Mr HUDSON: We have a very elaborate system, known as the "known entity management system" to monitor individuals. That particular system has four tiers. Obviously, tier one poses the most threat to New South Wales. We have a number of people in that, de-escalating to tier four, where by far the majority of those individuals are who do deserve some degree of monitoring. What we have tried to do over the last four to five years is capture all individuals onto a common database to manage the risk and the threat that they pose at different times, put trigger mechanisms in place to alert us to when their circumstances change and it is possible that their activity may extend to more violent behaviour, so that we can intervene at the most appropriate and the earliest opportunity. Whilst I stand by the number of people that we monitor through that system, probably the tier-one and tier-two individuals are of most concern to us, and that would number approximately 80 individuals.

The Hon. WALT SECORD: I am sorry, sir; you will have to repeat that figure.

Mr HUDSON: Eighty—eight zero.

The Hon. WALT SECORD: Okay, 80. So, 1,000 overall, but you would say that there are 80 in tier one and tier two. Would those 80 be people who reside in New South Wales or make threats into New South Wales?

Mr HUDSON: That is correct, yes, and it is a mixture of either ideological or religious extremism.

The Hon. WALT SECORD: When you say "ideological and religious extremism", briefings I have received from experts who study this area say that the groups could be divided into three: far-left, far-right and religious-based extremism. Is that correct?

Mr HUDSON: The national standards, as dictated by the Commonwealth, split it into two: either ideological, which includes either right- or left-wing extremism, and religious extremism. That is our national standard.

The Hon. WALT SECORD: Of those 80 that you refer to in tier one and tier two, are they ideological or religious extremism?

Mr HUDSON: There is a mixture of both. Obviously, we deal with threat, not necessarily focused on one particular strain of the environment. We look at who poses the most threat, and they are ranked based upon that threat. There are both religious extremists in that group and also ideological extremists.

The Hon. WALT SECORD: Of the ideological extremists, have they—to use a phrase—flourished or increased in the COVID environment or have their numbers continued? It is just that we see more of them now. Can you give me a bit of context?

Mr HUDSON: We have seen more activity in that space. A lot of the activity in relation to ideological extremism is conducted electronically over the internet, engaging with people overseas, engaging in chat rooms, engaging in different forms of social media, venting their particular viewpoints on the world and what their solutions to that particular situation is. We monitor that environment. We have seen a greater number of people

come in from the periphery of that environment to engage in conversations and to engage in what I would say is undesirable behaviour. However, at a point when we think that will result in violence, we interdict.

The Hon. WALT SECORD: Recently we have heard quite a bit about these groups communicating through encrypted communication. Is that correct?

Mr HUDSON: There are some groups that do communicate via that method, yes.

The Hon. WALT SECORD: We have seen recent rallies: the July rallies and the rallies that we saw yesterday. Experts in the field have said that 69 rallies is quite a well-coordinated effort on the far right or people who operate in this area. Would you agree with the observation that yesterday's 69 took a bit of coordination?

Mr HUDSON: I think the riots or the protests yesterday were well coordinated to get that number of protests conducted on the same day at similar locations around the State. I think that we can talk about right-wing extremism; in our environment we talk about anti establishment. A lot of the protests that were conducted yesterday and have been previously have not been right-wing extremism per se. There has been a mixture of attendees, including left-wing extremists, right-wing extremists and what we refer to as anti-establishment protesters. All of those are obviously of interest to us and you may—

The Hon. WALT SECORD: But, sir, it is to your credit, or to the police service's credit too, that you responded promptly to all 69 protests in that.

Mr HUDSON: Out of the terrorism environment, through our State Intelligence Command, we have a public order events intelligence unit, which was established last year. They monitor online activity in relation to the protest space. At the moment they are meeting three days a week, which escalate to more frequently—every day—prior to what we become aware of being a major protest activity in this current environment. You have probably seen that type of escalation play out over two weekends when we had over 1,200 police deployed in the field, and we very much deployed our mantra of prevention and disruption, rather than just responding. We tried to prevent those protests in the current environment with the health orders and disrupt those protests, rather than simply respond to those protests, and I think that worked very well.

The Hon. WALT SECORD: Yes, I acknowledge that, and I acknowledge that your response yesterday was very, very efficient. I understand that they are regrouping for 18 September. Without going into fine details, how in fact do you disrupt or thwart their activity?

Mr HUDSON: I think some of our strategies have been well published through the media. The central business district of Sydney has been the focal point up till now, and we saw last month quite violent protests, where 3,500 people made it into the city. Post that we have taken a very proactive response in relation to preventing people from actually getting into the CBD without a valid reason, so that they try to disable their ability to protest. We do that through monitoring the train network, through enforcing of public health orders. We make sure that they are out with a valid excuse. We do that with the vehicle checkpoints. We do that with monitoring taxis and Uber drivers, and excluding them from the broader CBD, so that we cannot get those large congregations of people in this current environment, where they are subject to health orders.

The Hon. WALT SECORD: You would be familiar with the recent *60 Minutes-The Sydney Morning Herald* activity involving the National Socialist Network?

Mr HUDSON: Yes, I am.

The Hon. WALT SECORD: There have been calls at the Federal level to proscribe them or designate them as a terrorist organisation. What is your professional response to doing something like that?

Mr HUDSON: The National Socialist Network have a very splintered presence within New South Wales. They are much more focused in Victoria, where that story was based. Whilst we have supporters and peripheral members in New South Wales, we do not see them posing a significant threat in New South Wales, but we do not have visibility over. Obviously, if the Attorney General makes recommendations to the Government to proscribe a particular entity as a terrorist group, we are normally consulted in that process and, if asked and consulted with, we would obviously give an opinion. The rhetoric that they espouse is certainly not that which sits well with the general community and certainly needs to be limited.

The CHAIR: I ask witnesses to properly identify themselves before they start to answer. Hansard is having trouble following you.

The Hon. WALT SECORD: Deputy Commissioner Hudson, I would like to take you to the anti-vaxxer movement that is occurring. How does that play out in your police work?

Mr HUDSON: The movement is not well coordinated. Obviously, there are people out there who have certain views in relation to the current situation and for a long time have taken an approach for a variety of reasons of not wanting the vaccine. We have not seen that specifically turn into violent protests. However, we have seen some fairly diverse viewpoints espoused in relation to 5G towers causing the current crisis and some attacks on 5G communications towers around the State and some protest activity in relation to the establishment of 5G towers. However, by way of a specific threat to New South Wales, the anti-vaxxers, whilst having been totally allowed, obviously, to voice their opinion, have not posed a significant threat to our State. Mr Secord, we have lost—

The CHAIR: [Inaudible] by the look of it. Would you like to ask a question, Adam? Are you back, Walt?

The Hon. WALT SECORD: Hello?

The Hon. ADAM SEARLE: Is Walt back?

The CHAIR: No. Can you hear us, Walt?

The Hon. WALT SECORD: Hello? Yes, I can.

The CHAIR: You have been a bit [inaudible].

The Hon. WALT SECORD: Sorry about that. Deputy Commissioner Hudson, have you seen that sometimes the far-right activity has jumped on board, so to speak, or piggybacked on things like the anti-vaccination movement to further its activity?

