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20 DEC 2002

26th November 2002

The Hon. Bronwyn Bishop M.P.

RECEIVED
- 2 DEC 2002

TRUE STORY

BY: _____

The weekend before last I was asked to consult to one of Australia's largest law firms acting on behalf of one of the defendants.

A girl living in a block of so-called "security" units at Granville had been raped by three men, inside her unit. Apparently the police were saying "no sign of forced entry - she must have contributed to the incident by letting them in". She said "not so" and was suing the landlord, the Body Corporate and the Strata managers for failing to provide a reasonable level of security.

The defendants appeared to have taken every precaution to fulfil their obligations - they were just totally unaware of the pitfalls.

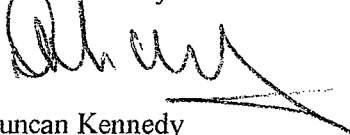
I was able to open the locked rear entry door with my sunglasses in under 3 seconds without leaving any sign of forced entry. The main front entry doors had been reinforced since the rape with "security blocker" plates - these I was still able to circumvent in less than 6 seconds with an old coathanger wire, again without leaving any sign of forced entry or making any undue noise.

This is a typical example of the so-called "security" workmanship on many homes, on most unit blocks and on most businesses. **I have the evidence to prove that the reason lies with both the Department of Fair Trading, [wanting to protect their empire] and the Police Security Unit [lacking the willpower to clean up the industry].**

Interestingly enough, a few days later, a firm of property advisers confirmed a similar incident at Paddington, the law firm asking for my advice had not heard of NSW Security Industry legislation, the builders had done all security works at Granville illegally under NSW legislation and the various defendants had no inkling of their own rights.

Back on the 3rd November, I read in the Sun-Herald that you were chairing a committee that "would hear an astonishing series of new allegations against NSW Police" [and apparently the NSW Ombudsman]. **My allegations contained herein would seem to very much add to the case laid out in that article.** You will see that I am not making any headway through formal channels. It would seem that to save lives and to reduce the incidence of rape, assault and trauma, [incidentally the problems in the barrier sector of the security industry have Federal implication], I have to force the issues by other means. **I am hoping that your committee can help**

Yours faithfully



Duncan Kennedy

31st October 2002

Michael Costa
Minister for Police

Dear Sir,

I write to you in the fervent hope that I do not have to go public with my allegations, but I assure you that over the last 10 years or so I have seen far too many victims to give up on them. If my allegations throw the upcoming State elections into turmoil, if they result in a class action against the Government in excess of \$2 billion, if they force a major shutdown of the banking system and if they throw the criminal legal system into disarray, then so be it. In today's world, the consumer deserves the right to rely on legislation that will enable them to make an informed decision when buying security for the protection of their family or employees. Not only can they not rely on Fair Trading and Security legislation, there has been a demonstrable and deliberate campaign by those agencies to hoodwink the consumer.

Nearly four months ago I made formal allegations of **CRIMINAL NEGLIGENCE** to Commissioner Moroney against (a) the Director-General of Fair Trading and other unknown officers of his Department, (b) The former Minister of Fair Trading - John Watkins, (c) The hierarchy of the Police Security Industry Unit, (d) The Director General of Police and (e) Unknown officers of the Department of Housing. Those allegations in regard to (a), (b), (c) and (d) relate not only to their failure to reasonably enforce Fair Trading and Security Industry legislation, but to their deliberate campaign to misinform the public in regard to their personal safety and rights under legislation and in regard to (e) the deliberate misleading of their clients as to what they might reasonable expect from the so-called "security" measures provided in Housing Commission homes. In all cases that "failure to enforce", that "deception by omission" and that "deliberate misleading and deceptive advice" can be directly attributable to many deaths, armed hold-ups, assaults, rapes and unnecessary trauma.

The only acknowledgement I have had from the Commissioner's office would suggest that perhaps he is being left in the dark. I tried unsuccessfully, by phone, to contact the author but no-one could tell me who it was. Apparently my allegations were passed onto the Security Industry Unit for action [one of the departments I have accused], **surely an action that would not have been acceptable had the accused not been police, public servants and politicians.** These are surely the gravest of allegations, yet four months down the track, I have not been contacted by one investigator requesting that I present even one scrap of my evidence [which I might add is very substantial and, I am told, very compelling].

Mr Costa, you are no doubt aware that I have tried many avenues to have these issues addressed and that I just keep coming up against a brick wall. So why do I think my appeal directly to you will be different? Firstly, I saw how you got stuck into the job when appointed Minister for Police and rightly or wrongly that gave me some confidence. I have now left the Security Industry and therefore no longer feel compelled to avoid public comment. **Let me raise the stakes! In addition to my allegations of**

criminal negligence, I now also make allegations of major FRAUD against those persons listed (a) to (d) above. It works like this. Those persons, either by deliberate wrongful advice or by willful concealment of the facts, encouraged the public at large to make a bad investment in some \$2 billion worth of barrier security products [yes I have the evidence]. A financial adviser or a company director, being so derelict in their duty would certainly face major fraud charges. Why should police, public servants and politicians not be bound by those same ethics?