Mr HUDSON: I think there is a milieu of different groups that will take any opportunity to voice their opinion and align with a different cause. We see that in the right-wing extremist space, and you mentioned the Nationalist Socialist Network previously. That environment is exceptionally fluid and people will change allegiances to different right-wing groups very quickly. Right-wing extremist groups will dissipate very quickly and new splinter groups form.

The Hon. WALT SECORD: I am sorry; I cannot hear any of this. Sorry, Mr Chair, are other participants having difficulty hearing the answers? No. I am sorry. Adam, if you are in a position to resume, I will jump off and come back on. I am sorry, Deputy Commissioner.

The CHAIR: I think it is your connection, Walt.

The Hon. ADAM SEARLE: Can I be heard, Mr Chair?

The CHAIR: Yes, please proceed.

The Hon. ADAM SEARLE: Police Commissioner, what criteria is applied to determine the involvement of the New South Wales police's fixated persons unit in any matter?

Mr HUDSON: I will take that question first, sir, and I will pass over to Mr Walton, who is sitting next to me, who oversees that unit. There is a criterion—a protocol—and a form of assessment through the terrorism intelligence section of the counterterrorism command prior to an investigation being taken on. But I will hand over to Mr Walton to run through that, and there is an existing set of standard operating procedures, which should be abided by in that process. Mr Walton?

Mr WALTON: Mark Walton. Yes, there is a very recent history in relation to the management of fixated persons here in New South Wales and Australia. It flows from a program—the fixated persons threat assessment centre—that came out of the UK from 2006, and the Australian programs have flowed from a Queensland trial in 2014. Essentially, referrals are made into our Terrorism Intelligence Unit, who assess the information that has been provided. There is a panel that assesses that information to determine the appropriate course as to where that work should be performed. Often, with our partnership from NSW Health and representation from the chief mental health officer, police conduct is limited and health options are applied in relation to people who have a mental health history and are unwell and their fixation is linked to their mental health condition. At times those cases are referred to local area commands to work through, and the more complex cases are referred to the fixated persons unit, who conduct those investigations.

The Hon. ADAM SEARLE: Is it fair to assume there is a fair process to be followed before the fixated persons unit is used in any particular matter?

Mr WALTON: Yes.

The Hon. ADAM SEARLE: Can you tell the Committee how the fixated persons unit came to be involved in the taking of action against Mr Kristo Langker?

Mr WALTON: That matter, which, you are aware, is before the court, so I certainly—

The Hon. ADAM SEARLE: [Disorder].

Mr WALTON: Sorry, I would need to take care in relation to the detail of that answer. But how did it come to the fixated persons unit?

The Hon. ADAM SEARLE: Yes, what was the process?

Mr WALTON: The history is that in December 2020 Mr Shane Brady, the Associate Director of Strategic Security at the Department of Premier and Cabinet, made a referral to the Sydney City Police Area Command—the command that covers the geography that we are in now. They initiated that report going on the system. Due to the nature of the alleged harassment of a high office holder, which the Deputy Premier fits the definition of, it was referred through the process to the Terrorism Intelligence Unit. Information was assessed. The panel assessed the nature of the incidents that had been referred, and the fixated persons unit commenced an investigation.

The Hon. ADAM SEARLE: I think you said that there were criteria and a sort of charter for the activities of the unit. Are those publicly available?

Mr WALTON: No, they are not.

The Hon. ADAM SEARLE: Are you able to supply them to this Committee, so we could review them?

Mr WALTON: I would certainly take that on notice to provide those standard operating procedures.

The Hon. ADAM SEARLE: Can you inform the Committee whether the Deputy Premier, Mr Barilaro, or any person in his office sought the involvement of the fixated persons unit in relation to Mr Langker's matter?

Mr WALTON: I have no information to suggest that that occurred. There has certainly been contact between the Deputy Premier's office and the investigators, which is to be expected in the course of an investigation in the course of a victim and investigator contact.

The Hon. ADAM SEARLE: If you could take my question on notice and give a more complete answer, that would be good. Did Mr Barilaro or any person in his office make a complaint to police about Mr Langker and his activities or did the police act of their own accord in this matter?

Mr WALTON: The referral, as I have outlined, initially came from Mr Brady, and the investigation commenced from that point.

The Hon. ADAM SEARLE: Does that mean that the police acted of their own accord?

Mr WALTON: I think it is fairer to say that Mr Barilaro's office, or someone, provided concerns or allegations that were then referred via Mr Brady in the first instance.

The Hon. ADAM SEARLE: I think I have asked you to see if you could take on notice whether you could supply the Committee with a copy of the criteria used by the unit, its charter of activities.

Mr WALTON: Yes.

The CHAIR: Mr Cook, can you give me an update on the community portal launched by the Firearms Registry in March this year? Where is it up to, and what is happening with it?

Mr COOK: Thank you, Mr Borsak. For the record, Scott Cook is my name. The Gun Safe portal, as you would be aware, was launched for the firearms dealers in New South Wales last October. Since that date there have been over 42,000 transactions, where those dealers have in live time transferred firearms, and bought and sold firearms. That process went to a reconciliation with dealers, so that the registry's holdings are matched exactly with the dealer's holdings from the outset, and so that significantly introduced different views on what the dealer should or should not be holding at any point in time. That has been operating very well. There has been fabulous feedback from the dealers. We have made some modifications to that system, and most recently we have added the amnesty aspect to the dealers portal for the National Firearms Amnesty, which commenced on 1 July. That addition to Gun Safe has been well received and well used, and has gone off without a hitch.

Additionally, as you would be aware, in February of this year we launched the online licences and renewals, permits to acquire, change of address, safe storage components of the Gun Safe system. There have been some 62,000 transactions that have occurred, most of them occurring within six weeks, many occurring within 10 days. That system is operating very well. There have been a couple of small hiccups, where we have taken feedback from licence holders and others, and we have made minor modifications to that system. The Gun Safe system is continuing to evolve. The next phase of Gun Safe looks at accountabilities for the Firearms

Registry and the publication of data, et cetera, so those accountability modules are currently being built, which will enable us to provide the community, and internally within the firearms registry and to the wider Police Force, accurate live-time data about performance.

Additionally, there is a further business case currently being considered for the second phase of Gun Safe, which will flow into next year, which will focus on bringing clubs online, rangers online. It will also focus on further work within the State activity. We are a long way progressed on that. At the moment we have agreements with Victoria, we have data transfer with Victoria, we are close with Queensland. The Australian Capital Territory is on board. Border Force is engaged with us so that we will, hopefully, in due course be able to track firearms from the time they enter the country. And then next month I will be engaging with South Australia as well. So Gun Safe—that new portal—is working very effectively but, as I said, it is still under development. I think it will revolutionise how we manage the regulation of firearms in New South Wales.

The CHAIR: Further, how many applications for licences, permits and permits to acquire, et cetera, are still caught up with the ongoing backlog? When do you expect to get it cleared?

Mr COOK: When we went live with Gun Safe for licences on 25 February this year, there is no backlog from that point other than within that 35-day KPI or unless we are waiting on the customer to provide further information back to us. Prior to 25 February this year there is a group of licence holders who were caught in an 18-month period leading up to that, which we would class as the backlog. There are about, in rough terms, 2,700 new licence applications waiting to be completed, and there are approximately 500 renewal applications waiting to be completed.

I anticipate the renewal applications will be completed within the next month or so, and I anticipate that the backlog in the new applications will be completed before the end of the year. We currently have an additional 10 staff working from Sydney on that particular backlog, and that is progressing quite well. But unfortunately for those people who applied in January, for example, just before we launched Gun Safe, it has been a considerable wait—an unacceptable wait—but I think, with confidence, by this time in six months there will be no backlog.

The CHAIR: I think the Firearms Registry used to publish a KPI reference chart. I am not sure whether that was online or how it was accessed. I have not seen that for a while. Is that still available?

Mr COOK: No, it is not available. I took it down, and I did that because I did not have enough confidence in the data that we were seeing. So what we are building now within Gun Safe is a reliable way of gleaning live-time data, and it is our intent to publish that data so that the public can see what is going on in real time and so that I can present that to you and to others in the Parliament and to the community as being accurate information. Hopefully, that will be up and running if not by the end of the year certainly in the early part of next year.

The CHAIR: I look forward to that. Can you give us an update on the status of the firearms amnesty at the moment? Is that a question for you?

Mr COOK: Yes, the amnesty is going quite well, given that we are in COVID. I think that has perhaps impacted it a little bit. There has been a significant number of transactions with dealers in terms of surrendering of firearms. I would have to take it on notice if you want particular numbers, but in rough numbers—

The CHAIR: Could you take that on notice, so I can get some actual numbers please?

Mr COOK: Yes, certainly, I can do that.

The CHAIR: If you have rough numbers, yes. Do you have that now?

Mr COOK: Yes, just roughly, about 1,700 firearms have been handed in to dealers, and at least 500 firearms have been handed in to police. In some circumstances where the firearms are handed in to dealers that may be prohibited, the police will go and collect that from dealers, so there is a duplicate count there that we have to rectify. We can do that quite easily, so I will do that prior to providing you with the actual numbers. But at this stage, given COVID, I think that is not a bad achievement. I think we are miles ahead of every other State in the country in terms of people handing in firearms.

The CHAIR: Can you give the Committee an update on the firearm safe storage inspection processes? How many inspections have been conducted so far in the latest round?

Mr COOK: So far this calendar year we are up to about 16,000. That is four times the number that we did three years ago. In fact, I think it is almost a record in terms of recent history about our commitment to making sure that firearms are stored safely in New South Wales. Over the last four years we have seen a halving in the number of thefts from rural and remote properties and other properties. I think our investment in safe storage and in making sure that people are compliant with safe storage is paying off. I think it underpins the entire regulatory

system that we are running in terms of firearms, so I am very glad to see that that 16,000 this year has been achieved. I think we could probably do better if it was not for COVID.

I have to acknowledge the work being done by all the police who have been tasked to do this in addition to all their other duties that they have to do. They have really embraced this, and I think that is probably attributed to the commissioner's focus on firearms and to the sponsorship of firearms within the organisation and the understanding across the board about how important safe storage is.

The CHAIR: Yes, 16,000 is a good number, but in the light of how many licences are out there—nearly a quarter of a million—it is really a small proportion—

Mr COOK: Yes.

The CHAIR: —considering the level of safe storage that has to be provided by everybody. Are you doing that safe storage inspection on a rolling basis or are you choosing certain groups or certain individuals? How does that work?

Mr COOK: It is risk based in many regards. Recently I instructed all police to focus on firearms licence holders who have more than 20 firearms. We are about two-thirds of the way through those particular licence holders, but quite separate to that the regional commanders operate their own regional operations, such as Operation Armour and other things, that are all centred around safe storage. We aim to get the premises and the locations and the quantities that indicate a higher level of risk done first, so that has been the priority because, in our minds, if someone has got 100 firearms and they are stolen that represents a far greater risk to the community than a single firearm that may be stolen. We are trying to do it completely based around risk, but we are not interfering with local operations because there may be local needs for local commanders around safe storage that they think is a priority.

The CHAIR: In an article in *The Daily Telegraph* on 18 August 2021, a journalist attributed the following statement to Superintendent Cameron Lindsay:

... the Gun Safe system was one of the major changes to the registry which include ... formal training for the first time for staff when deciding who gets a licence ...

Was that an accurate report from the journalist?

Mr COOK: The registry is currently going through a business improvement process, which commenced in early April this year. That process has seen a complete overhaul of how the registry conducts all its functions from top to bottom. It has highlighted a number of areas where further training is required, and all staff have been provided with additional training around decision-making, around process, around the standard operating procedures. There has been extensive work done on cultural change within the registry, and I have to say that the staff at the registry have significantly embraced the change. I think they have looked forward to this sort of a change, and there has been a marked improvement, not just in performance but in their understanding of how important what they do is and how important it is to the community of New South Wales. So, yes, there is ongoing training and there will be further training rolled out over the next six to 12 months.

The CHAIR: Do you know what ratio of Queensland residents work in the registry as compared to New South Wales residents?

Mr COOK: It is about 15 per cent.

The CHAIR: Have those people been able to work, being locked down, in Queensland?

Mr COOK: Currently, those people are vaccinated, as I understand, and they have permits. Where we can do other workarounds with work from home, which is limited, given the registry's systems and processes, we have done that, but I think we are the only registry that has been functioning in a full capacity in the entire country for the last two years, despite interruptions from COVID. I think that is an achievement and I think the registry staff need to be applauded for that.

The CHAIR: You have got to the nub of the question, thank you. Paragraph 525 of the New South Wales Coroner's report on the inquest into the deaths of Jack and Jennifer Edwards mentions that the Firearms Registry has a policy of treating apprehended violence orders that have been revoked and dismissed by the New South Wales court as active AVOs. What is the registry's policy regarding expired AVOs?

Mr COOK: This is quite complex. As you would be aware, in 2016 the domestic violence legislation changed, and when it changed it changed the jurisdiction of the Local Court. This only affects final orders that have expired, and people who have sought revocation following the expiry in the Local Court cannot do that. There is a jurisdictional error that has occurred there that the Crown Solicitor has advised on. In those circumstances, and only those circumstances, the revocation is not recognised by the registry. On the other hand,

if they had have taken that revocation application to the District Court it would be recognised because the District Court has the appropriate jurisdiction. It is quite complex legally, and it is only a small part of the business, but in general terms revoked orders are not considered as disqualifying offences; they are considered in terms of fit and proper person. So the policy is not to simply ignore everything and do what you want. The registry is complying with the law and complying with the Crown Solicitor's advice that has been provided to them.

Mr DAVID SHOEBRIDGE: Thank you all for attending this afternoon and for the work you have been doing. Mr Walton, this question might be appropriately addressed by you. Can you tell us what the criteria are for a matter being investigated by the fixated persons unit? I know you gave some answers to Mr Searle, but can you tell us what the criteria are?

Mr WALTON: I have not got the standard operating procedures [SOPS] in front of me, so I would have to collectively give you my recollection of that. As I said, there is the process that vets and determines what cases are done by the fixated persons unit, but essentially it does hang on that someone is fixated, there is ongoing harassment and, typically, they are high office holders or there is a criterion that allows us in circumstances to determine someone who has been, I suppose, overwhelmingly harassed by someone for the unit to undertake that investigation. Typically, they are more complex matters that require significant evidence-gathering and being able to present that material to the courts.