Obviously, the police have had their opportunity to investigate my allegations. I can no longer trust them to make an impartial investigation. Accordingly, unless you have appointed an independent investigator, **lets say by the 25th November**, with wide ranging powers, to fully review all facets of my evidence, and report on a timely basis, then I will give the go-ahead for the following stories [and many more] to be told. So that we understand one another, yes I have tried to get my "criminal negligence" allegations aired in the press – they balked at the magnitude of the investigation and the obvious potential for damages - but I assure you they are chomping at the bit to start printing the following anecdotes and from there I have no doubt a Royal Commission will follow.

- Your own police fingerprint officers at crime scenes continually confirm that whilst crime is, in their words, "epidemic", most of it, again in their words "is a result of inadequate security, inappropriate security, poorly designed security, or poorly installed security." Yet they are unaware that for the last 15 years, security licensing has fallen under the jurisdiction of their very own department.
- A couple of years ago I was called to the Glebe Coroner's Court to install barrier security on the glass fire egress doors. Their security people were totally unaware that anyone could gain entry, regardless of any added barrier security, without leaving any sign of forced entry what-so-ever, merely by using a piece of plastic. **I wonder how any prosecutor can guarantee that any criminal evidence having passed through that facility has not been compromised?** [and Minister, do not be fooled into believing that the electronics would necessarily have picked them up – have a look at the details of the armed hold-up at Westpac Paddington a few years ago to knock that one on the head]. I guess a bit like the credit card circumvention of the locking at the Police Integrity Commission not so long ago. **And that is just the tip of the iceberg on all sorts of sensitive buildings.**
- I will provide a list of names of people that I have been lead to believe, [often with a nod from the police themselves], are dead because their security doors, for example, breached Fair Trading and Security Industry legislation. I believe a thorough investigation will increase the size of that list many fold. Add to that those who have been assaulted, raped and traumatized by that fact and the list would be seemingly endless [and, believe me, I can point journalists in the right direction].
- Many, in fact a large percentage of, bullet resistant security doors leading behind the teller counters at many bank branches can be opened in less than three seconds with a bent screwdriver or a piece of plastic, without even attracting the attention of staff or

customers – I demonstrated this on video at Westpac Lidcombe, both on the outer and the inner doors leading from the public area to the teller area. If bank security don't know any better, how do you think the general public fares when making their own security decisions?

- Electronic Security at bank branches cannot comply with OH&S requirements for the protection of staff. Much of the barrier security when installed for that purpose behind the teller counters is so poorly designed and installed it breaches OH&S. Again I have video taped just how easy that is at some of the ANZ and NAB branches. I invite you to check the 15 or so armed holdups at Westpac [around Sydney] in the first six months of this year to find out how many of those were attributed to inadequate or poorly designed and installed barrier security. Some 250 Westpac staff, in the first 6 months of this year, have had knives and guns poked in their face because of a “code of silence”. Westpac Lidcombe and Westpac Wahroonga would be classics. If you want the names of the other 13 just ask. **Indeed how many police officers needlessly faced death or injury responding to those hold-ups?** And what could be more graphic than the one seen on the TV news last week at ANZ Princes Hwy, Rockdale and the Commonwealth at Brighton le Sands in today's paper. **Make no mistake Minister, 90% of those would have been avoided if Fair Trading and the Police Security Industry Unit, [and I might add NSW WorkCover who were totally aware of this specific problem as far back as three years ago – I have the correspondence confirming that] had done their job.** Unless something is done, a teller or a bank customer or a police officer is going to lose their life in one of these incidents – **it will be foreseeable consequence and should have been avoidable.**
- How about the Department of Public Works specifying a particular security fixing device at the recent Goulburn jail renovations – a so-called “security” fixing device, the drivers / undoers of which can be easily concealed and can now be purchased in any hardware store by any member of the public, again because Fair Trading and Police Security refused to do anything about it. And what about the new jail at Kempsey and the renovations at Parklea? Talking about those jails did the contractors hold an appropriate security license to do the barrier security works? Of course not, just as those contracting for the cells at the local courthouses all around the State don't [or certainly didn't a year ago].
- I often read in the paper where a member of a household has been convicted, I guess partially, on the fact that the murder scene had “no sign of forced entry”. In many suburbs, I estimate that in around 50 % of households I can get in through their locked doors with a piece of plastic or a piece of cardboard or a bent screwdriver “without leaving any sign of forced entry.” [I have some 16,000 – 17,000 site inspections under my belt to back up my assertions]. Surely such evidence should then not go unchallenged, it is just that the defense attorneys are not aware of how epidemic this problem is. Commercially, the percentage is even higher. I have been to literally hundreds of crime scenes where police have reported “no signs of forced entry” – yet despite all the so-called security measures I have been able to get in without leaving any sign of forced entry [Southcorp Wines on the Pacific Hwy at St Leonards and German Town Holdings at Botany would be good examples – but

going back through my records I could document hundreds if you want]. Many of these have suffered a multiple of unexplained entries over a period of just a few weeks.