Mr DAVID SHOEBRIDGE: So it is not just any concern raised by a public figure, like an MP or the Deputy Premier; there has to be a very real, continuing pattern of behaviour. Is that your understanding?

Mr WALTON: That is typical: that there is an assessment that it is a serious, ongoing issue, and often a threat of violence is the threshold that we move towards.

Mr DAVID SHOEBRIDGE: Indeed, I assume there would be circumstances where a very serious threat of violence of itself would be sufficient, and you would not need an ongoing series of events if there was a very serious threat of violence. Would that be right?

Mr WALTON: Indeed, and in the current environment, particularly online, we are seeing a lot of people venting their frustrations, whether it is anti government, anti policy or anti establishment, and those matters are again being assessed and determined where that investigation is appropriately conducted, given the bulk of them are being done by local police, and in many instances when they are engaged by the police they remove that post, there is level of contrition and essentially a warning is taken.

Mr DAVID SHOEBRIDGE: So in many cases, even when there are quite serious threats, it is addressed by police approaching the person, making it known that they are being observed and a caution is given. That is often how these matters are addressed. Is that your understanding?

Mr WALTON: I would not say "serious threat"; if there was a serious threat, formal action would be taken.

Mr DAVID SHOEBRIDGE: Is it part of the role of the fixated persons unit to police political criticisms of members of Parliament, even quite robust political criticisms of members of Parliament? Is that in any way part of the fixated persons unit's role or parameters?

Mr WALTON: No.

Mr DAVID SHOEBRIDGE: Mr Walton, I am having difficulty understanding how, given the nature of that evidence, that the fixated persons unit was in any way involved with the investigation of Kristo Langker. It does not seem to meet any of those thresholds. Indeed, on one view of it, it meets one of the exclusions.

Mr WALTON: It was assessed as meeting that. It was certainly ongoing allegations of harassment. This matter is before the court, Mr Shoebridge, so I am concerned that if we start to get into the detail of those allegations we may be sub judice.

Mr DAVID SHOEBRIDGE: I am really interested in the role of the fixated persons unit and not, indeed, in the court proceedings. Have you reviewed the decision by the fixated persons unit to become involved in this matter?

Mr WALTON: I have not reviewed the decision; I have looked at the material.

Mr HUDSON: Mr Shoebridge?

Mr DAVID SHOEBRIDGE: I will come back to you in a second. Have you satisfied yourself, having reviewed that material, that it met the criteria for investigation by the fixated persons unit under the SOPS—the standard operating procedures?

Mr WALTON: I would have to take that on notice to clearly benchmark it, but as I sit here I am comfortable with the decision for the fixated persons unit's involvement in this matter.

Mr DAVID SHOEBRIDGE: Sorry, Mr Hudson, did you want to add something?

Mr HUDSON: Thank you, Mr Shoebridge. I would like to clarify something. Mr Walton was actually on leave, I think, when the gentleman was arrested. I did question the process. I forwarded a memorandum to the acting commander of the Counter Terrorism and Special Tactics Command, asking him to review what happened. I do not think appropriate processes were properly followed in that assessment. Having said that, I think if the appropriate processes were followed we would have the same result. I was more concerned about the process that was followed, rather than the outcome. I do not think it would have changed the fact that the fixated persons unit would have become involved in the matter. I do not think it would have changed the fact that we would have preferred charges against the gentleman, but because of the sensitivities around this we are quite strong on the fact that processes have to be followed, and if we identify incidents where that does not happen, we will question it and correct it.

Mr DAVID SHOEBRIDGE: Thanks, Mr Hudson. In what regard did you form a view that incorrect process had been applied in this matter?

Mr HUDSON: My recollection is that the referral that Mr Walton referred to earlier was not in relation to Kristo Langker; it was in relation to an associate of his. That was under investigation and is currently still under investigation. There had been contact, and that went through the appropriate referral pathways, and an investigation was being conducted by the fixated persons unit. That involved allegations made by the Deputy Premier. Kristo Langker's matter came around at the same time that matter was being determined, and because there was a conduit of contact between the Deputy Premier's office and the fixated persons unit there was some contact made. I think the fixated persons unit treated it as an escalation of the same incident, rather than a separate incident with a separate suspect.

In my opinion it should have been treated as a separate suspect and go through the same process that we normally do and assessed by the Terrorism Intelligence Unit prior to the fixated persons unit taking that on board as an investigation. As I said before, it would not have changed the outcome. If we had gone down that path, it would have been a matter that would have been investigated by the fixated persons unit. I think it would have been a matter still that would end up before the courts, as it is now, but in my mind—and I know Commissioner Fuller agrees with this and Mr Walton agrees with this—we have to ensure that the process on jobs coming into that unit are followed totally. As I said, as Mr Walton has alluded to, that matter is now before the court and we will be prosecuting that, as we would any other matter.

Mr DAVID SHOEBRIDGE: Mr Hudson, are you saying the fixated persons unit made the decision to charge Mr Langker, having wrongly assumed it was part of an escalating pattern of conduct? Is that your evidence?

Mr HUDSON: No, I think the gentleman is linked to a matter they were already investigating and they saw it as a continuance of the same behaviour, rather than an isolated incident. However, individually, as the initial matter is still under investigation, Kristo Langker's matter was more clear cut and action was taken more immediately.

Mr DAVID SHOEBRIDGE: Deputy Commissioner Hudson, you understand the very real concern in the community where people who have engaged in robust satire of politicians end up finding themselves charged with criminal offences by police. You would understand the very real concern in the community, and I will just be clear: It is a concern that I very much share. Do you understand the level of concern about this matter?

Mr HUDSON: I totally understand the issue, Mr Shoebridge, and there is a line that will ultimately be determined by the court as to whether that line has been crossed or not. That will be a determination by the court.

Mr DAVID SHOEBRIDGE: But in this case police made a decision to have the fixated persons unit involved, which is effectively there for serious, political-related crimes. That seems to have been—you accept now—an error on the part of the New South Wales police. Is that right?

Mr HUDSON: No, I do not see the fixated persons unit investigating this matter as being a mistake. I can see the pathway that caused them to investigate the matter, and the SOPs—standard operating procedures—that currently exist to ensure that inappropriate matters that are not investigated by that unit were not followed.

The Hon. ADAM SEARLE: Mr Hudson, just on that: As I understand it—and maybe the police commissioner can correct me—the fixated persons unit was established just before the Coroner's report into the Lindt Cafe siege came out. At the time it was indicated that its activities would be directed towards preventing terrorism and tackling people who were potentially violent. Can you tell the Committee, at least roughly, on what

basis did Mr Langker's activities bring it within the scope of the fixated persons unit? Is the suggestion that his activities were terrorism-related?

Mr HUDSON: The fixated persons unit sits under the Counter Terrorism and Special Tactics Command, Mr Searle.

The Hon. ADAM SEARLE: That's right.

Mr HUDSON: However, it has a broad remit, looking at, as Mr Walton alluded to earlier, issues that come out of a fixated threat assessment process. There are a number of people involved at different stages, depending upon the nature of the job, including a fixated persons panel, which includes a psychologist who can make referrals. But it has a fairly broad remit to investigate matters where it is determined that some form of fixation on an individual or a group or an entity could lead to potential violence.

The Hon. ADAM SEARLE: Sure. But, I mean, it is [disorder].

Mr HUDSON: [Disorder]

The Hon. ADAM SEARLE: It obviously would have to be at a very high level to warrant the involvement of that body, wouldn't it?

Mr HUDSON: I think since inception in 2017 the fixated persons unit has investigated over 600 matters and, I think, charged over 150 people now. I can get those more specific details to you; I can take those on notice.

The Hon. ADAM SEARLE: Please do.

Mr HUDSON: There is a variety of individuals who have been charged by that unit. Their commonality is the fixation, whether it be terrorism—fixated on a politician or fixated on a movie star, which we have had as well. The commonality is the fixation, not necessarily whether it is political or terrorism-related or whatever else.

The Hon. ADAM SEARLE: Alright. In which case, is its location in counterterrorism command an entirely appropriate one, given, from what you said, the very broad spectrum of operational activities it has dealt with? Where it is now, it looks like it deals with terrorism, counterterrorism and very serious threats of political violence. There has been a lot of concern around its use in this case. A former Director of Public Prosecutions has made comment. Lawyers have made comments—not about the activities. If it is criminal activity, that is one issue. We are not talking about the proceedings at the moment. We are just talking about the use of this unit. Do you understand the concerns that have been expressed about the use of the unit in this case?

Mr HUDSON: I totally understand. As I said, I caused the acting commander of counterterrorism to review the process in this particular matter. As I have indicated, I do not think it would have changed the outcome. I think the matter, as I understand it, that is currently before the courts was appropriately investigated by the fixated persons unit and appropriate actions taken, which we are continuing to prosecute. But I can understand the concern that people have raised.

The Hon. ADAM SEARLE: Certainly. Do I understand from your evidence that the concerns about Mr Langker were in the nature of fixation, rather than in the nature of threats of violence or any kind of political issue?

Mr HUDSON: That's correct.

The Hon. ADAM SEARLE: In which case, again, do you think that perhaps there should be a different unit located outside of counterterrorism that should deal with matters that do not involve terrorism or terrorism-related issues?

Mr HUDSON: As other fixated units around the world emanating out of fixated threat assessment centres and fixated threat assessment centre processes, there is a strong link at times with terrorism. There is a very strong mechanism of assessment of threat and risk through the counterterrorism command, which is applied through the Terrorism Intelligence Unit. I do not have the details with me, but not all matters assessed by that unit and referred to that unit—not all investigations are conducted by that unit. As Mr Walton alluded to earlier, many of those matters are referred to local area commands—sorry, police area commands or police districts—for investigation, as it is determined through that panel process that investigation better sits within that environment, rather than within a counterterrorism command.

The Hon. ADAM SEARLE: Okay. Your evidence is that you are utterly confident that all of the appropriate processes and filters were used in this particular matter?

Mr HUDSON: I think that the way that the investigation was conducted—came to notice—was reviewed. I reminded the unit, through the acting commander of counterterrorism, to follow the standard operating procedures, and I think those standard operating procedures are valid and need to be adhered to.

The Hon. ADAM SEARLE: Are you aware whether the Law Enforcement Conduct Commission is looking at the investigation of this matter?

Mr HUDSON: Am I aware if they are? No, I am not aware if they are.

The Hon. ADAM SEARLE: Alright. Well, some of the criticism has been that essentially Mr Langker and his employer were really engaged in political scrutiny of the Government and that the use of the fixated persons unit in this matter has taken on, if you like, a political flavour. Can you tell us whether the complaint made by Mr Barilaro and his office specifically sought the involvement of the fixated persons unit, or was it just generally a complaint to police?

Mr HUDSON: The first complaint was made, as Mr Walton has said, to the City Central police area command, not to the counterterrorism command.

The Hon. ADAM SEARLE: Alright. Well, I might move on from this interesting topic because I think you have taken some questions on notice, and you are going to supply us with certain documents that we can have a look at—the charter given to the unit. Mr Hudson, earlier this year you gave evidence to a cybersecurity inquiry conducted by the Legislative Council. You indicated that there were something like nearly 13,000 cyber incidents over the previous 12 months to your giving of evidence and that these were complaints made to the New South Wales police. Can you tell us, this year how many complaints have been made to police in the nature of cybercrime or cyber incidents?

Mr HUDSON: The data I relied upon in that particular inquiry is information that comes to us through the Commonwealth system, ReportCyber. Without having specific numbers in front of me, which I can get to you, I know that it is in excess of 1,000 reports a month and increasing.

The Hon. ADAM SEARLE: Yes, I think your evidence was that there was an increase of about 7 or 8 per cent every month. Has that trend continued throughout 2021?

Mr HUDSON: Yes, it has. Through periods of lockdown we actually see a slight increase on that, so I will have to get more current data to you.

The Hon. ADAM SEARLE: Okay, if you could. In the 2020-21 financial year we are told the privacy commissioner received more than 200 reports of State government agencies having data breaches. Have any of those involved the Police Force's own infrastructure?

Mr HUDSON: In relation to our infrastructure being breached?

The Hon. ADAM SEARLE: Yes, in relation to your infrastructure being breached or attacked.

Mr HUDSON: We have frequent attacks on our infrastructure. They are batted away, for want of a better term, through the processes that we have. We are actually increasing our cybersecurity presence and capabilities at the moment. We have an investment from Government through the Digital Restart Fund. We are establishing more stringent processes, including an operations centre based at Homebush totally focused on the security of our systems, bearing in mind the level of information that some of our systems hold and the information that we are relied upon by other government agencies and our Commonwealth partners in law enforcement, and indeed overseas, to protect. It is a particular focus of us to ensure that our systems are as rigorous as they can be—and, as I said, including that \$23 million investment that we are implementing at the moment.

The Hon. ADAM SEARLE: Sorry, what was that figure? I couldn't hear it properly.

Mr HUDSON: It was \$23 million.

The Hon. ADAM SEARLE: Okay. And was that from the \$180 million the Government has allocated to public service agencies to upgrade their security and their IT capability?

Mr HUDSON: I believe so. I was not involved in the application, but I believe through speaking to our IT people that it was an application made to the Digital Restart Fund.

The Hon. ADAM SEARLE: Mr Hudson, you agreed with the proposition during that inquiry that if people are going to trust the police to investigate cybersecurity, they need to be satisfied that the police themselves have proper cybersecurity controls. I think you gave evidence that last year there had been 58 significant attacks on police infrastructure and 200 phishing attacks each week. Can you give this inquiry an update as to the nature and types of attacks on police infrastructure and whether any of them have been successful?

Mr HUDSON: To my knowledge, no attack has ever been successful on the New South Wales police systems. But, as I said before, people frequently attempt to get into our systems. As I said, that investment that I referred to, the establishment of the operations centre at Homebush, the increase in software capability to detect and the increase in physical human resourcing in this space are all part of what we do to protect our systems. We are one of the agencies within New South Wales—there are other law enforcement agencies around the world and certainly around Australia—particularly vulnerable to people trying to get in, so it is important that we do develop those walls to prevent that. Up until this point in time, we have been very successful in doing that, but those phishing attacks and those intrusion attempts upon our systems continue to occur. I do not have the numbers with me. I am in that space at the moment, but I do not have the numbers. But they continue to occur.