- I will take journalists to unit blocks advertised as security units [i.e. a big fat surcharge incorporated in the price – yet done illegally, and I will demonstrate just how easily even a young street thug can get into the so-called “secure” parking areas, the so-called “secure” common areas and in many cases into the actual units themselves - Gateway Gardens on the corner of Boundary Rd and Pacific Hwy at Roseville and 9 Bellevue St Greenwich are two prime examples of literally thousands]. No tricks and no skills are required – just street wise thugs who have been around a bit. I will go further, I will give them names of people who have been raped, assaulted and traumatized directly as a result of that dereliction of reasonable care and the illegality in the carrying out of those security works.

Minister, in April 2001 a ruling in the Fair Trading Tribunal set a precedent that, if made public, will entitle the consumers of NSW, in a class action, to recover an estimated 90% of the total expenditure in this State, on all security doors and security window grilles sold since 1997 (and could possibly go back ten years prior to that) – an estimated \$2 billion at least. [I was physically present at that ruling]

Minister, I am not a crackpot. I did the barrier security work on the building housing the Police Royal Commission. I have been trusted to do the barrier security works on homes of those under witness protection, work for the National Crime Authority, the missile base at Orchard Hills, Kirribilli House, the homes of Federal Cabinet ministers, Federal Court judges, magistrates, the barrier security on the homes of ex Prime Ministers, Bob Hawke and Paul Keating, to name a few.

Minister, just how many stories do I have to tell you to make you appreciate the gravity of this matter? If necessary I will provide the full box and dice to the media at large before Christmas.

Minister, I have every respect for our police force. Their job is dangerous enough. Householders, employees and the police themselves deserve an independent investigation of my allegations. **Please do not underestimate my resolve and please excuse any lack of eloquence on my part.**

Yours faithfully

Duncan Kennedy

3rd July 2002

POLICE COMMISSIONER MORONEY

GPO Box 45
Sydney NSW 2000

Dear Commissioner,

Attached please find background documentation in regard to allegations of criminal negligence that I have made against:-

- The Director-General of Fair Trading and other unknown officers of his department
- The former Minister of Fair Trading – John Watkins
- The hierarchy of the Police Security Industry Unit
- The Director-General of Police
- Unknown officers of the Department of Housing

And I hereby formally request that you instigate an appropriate investigation into whether or not they can be substantiated in terms of the law.

About two years ago I attempted to lodge these complaints at the Chatswood Police Station. The highest officer I could get to talk to was a sergeant, who wouldn't even give me ten minutes of his time and who totally refused to discuss the matter with me let alone review one iota of my documentation.

Similarly, ICAC and the Ombudsman have both refused to review or investigate one shred of my evidence.

Frankly, I had no confidence that your predecessor Commissioner Peter Ryan would adequately respond to my allegations as I rightly or wrongly perceived his political persuasions to be too closely aligned to those whom I was accusing. It seemed I had no other choice but to appeal to the Legislative Council. Whilst I appear to have 6 to 8 members pressing for an inquiry, that avenue also appears to be heading for a dead end.

On the other hand Commissioner, having listened to some of your radio and newspaper interviews since arriving at that post, I have the feeling that you not only have old fashioned police values but that neither will you be so hamstrung. **Accordingly I make these allegations directly to you. As I say in the attachments, the evidential material I have is substantial. At best I can enclose my line of reasoning already submitted to the Legislative Council.**

Although just the tip of the iceberg may I attempt to illustrate the importance of the issue by the following observations.