The Hon. ADAM SEARLE: Alright. The COPS database—I think Ms Boyd asked some questions earlier. I think some \$23 million since 2018 has been used or spent to upgrade that. During the cybersecurity inquiry, Deputy Commissioner Lanyon indicated that there was an estimated \$1 billion required to implement a proper new platform for that database and police security. That is an awful lot of money. Can you indicate over what time frame that money is required? Are you on track to make sure that you have actually got the resources necessary to make safe the police cyber infrastructure?

Mr HUDSON: Sir, I do not have a great deal of visibility over the replacement for COPS. It is not a project that I have been involved in specifically. I have some high-level knowledge and briefings through the commission's executive team. My understanding is that the program to replace COPS, whilst done in different stages, is going to take approximately 15 years to complete. That is based on priorities which I have never been briefed on, apart from the areas that sit under my area of control, which is forensic and technical services, replacing our forensic system. I am sure that question can certainly be taken on notice and a more detailed response be provided with time frames in relation to IPOS, but I have no knowledge of that.

The Hon. ADAM SEARLE: Alright. Well, if you could take that on notice—unless the police commissioner can provide further information at the moment, I am happy for that to be taken on notice.

The Hon. WALT SECORD: Thank you, Mr Searle. I will jump in. Deputy Commissioner Hudson, I apologise. During the last bracket of questions that I asked, I lost the internet connection, so I did not hear your answer entirely. If there is a repetition, I apologise. This morning Deputy Commissioner Mal Lanyon on 2GB said that the recent protests involved a foreign actor. Can you elaborate on what he was referring to?

Mr HUDSON: I did not hear that, Mr Secord. I wish I had have spoken to Mr Lanyon this morning, but I have not been briefed on that and I cannot answer that.

The Hon. WALT SECORD: Okay, thank you. Actually, I would like to follow up on a question from Robert Borsak when he asked about the firearm amnesty. A number of years ago there was something called a bomb amnesty. I am not sure who to direct this to, but if there is anyone here today who has knowledge, did anything eventuate involving the bomb amnesty?

Mr HUDSON: Being the oldest person present, Mr Secord, I do remember a little bit. I think it was an explosives amnesty. I think there were some explosives returned that had been used—disused mining explosives—around the State. I think that was actually coordinated by one of Mr Cook's current commands, the Security Licensing and Enforcement Directorate, but I do not have any details of that. That was some years ago. But I believe there were, as I said, unused mining explosives that had been sitting around that were returned and ultimately destroyed through the Rescue and Bomb Disposal Unit, which sits under Mr Walton.

The Hon. WALT SECORD: Could you take it on notice and come back to us with the results of that amnesty? Also, are you aware that in Queensland the Queensland Government has introduced legislation involving people attacking police dogs and police horses? Has there been any work or discussion in New South Wales in this area?

Mr HUDSON: Again, Mr Secord, they are not areas that currently sit under me—horses and dogs—although they did at one time, historically. I am unaware of any changes to the current legislation in relation to the protection of our police animals. I would have to take that on notice to see if there is any current work being done. I am not aware of any.

The Hon. WALT SECORD: Deputy Commissioner Hudson, before the disruption of the internet link, you made reference to some 5G tower attacks. Can you elaborate on those and explain the context of those attacks?

Mr HUDSON: I am aware of one arson attack on one, which Mr Walton might be able to elaborate on because I asked him to have a look at this matter. Also, protests up in the Byron Bay area about the establishment of new towers became a bit of an issue for us. There was a bit of a worldwide trend, which we thought might replicate itself within Australia and within New South Wales in relation to the destruction of towers. Mr Walton,

I am not too sure if you have refreshed your recollection recently, but I know that you did some work on this previously.

Mr WALTON: Yes. We have had one incident earlier this year where a tower was damaged by fire. My recollection is that there was an arrest that occurred for that malicious damage. It was led by the police area command with the support of police from my command area. More broadly, 5G is another ideological issue at the moment. There are some extremists, particularly overseas, that have engaged in violent behaviour and damage to infrastructure. We have not seen that translate to a high degree here in New South Wales or Australia, but it is certainly a potential. As I say, it is one of a multitude of ideologies—a so-called salad bar of ideologies—that some people are picking up. They often pick up multiple ideologies and merge them based on a conspiratorial consumption online.

The Hon. WALT SECORD: Thank you, Deputy Commissioner. I think that concludes our time.

The CHAIR: Mr Hudson, the New South Wales Coroner was rightly highly critical of the registry and individual employees for the systemic failures of the registry. Can you tell me whether the persons identified by their initials in the Coroner's reports are still working at the registry? I obviously do not expect you to know this immediately: B.W., L.M., H.T., T.M., H.P., A.H., N.W. and H.D.

Mr HUDSON: As I said to you, Mr Borsak, I couldn't tell you that. I know that some people who were criticised through that process did leave the registry; some remained and some remained off sick the last time I checked. Mr Cook might have a better update on that, but I think there is a mixture of departures and leaves of absence amongst those people who were mentioned. Mr Cook?

Mr COOK: Thanks, Deputy. I do not have a further update on that. If I could, Mr Borsak, take that on notice, I am happy to provide the information. But the deputy's summary is correct: Some of them left, some have been sick and some have continued to work at the registry.

The CHAIR: Alright. Well, if you could give me the detail on notice, that would be great. What remedial training, if any, have they received—obviously, those who remained?

Mr COOK: Well, they have had extensive training. As I said earlier, the business improvement team has been up there since earlier this year. All the staff there, including those people who remained from that particular point in time, have had retraining and new training. We are looking to make that a permanent and ongoing practice about continuous development so that the registry—we will move to a form within the registry where there is ongoing update in training and ongoing modification of systems and processes so that we cannot fall into a trap of the past where things are just done that way because they are done that way. I have confidence that the business improvement team is implementing new regimes that will ensure that all the adjudicators at the registry are properly informed and properly trained at any given point in time.

The CHAIR: Thank you. Is B.W. still employed as a supervisor at the registry?

Mr COOK: Mr Borsak, off the top of my head I do not know who B.W. refers to. I will have to take that on notice, if that is okay.

The CHAIR: Okay. While you do that, could you tell me about L.M. and H.P.? Are they still there?

Mr COOK: I will follow that up for you.

The CHAIR: Thank you. [Audio malfunction] the Public Service Commission's capability framework that sets out core competencies for specific roles?

Mr COOK: I am sorry, Mr Borsak. I didn't quite catch the question.

The CHAIR: Sorry, I will say it again. Are you familiar with the Public Service Commission's capability framework that sets out core competencies for specific roles?

Mr COOK: Yes, I am.

The CHAIR: Have the employees at the registry been assessed to ensure that they have the required capabilities under that capability framework?

Mr COOK: That is currently underway. As I said, there has been significant business improvement there. Part of that will be a structural realignment, which the commissioner has approved. As that process unfolds—that realignment—every single position will have its position overview and job description brought into line with those capabilities, and each applicant and each position holder will have to meet those capabilities relative to the position that they occupy.

The CHAIR: Thank you. How many sworn officers work at the registry now?

Mr COOK: Six.

The CHAIR: Sorry?

Mr COOK: Six sworn officers.

The CHAIR: Six? Thank you. What is the total headcount at the registry?