- Your own police fingerprint officers at crime scenes continually confirm that whilst crime is, in their words, “epidemic”, most of it, again in their words “is a result of inadequate security, inappropriate security, poorly designed security or poorly installed security”. **We have had police security industry licensing now for 15 years. Their continued refusal to enforce the legislation is surely the main contributing factor to that state of affairs.**
- I read in the paper over the weekend that in the last month 6 elderly woman have been tied up and robbed in their own homes. **There is every likelihood that at least some of those cases result from the Department of Fair Tradings’ refusal to enforce fair trading laws as they apply to the security door industry.**
- This year alone, Westpac branches have had about 15 armed holdups in the Sydney area alone as a direct result of inadequate or inappropriate barrier security in breach of Occupational Health & Safety legislation. **That is an estimated 250 staff who have needlessly had a knife or a gun poked in their face. This has been predictable for more than five years and has occurred because the Police Security Industry Registry and before them the Police Fire Arms Registry failed [I would say with foreseeable consequence] in their duty to enforce the available legislation.**
- Your department have Community Safety Officers visiting victims after a break & enter who are not advising the victim of their entitlements under the Security Industry legislation where the breach has occurred through a security product installed by non licensed firms and installers. Nor are they advising consumers to use properly licensed firms to carry out a security upgrade that they are recommending **[and this is an Act administered by the very department for whom they work – in fact my inquiries suggest that mostly they are not even aware of the legislation]**. And I have been to sites where they have OK’d, for example locking, which can be opened with a business card.
- You have police visiting a crime scene who tell victims that they, the police, just cannot cope with the amount of crime, that the victims best course of action is to install proper barrier security [specifically barrier security as opposed to electronic security], yet fail to tell the victim to beware, that most of those advertising these products in the Yellow Pages for example are unlicensed to carry out such barrier security works – **again an Act administered by the very department for whom they work.**
- Australian Standards for barrier security, without doubt, breach both Fair Trading laws and NSW Security Industry legislation. This is easily demonstrated. **Both the Department of Fair Trading and your own Police Security Industry Registry are fully aware of that fact. Yet they are quite prepared to ignore it and thereby place peoples lives, both in the home and at work, in danger – and one could no doubt add that that fact could thereby place the wellbeing of police officers responding to a preventable incident also at risk.**

Commissioner

You will see from my new address above that I have left Sydney and walked away from the Security Industry after 17 years involvement. For ten years now I have endeavoured, for the sake of the public, to force the cleaning up of this very shonky industry.

Frankly, I no longer want to be involved in an industry which doesn't give a stuff about the protection of people.

I am firmly of the opinion that the available tools, viz. Security Industry legislation and Fair Trading legislation would add considerable support to the very difficult task of policing in NSW – if only appropriate standards were set and the available legislation enforced.

I look forward to your response

Yours faithfully

Duncan Kennedy
Licensed Security Consultant # 407221112



ABN 43 408 613 180

NSW POLICE SERVICE

SPECIAL CRIME & INTERNAL AFFAIRS COMMAND

Level 3
45 Clarence Street
Sydney NSW 2000

Ph: (02) 8234 5699 / 40699
Fx: (02) 8234 5894 / 40894
TTY: 9211 3776 (Hearing/Speech impaired only)

Ref:

16 July 2002

Received 22/7/02

Ref: AU20021020

Duncan Kennedy

Re: Your correspondence alleging inadequate procedures by the Security Industry Registry

I refer to your correspondence alleging inadequate procedures by the Security Industry Registry

Complaints and other concerns about police conduct are dealt with under the Police Service Act 1990. This legislation provides for the investigation and resolution of these matters by NSW Police, with independent oversight by the NSW Ombudsman.

Your concerns were considered at a recent meeting of the Special Crime and Internal Affairs Complaint Assessment Team and it was determined that your correspondence should be forwarded to the Manager Security Industry Registry, Parramatta for their consideration. Accordingly, the matter has now been referred.

Thank you for bringing your concerns to the attention of NSW Police.

A/Executive Officer
Complaint Assessment Team



Inquiries: Greta McDonald
02 9286 0933

Level 24 580 George Street
Sydney NSW 2000

Phone 02 9286 1000

Fax 02 9283 2911

Tollfree 1800 451 524

TTY 02 9264 8050

Web www.ombo.nsw.gov.au

Our Reference: C/2002/6186

Your Reference:

Mr Duncan Kennedy

Dear Mr Kenndey,

Re: Your Complaint About Police

I refer to your letter addressed to this Office dated 26th August 2002 concerning allegations that NSW Police have failed to enforce various security industry regulations.

I advise that your correspondence has been read and an assessment made. Firstly I would like to advise you that as this Office has limited resources, we are unable to investigate every complaint that we receive. An assessment must be made of each complaint as to whether or not we consider it appropriate to investigate. In this matter it is considered that an investigation would be unlikely to disclose any police misconduct and as such we decline to investigate your complaint.

Thank you for raising your concerns with the Ombudsman, however I regret that we cannot assist you.

Yours sincerely

11 OCT 2002

Greta McDonald
Customer Service Manager
For the NSW Ombudsman

NSW
6th November 2001

**COPY OF PERSONAL LETTER SENT TO EACH AND EVERY MEMBER OF
THE LEGISLATIVE COUNCIL – NSW PARLIAMENT**

Dear Hon. Member

Re:- My allegations of Criminal Negligence by public officials

I write to you directly at the invitation of John Evans, Clerk of the Parliaments – refer copy of his letter dated 31st October 2001 attached.

I cannot put the issue any more succinctly than I have set out in my two letters to Dr Burgmann dated 28th September and 22nd October 2001, copies also attached.

Since my last letter to Dr Burgmann a further case has been decided in the courts, which I believe is most relevant viz. that of Leslie William Cooper, a thief, who on the 29th October was found guilty of “manslaughter by criminal negligence and / or omission”

Here was a hardened criminal, who might reasonably have had difficulty recognizing the legal nuances of criminal negligence by omission and who did not have anyone “on the spot” to advise him that such an omission might lead to the death of little Leo Nguyen in the back of the car he had just stolen. Never-the-less, and quite justifiably, he was found guilty.

Compare that case with the refusal to act / willful encouragement of the breaking of the law by those whom I have accused in my letters attached. These are supposedly intelligent people who should have been able to project the likely consequences of their negligence, **especially as I have hounded them every step of the way to not abrogate those responsibilities.** There is no way such people could reasonably argue the potential consequences could not be foreseen.

As tragic and as unforgivable as Leslie William Cooper’s crime was, my allegations involve many more deaths, many more nightmares and many more injustices.

I am confident that your reading of this material will make you want to find out more.

My proposal is that you take up my challenge and propose in the Legislative Council that a retired Judge / Magistrate broadly investigate the many elements of my complaint with a view to advising the Parliament whether or not in his / her view any relative matter needs in-depth investigation.

I write to all members of the Legislative Council regardless of their political persuasion. **The matter is so serious and so fundamental that surely no servant of the people concerned about justice for their constituents could possibly vote against such a proposal were you to put it forward.**

In appreciation of your support I agree to cooperate fully with any of the recommendations of such a preliminary investigation.

I further advise that if the finding of that preliminary investigation is that there are no grounds for me having made such a fuss, I will front up and apologize as fully and as publicly as you require and agree never to raise any such issues ever again.

Yours faithfully

Duncan Kennedy

Attachments 5 pages



LEGISLATIVE COUNCIL

OFFICE OF THE CLERK

31 October 2001

Mr Duncan Kennedy
Place

Dear Mr Kennedy

The President has referred to me your recent letters for response.

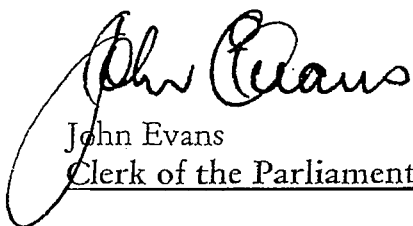
I note that you have already raised the allegations made with various Ministers, Departments and investigative bodies without result.

In order for the Legislative Council to inquire into the matters you have raised, it would be necessary for a member to initiate such an inquiry by way of notice of motion. For this to happen, you would need to find a member of the Legislative Council sympathetic to your cause.

However, for an inquiry to be instituted by the House, as you request, any such proposition would require the support of a majority of members of the House voting on the proposal.

If I can be of further assistance you can contact me on 9230 2321.

Yours sincerely


John Evans
Clerk of the Parliaments

AN OPEN LETTER TO:-

All members of the Legislative Council

Sent via the President – the Hon. Dr Burgmann.

A copy has been sent to Alan Jones of Radio Station 2UE.

I further advise that it is my intention to copy as much of the media as time permits.

I refer to my letters to Dr Burgmann 28/9/01 – **[I did state that given the gravity of my allegations and the fast approaching parliamentary Christmas break, I was expecting a response by 17th October – to date nothing received]**, Premier Carr [17/4/01 – 24/4/01 – 12/6/01 – 3/7/01], Minister of Fair Trading John Watkins [23/11/00 - 25/1/01 - 10/3/01 - 2/4/01 - 2/5/01] along with numerous letters to the Department of Fair Trading, The Police Security Industry Licensing Unit, the Director General of Police, past dealings with the Department of Housing and general submissions to many other Government Departments.

Whilst I am conscious that this letter may well, in some eyes, be considered defamatory, I totally reject that notion. I have provided those whom I accuse herein of **CRIMINAL NEGLIGENCE**, and subsequently their superiors, ample opportunity to arrange for an independent assessment of my allegations, to see whether my claims stood up to legal scrutiny. As in any criminal investigation that could have been done without publicly releasing any names. My allegations are so serious and so fundamental to the operation of Government, that it was incumbent upon each of those to whom I have written to arrange just such an independent investigation of the substantial material in my possession. [This includes two large boxes full of written evidence, several videotapes, seven large scrap books and indicative samples of the offending materials supporting my claims. I would suggest ample material to warrant an investigation lasting several months. All my allegations have been rejected without any of that material once being independently reviewed]. All I have met with is a “head in the sand” attitude that leaves me nowhere else to go.