Mr COOK: There are 83 people at the registry: six sworn police and 77 civilians. There are an additional 10 civilian positions operating at PoliceLink, which are not attached to the registry but do a large component of the customer service work for the registry. Their focus is on servicing the registry. There are an additional 10 police sworn positions at Homebush—Olympic Park, I should say—who are working currently on backlogs which exist and that we discussed earlier.

The CHAIR: Okay, that's good. Thanks. The 10 that are not attached—are they the ones that do the back office work at Parramatta?

Mr COOK: I will explain that again. The 10 at PoliceLink are customer service officers who do basic inquiries for customers before referring any material to the registry. The 10 that are based at Homebush are a temporary workforce of police who have been brought in to work through those backlogs we discussed earlier—that is, the applications that had existed prior to 25 February this year.

The CHAIR: Thanks very much. When the registry asks for a report from a psychologist or psychiatrist asking for a professional opinion on whether a licence applicant can own or use firearms safely without risk to the public, who at the registry assesses those medical reports?

Mr COOK: The short answer is the adjudicators. The longer answer is that we are currently very sensitive to the issues around this. The registry is working through how we can better approach this sensitive topic with people. It is incumbent on the registry to consider the mental health of applicants; it is a really crucial component of risk they need to manage. And so, they need to seek professional advice from doctors—because they are not doctors—in regard to that individual's capacity to responsibly own a firearm or use a firearm. And so, there is a lot of work going on within the registry at the moment to try and ensure that the communications that are undertaken with applicants are sensitive to their circumstances.

The last thing that people at the registry want to do is offend people, but they are obliged to inquire into this sort of area. And so, they are currently working on reforms about those communications. They are looking at perhaps even a specific checklist for medical practitioners and others to answer that will make it far clearer for the adjudicators in terms of whether the person is appropriate or not to hold a firearm licence.

The CHAIR: I hear in your answer there that the registry does actually seek medical reports from medically qualified people when they are doing the assessment.

Mr COOK: Yes, that is correct. Not in all circumstances—just where there is an issue or a potential issue relating to mental health.

The CHAIR: That is what I am talking about—the whole mental health area—because the feedback I am getting in the office is that it is generally easier just for the registry to say, "No, go away. You've had some sort of mental health issue, or you may have a mental health issue, or someone said you've got a mental health issue." It is very hard to come back from that situation, even when you do not have any sort of mental health problem. It is not good enough for someone to simply say, "You've got a mental health issue," and therefore their licence is removed and firearms are confiscated. How do they come back from that? That is really the issue.

Mr COOK: Yes, I understand the question. In some circumstances the registry has no prior detailed information about an individual's mental health history. But in other circumstances—for example, if there have been numerous COPS events of a person being taken to an institution, or mental health episodes—it may be far easier to revoke or refuse in those circumstances because it is abundantly clear of the issues. But where it is not abundantly clear, they are required to make contact with that individual and ask for medical evidence that would support their sound mind or their ability to own a firearm and use a firearm.

The CHAIR: In relation to judging whether a firearms licence should be retained or not, do the police take into consideration breaches of the COVID orders?

Mr COOK: I may have to take that on notice, Mr Borsak. In general terms, if people are issued just infringement notices, they generally would not be inclusive, but if they were charged with criminal offences then they probably would be inclusive. I do not know that we have had anyone refused on the basis of that yet—perhaps one or two—but I would suggest that it would not be for an infringement. It would be for an arrest, an assault—something else more substantial.

The CHAIR: Is it always the case that if you are arrested—say, for example, on a charge of assault—but the charge does not go ahead or you are found innocent, you could never get your licence back?

Mr COOK: No, that's not right. If the charge did not go ahead and there was no conviction there, that aspect would only be considered as part of the fit and proper person or public interest test. It would not be considered as part of the disqualifying tests.

The CHAIR: Can you tell me how that test works?

Mr COOK: The disqualifying test is stipulated in the legislation about particular offences that exclude people, so that is a cut and dry test. The fit and proper person test is more discretionary and will often rely on information that is not as concrete as a conviction would be. The overriding test is the public interest test about whether, in all of the circumstances—in terms of that person's living circumstances, their wellbeing, their associates, et cetera—they should or should not have a firearm. That is a highly discretionary test, and there is guidance that we give to the adjudicators there. We have talked about this before. We have published the guidelines that they use and the instructions they use; they are on the website. They also get further assistance through the decision-making tool, which has now been refined and enhanced, to make sure that they go through those three stages appropriately.

The CHAIR: Can you make the decision-making tool public?

Mr COOK: At this stage, it is still being reviewed. I do not know that we have made it public, because we really would not want it to be manipulated in some way. We have published the guidelines on how decisions are made for the information of the public, and they are publicly available now. The decision-making tool—if the intricacies of that were published, I think it could open it up to misuse or manipulation. However, I am happy to take that on notice, get some advice and come back to you.

The CHAIR: Mr Cook, what I am getting at is that the fit and proper test for a firearms owner seems to be a moving feast. It is certainly different today, in a much, much more restricted way, than it was when I first got my firearms licence 35 or 40 years ago. It seems to be very, very—the tests are different. Quite often I am having people come to my office saying, "I do not understand why I am not a fit and proper person," and the registry is not telling them what is going wrong or what has happened in their past. It may be a perfectly reasonable and legitimate reason why it should be refused, but there is just no understanding of how this has been done. It is a black box, and it is changing as we go through time. Do you understand the frustration that is going on?

Mr COOK: I certainly understand the frustration, but I think what influences that is that decisions that we receive out of the NSW Civil and Administrative Tribunal sometimes bind us in terms of how we exercise those discretionary aspects. There is also other case law that comes out around "fit and proper person" in other aspects of the law. All of these impact, to some degree, that moving feast you are talking about. But there is also an expectation from the community that people who have firearms are appropriately holding firearms, and I think there has been a greater focus on that in recent times. So it could just be a combination of the reforms that were made at the registry, the additional training, the legal position from the courts and the expectations of the community that have conspired in some way to make it more difficult than when you obtained your licence. Look, I do not know that we should apologise for that. I take on board your point about transparency, and if we can be more transparent in terms of that decision-making then we are happy to look at that.

The CHAIR: I only make that point because if the community understood what the requirements of a fit and proper person were—obviously, not seeking to manipulate it—it might be easier for people not to transgress it. That is all I am saying.

Mr COOK: I understand that. We may be able to modify the guidelines, I suspect, and enhance that aspect of the guidelines that we publish. That may be of assistance in that regard.

The CHAIR: I am finished, thanks.

Mr DAVID SHOEBRIDGE: Thanks, Chair. This may be best addressed to you, Mr Hudson. Can you explain why it took six years between the handing down of the royal commission's findings in relation to Hillsong Church and the conduct of Brian Houston—why it took six years between that and the laying of charges against Brian Houston for an alleged breach of section 316 of the Crimes Act? Can you explain the six-year delay?

Mr HUDSON: No, Mr Shoebridge, I cannot. I have no visibility over that. My understanding is that the police investigation was conducted through the police area command, not one of the commands that I have visibility over. I could not explain or in any way justify or try to justify that length of time.

Mr DAVID SHOEBRIDGE: Well, if not you, Mr Hudson—Mr Worboys, or one of the officers here, did you have any oversight role in relation to that?

Deputy Commissioner WARBOYS: Mr Shoebridge, it is Gary Worboys. No, I have no visibility of that matter.