My allegations centre around the Security Door / Security Window Grille industry but I am told by associates in other sectors of the security industry [security alarms for example] that many of my allegations would apply equally to those sectors.

I have some 16,000 site discussions under my belt over a 16 year period, an estimated 600 callouts following an actual break & enter and I have assisted in surveys for the likes of Choice magazine. I do training for government security officials and, for example, insurance surveyors. **I can show that the primary reason why householders install security doors and security window grilles is first and foremost for their personal protection, especially for the wife and children inside their home.** It is imperative therefore that such products comply fully with NSW Fair Trading legislation and NSW Security Industry licensing laws.

I can prove that for years the Department of Fair Trading **have knowingly and actively encouraged this work to be done illegally** using a Home Building style license rather than the appropriate Class 2 security industry license required under the Security

Industry Act 1997 [formerly the Security (Protection) Industry Act 1985]. I can show a Department of Fair Trading Tribunal ruling showing that the public are entitled, **under the law**, [if they were to find out about their rights] to as much as one, perhaps two \$billion [yes billion with a B] refund on their security purchases. I can show that despite complaint after complaint to the Police Security Industry Unit, **they refuse to enforce this legislation**. I can show that the Department of Housing **publicly proclaim that they install proper security doors for the protection of their tenants whilst privately acknowledging them to be nothing more than heavy-duty flyscreen doors**.

So why do I claim this amounts to Criminal Negligence?

I cannot condense the amount of material outlined above into a couple of pages. At best I can provide a thumbnail sketch of my thinking.

Firstly, I refer to the Garabaldi Salami case. A girl died after eating contaminated salami. The directors are in jail **NOT because the girl died BUT because the directors upon becoming aware of the risk to the public failed to take timely and appropriate steps to minimize the risk to the public**.

Ralph Mason of Wollongong is one of several householders I can name who are dead because their flyscreen doors, which they had purchased as security doors, breached both Fair Trading and Security Industry licensing laws. There are hundreds, if not thousands of such householders physically assaulted and raped and tens of thousands mentally traumatized, because the Department of Fair Trading and Police Licensing have over many years chosen to turn a blind eye to the problem. And that is no different to why the Garabaldi Salami directors are in jail.

The Department of Fair Trading will argue that it was the salami that killed the little girl but not the security door that killed Ralph Mason. **Wrong**. Salami is a perfectly safe food eaten by millions of people around the world daily. It was the extraneous matter that got into the salami, **not the salami**, that killed the little girl and that is no different from the extraneous home invader busting through a security door that breached Fair Trading and Security Industry licensing laws. This train of thought is confirmed in the Kate Bender A.C.T. hospital implosion case where the coroner found that it was not the implosion that killed Kate Bender but the aftermath of it. Again, the prosecution in the Bruce Reid F5 Freeway manslaughter case argued that his guilt was confirmed by his omission after the event. The Police Licensing Unit will argue that Ralph Mason was just one victim and therefore drawing a long bow to relate his case to those others. Each of the cases I have referred to above have only one victim death; **BUT my scrapbooks and television news references refer to many such victims after breaching security doors / security window grilles which themselves breach Fair Trading and Security Industry laws**.

Whilst many complaints to Department of Fair Trading and the Police Security Licensing Unit can in every day language be shown, with out a doubt, to breach Fair Trading and Security Industry Acts [e.g. a \$million advertising campaign for a type of security screen advertised as "cannot be cut with a knife" – an obvious requirement in this day and age – **yet it can easily be cut with a knife well within the standard break & enter parameters we are witnessing**], others breach reasonably implied conditions as detailed in the parallel and very pertinent **High Court of Australia decision "Glass Pty Ltd V Rivers Locking Systems 1968**.

As I said, the tip of the iceberg, with tentacles into many other Government departments. Take the news reports of the stealing of personal health files from the Department of Health in North Sydney after a B&E through a "security door" [which almost certainly, assuming it was installed after 1987, was installed illegally under NSW Security Industry legislation / if installed legally may well have offered redress to the Department of Health under Security Industry legislation].

The parliament surely cannot foist laws such as criminal negligence onto private enterprise and expect that in turn Government Ministers and Government employees will not be bound by those same laws?

I therefore ask the Legislative Council to investigate whether or not Criminal Negligence charges should be laid against the following:-

- **The Director-General and other unknown officers of the Department of Fair Trading**
- **The Minister of Fair Trading John Watkins.**
- **The hierarchy of the Police Security Industry Unit**
- **The Director-General of Police**
- **Unknown officers of the Department of Housing**

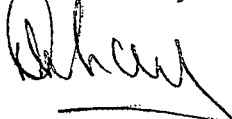
At the same time, it would seem appropriate to assess whether or not other Government Departments may well have been negligent in regard to their advice and expenditure of such products.

In my view the Security Industry Act 1997 forms the basis of very worthwhile and necessary legislation but seriously lacks the backbone to make it work for the benefit of the consumer. **It would be appropriate for the Legislative Council to investigate whether each of the Accredited Security Industry Associations understand their obligations under the legislation, have set appropriate standards and have systems in place to adequately audit compliance by their members. Many lives and tens of thousands of heartaches and injury would be saved, if those Accredited Associations, paying only lip service to their obligations, had their accreditation withdrawn for failing their responsibilities under the Act.**

Probably some two to three million people or more in NSW rely on these products firstly for their personal protection then for the protection of their valuables and memories. Although we have had security industry licensing for 14 years the public are totally oblivious to its existence. The Department of Fair Trading and the Police Department must accept full responsibility. That is a disgrace in public administration and I am sure that an inquiry will ask "what agenda is behind that?"

Finally, I personally find it outrageous and an affront that I have had to go to these extraordinary lengths and take such extraordinary risks to get recognition of laws, put in place by you the parliament, for the protection of the consumer.

Yours faithfully



Duncan Kennedy

Licensed Security Consultant # 407221112

**The Hon. Dr Burgmann
President of the Legislative Council
NSW Parliament**

c.c. Alan Jones – In Confidence – Not to be used without my permission

Dear Dr Burgmann,

I write to you in your official capacity as President of the Legislative Council. Perhaps my view that the Legislative Council is or should be the “watchdog” over the workings within the NSW State Government is one of a simplistic citizen, but never-the-less I write to you in all honesty, with that view.

My problem is that I wish to allege criminal negligence against a government minister, against two government departments and one government unit. My allegations are not scurrilous or politically motivated. I just want justice for the tens of thousands, and prospectively hundreds of thousands, of citizens traumatized by these events. As a precedent for my allegations I would quote exact parallels in the Garabaldi Salami case, the ACT Hospital Implosion Case, the Bruce Reid South Western Freeway Manslaughter case, the Eastern Creek Race Track manslaughter charges and the Meta 1256 Pacemaker court action. I have endeavoured to lodge my complaints with the police, ICAC and the Ombudsmen. All have totally refused to even discuss the matter with me, let alone review the extensive material I have accumulated to support my complaints. The material I have is substantial and damning, but I cannot afford legal representation. I am confident that an inquiry will also recommend investigation of just plain negligence against several other State Government Departments concerning these same issues.

The Premier, the Minister and the Departments concerned have all been given every opportunity to appropriately address my allegations.

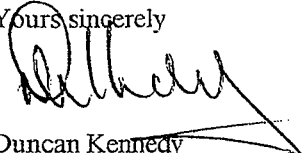
I am told that if I name them in this letter that it would be defamatory, although if proven to be correct, I don't see how that can be so. However, I see another option. Supposing the Legislative Council, concerned that I dare make such bold allegations, were to order an independent legal review into my allegations, in such a way that the parties I wish to accuse were not publicly named. Surely the interests of justice could then be maintained [i.e. my right, as a law abiding citizen, to make those allegations and have them appropriately assessed, with the prospect of actually saving lives and extensive trauma] without injuring the parties concerned in the unlikely event my material did not stand up to scrutiny. [But, I assure you, it will].

Your acceptance of this course of action would then maintain the confidentiality of those whom I wish to accuse, pending the results of the investigation. In the interests of justice surely a fair deal? I undertake that should an inquiry consider my complaints not justified, I will personally apologize to all concerned as publicly as they see fit.

Should you not accede to this proposal, I will publicly name the officials concerned via a further letter to you, let action in the courts be taken against me, and that will give me the opportunity to publicly air the background to this whole sorry saga.

I am on leave and uncontactable until 8th October. The parliamentary year is fast drawing to a close making resolution most urgent. The lives and wellbeing of hundreds of thousands of people [and it is not labouing the point to say millions – in the State of NSW] are at risk. **May we set a date of say the 17th October by which time I might expect your favourable response?**

Yours sincerely



Duncan Kennedy

DAILY TELEGRAPH

24/9/01

Ex-boyfriend assault charges

A MAN who ripped a locked security door off its hinges with his hands before allegedly assaulting three residents appeared in court yesterday.

Michael Thomas Martin, 30, faced Parramatta court charged with three counts of assault occasioning actual bodily harm, two counts of malicious damage and contravening an apprehended violence order.

A statement tendered to the court said the labourer ripped the security door off its hinges, throwing it to the

side before entering the house of his ex girlfriend.

Police allege while inside the house Mr Martin slapped his ex girlfriend repeatedly causing her nose to bleed and chipping her tooth, violently pushed her flatmate and punched a friend in the face, head and stomach.