Mr DAVID SHOEBRIDGE: Mr Hudson, I would ask you to take on notice, if you would, if there is an explanation and provide an explanation for the six-year delay. Would you take that on notice on behalf of the police?

Mr HUDSON: Certainly, sir. I will.

Mr DAVID SHOEBRIDGE: Mr Hudson, could you also take on notice—unless you know. Were the New South Wales police contacted when Mr Houston was given permission to leave the country by the Federal Government? Were the New South Wales police contacted, given the fact that there was an ongoing, live criminal investigation against Mr Houston?

Mr HUDSON: I will have to take that on notice, sir. I have no visibility over that.

Mr DAVID SHOEBRIDGE: Could you also take on notice whether or not New South Wales police have commenced or are intending to commence any extradition action to ensure that Mr Houston returns to the jurisdiction in order to face the charges, unless you know whether or not any extradition action has commenced?

Mr HUDSON: I am unaware of that, sir. I will take that on notice, and we will answer it if we are able to.

Mr DAVID SHOEBRIDGE: Does New South Wales or Australia have an extradition treaty with Mexico, if Mr Houston is in Mexico? Are you aware of that? If not, could you take it on notice?

Mr HUDSON: I will take it on notice, sir, yes.

Mr DAVID SHOEBRIDGE: This question might be best directed to you, Mr Hudson, in the circumstances, but you may be assisted by Mr Walton. You were asked some questions about whether or not you believe the NSN should be a proscribed terrorist organisation. Is it true that you have not yet got a view on that? Is that my understanding of your evidence to Mr Secord?

Mr HUDSON: I think that particular organisation is different to some of the other organisations that are proscribed by the Commonwealth, in that its structure is very temporary. There are a lot of members who come in and out of that particular group and who sit on the periphery of that group. The problem with proscribing temporary groups is that they will disband and create another group under another name very quickly. If there was some suggestion that that process was to be undertaken, we would certainly support that, but ultimately I am not too sure how successful a strategy that would prove to be. That is my point. Mr Walton might have a different view.

Mr WALTON: Just to add to that, it is quite a high threshold in relation to the listing of terrorist organisations. The proofs include directly or indirectly engaging in preparing, planning or assisting the fostering or doing of a terrorist act, and advocating or doing a terrorist act. As unpleasant and as disgusting as many of the things we see NSN and other groups do are, I am not aware of them heading towards that threshold. That may in itself be an obstacle for the listing of that group.

Mr DAVID SHOEBRIDGE: Mr Walton, I very much endorse your view of them as being grossly offensive, but I would suggest they go beyond that with "dangerous"—spreading vile, racist, right-wing, fascist, political organising messages. That would be a fair summary of what they do, isn't it—nasty, vicious, racist, vile political organising methods?

Mr WALTON: I agree, and I certainly do not believe New South Wales police have any reluctance for listing of those that meet threshold.

Mr DAVID SHOEBRIDGE: Mr Walton, do you Mr Hudson know whether or not there has been any review about whether or not any New South Wales police are in any way associated with, support or are members of QAnon, sovereign citizens or the NSN? Have you undertaken those investigations?

Mr WALTON: That would be more a reverse-engineered investigative strategy. I am not aware of any New South Wales police coming under notice to any of those groups. Sovereign citizen is a very broad ideology, however. Again, there is not a formal structure; we do not sign up at the RSL club for most of these ideologies, so determining who is a member or who subscribes to a certain ideology is somewhat complex. But amongst those identifiers, sovereign citizens is a very broad ideology. There are many members of the community that subscribe to some elements of these ideologies. Whether that moves them into that as a sovereign or an anti-vaxxer or COVID denier—that is a more complex question.

Mr DAVID SHOEBRIDGE: Mr Walton, I accept that you can disappear into a very disturbing black hole when you look at these organisations online. Would it be a breach of police code of conduct for New South Wales police officers to be publicly spreading and advocating anti-vaccination messages and messages that come from QAnon, sovereign citizens and others on public podcasts and the like, whilst also serving as police officers with an obligation to enforce the public health orders? Would that be a breach of the code of conduct?

Mr WALTON: I believe, in general terms—without assessing the specifics of that—yes.

Mr DAVID SHOEBRIDGE: Have you investigated concerns about a police officer in or about the Bathurst command who engages in exactly that behaviour: repeated publishing of podcasts, spreading this kind of disinformation, anti-vax and sovereign citizens messages? Has that been brought to your attention and have you done any investigation of it?

Mr WALTON: I am not aware of any incident or officer at Bathurst, no.

Mr DAVID SHOEBRIDGE: Could you take that on notice, Mr Walton?

Mr WALTON: Certainly.

Mr DAVID SHOEBRIDGE: Mr Hudson, you determined to refuse a travel application by the Strike Force Wyndarra investigators. In March of 2020 they were wishing to travel to South Australia to interview the complainant in that matter. Do you remember doing that?

Mr HUDSON: Yes, I do.

Mr DAVID SHOEBRIDGE: In that regard, you refused the application because you said that it was not essential travel. That is your understanding, is it not?

Mr HUDSON: I think the terminology I used, Mr Shoebridge, was "insufficient detail to support it", rather than "refused it". There were alternatives available, in my mind, that had not been explored.

Mr DAVID SHOEBRIDGE: Well, that amount of detail was not found on your note, but—insufficient detail because you believed that it was not proven that it was essential travel. Is that your understanding?

Mr HUDSON: It coincides with the conversation I had with State Crime in relation to—obviously we were on the cusp of the pandemic, and we had a preclusion on overseas travel that had been announced two days before. Also, interstate travel had escalated for approvals to deputy commissioners. That was one of, I think, nine applications I received that day. I declined all of them for the same reasons—alternative methods of obtaining the same material, or a process where it could be proven that the travel could be conducted safely. Neither of those issues, those details, were provided in that report, which I accept from the investigators. That report, I think, was authored prior to the instruction being delivered from the commissioner's office. I think it was authored on 10 March, and the instruction was first distributed on the eleventh. It went through the chain of command, reaching me on the thirteenth with insufficient detail on it to overcome those imposts imposed by the commissioner's executive team for approval of interstate travel at that time.

Mr DAVID SHOEBRIDGE: Mr Hudson, why did you not ask for further information, or why was there no process asking for further information to justify the travel? Knowing as we do now that police determined alternative methods for taking the statement would not be supported by them, why did you not ask for further information, and why was there no process to have further information?

Mr HUDSON: I actually think I spoke to the commander of State Crime before I signed that file. So the comment on the file is in addition to the conversation we had about excluding other alternative means of obtaining that same evidence and also providing evidence as to how the travel could be conducted safely under work health and safety requirements—which was the commissioner's executive team determination, of which I am obviously a member—prior to it being appropriately considered. I wanted that statement to be taken, Mr Shoebridge. [Disorder].

Mr DAVID SHOEBRIDGE: Mr Hudson, my time has expired. Could you provide on notice the detail of that conversation you had with the State Crime Command?

Mr HUDSON: Yes, sure. Certainly.

The CHAIR: Okay, thanks very much. We have come to an end of today's examination. I note that a number of questions have been taken on notice. The secretariat will be in touch with you soon regarding those questions and the supplementary questions we have for you. Thanks very much for coming along.

(The witnesses withdrew.)

The Committee proceeded to deliberate.