Registrar Brian Fenn refused bail due to the seriousness of the charges and for the protection of the victims and adjourned the matter to Newtown Local Court today.

DAILY TELEGRAPH 19/4/01

Sex attack in home raid

A WOMAN was tied up and sexually assaulted by two men during a home invasion yesterday. Police said two men broke into the woman's

DAILY TELEGRAPH 19/4/01

Sex attack in home raid

A WOMAN was tied up

DAILY TELEGRAPH 4/4/01

Robbery victim slashed

A MAN had his throat slashed in his bedroom during a robbery last night.

DAILY TELEGRAPH 14/4/01

Gran tied, robbed

A 91-year-old woman was tied up and robbed, police said yesterday. An Australian Federal

DAILY TELEGRAPH 18/4/01

Baby held in robbery

A TEENAGE girl, her baby sister and their nan were sent into a room yesterday and told not to

DAILY TELEGRAPH 2/5/01

Woman, 83, beaten at home

AN 83-year-old woman was violently attacked by a man who broke into her home early today.

DAILY TELEGRAPH 18/4/01

'Magistrate attacked

A MAGISTRATE was pushed to the Mr Gould once to the left side of

DAILY TELEGRAPH 2/5/01

Home invasion injury

A WOMAN had to be treated in hospital for head injuries after a home invasion in Chippendale last night.

DAILY TELEGRAPH 9/5/01

Invaders rob seven

SEVEN people were threatened by armed St Mary's, about 8.45pm. The trio, all armed with

Breaking-in 100 times

A STOLEN building security card was allegedly used to commit numerous break-ins to apartments and cars at a Sydney unit block, a court heard yesterday.

Woken by three armed men

THREE men armed with knives and then a scuffle broke out," Sgt threatened a home owner in his bedroom yesterday. Lawler said. He said the man, aged 37, was

DAILY TELEGRAPH 11/5/01

Daughter foils home invasion

A WOMAN managed to sneak out of the house and call police after two high school out the men noticing and made her way next door, where she immedi-

DAILY TELEGRAPH 15/5/01

Burglars hit resident

A MAN was struck on the back of the head with a gun when he disturbed

DAILY TELEGRAPH 21/5/01

Father held knife at child Grandmother assaulted

A TILER kicked in the front door of his former de facto's bound and gagged in fr unit, held a knife at a of her three-month-

Home invaders target Police Commissioner's neighbour

DAILY TELEGRAPH 20/6/01

Grandma found in home strangled

SUNDAY TELEGRAPH 8/7/01

Burglary was rude awakening

Closed shop knife attack

A WOMAN remained in a stable condition last night after being stabbed

Fears as Mosman home invader grows bolder

"Our inquiries to date have led us to believe the

Home intruders foiled

SUNHEARD 8/7/01

Man beats home invaders

A MAN has escaped with minor injuries after fighting off three would-be intruders at his inner Sydney home.

DAILY TELEGRAPH 11/7/01

Two quick break-ins

TWO homes were invaded within minutes on

Two tied up in robbery

TWO people were

Grandma beats intruders

A WOMAN and her grandson were threatened by

2nd February 2003

RECEIVED
- 6 FEB 2003

The Secretary

Inquiry into Crime in the Community
House of Representatives Standing Committee on Legal and Constitutional Affairs
Parliament House Canberra 2600

BY: *G. E. Gould*

Dear Secretary,

I refer to your acknowledgement of receipt, dated 17th January, of my submission to the above Committee dated 26th November 2002 [forwarded via the electoral office of the Hon. Bronwyn Bishop] and in particular I refer to your advice that my submission would be submitted "as confidential when the committee next meets" and that I should "not publish my submission without the Committee's permission".

I feel it incumbent upon me to advise that before November last year I was, if at all, only vaguely aware of the existence of your Committee, I had no idea of its objectives or procedures and I had not contemplated making any submission. I had, for ten years, been trying to get the relevant authorities to enforce Fair Trading and Security Industry legislation as it applied to the "barrier security" and "locksmithing" industries in NSW, specifically so that householders and employers/employees might have confidence that those security products which they were buying for their personal protection, would in fact meet their reasonable expectation, being a requirement under both sets of legislation.

I was able to demonstrate on many occasions to the NSW Department of Fair Trading and to the NSW Police Security Industry Unit [and their predecessor the NSW Police Fire Arms Unit] the danger posed to the public by their refusal to enforce the legislation [specifically the potential to unwittingly become the victim of a murder, a rape, an armed hold-up, an assault or the trauma of a break and enter. These would otherwise, for the most part, be preventable crimes for those choosing "barrier security" and "locksmithing" products that, which when put to the actual real life test, met the reasonable expectation of the consumer].

By April last year I had accumulated an enormous amount of evidence strongly supporting my allegations [those I subsequently submitted to your committee in November] but I was getting nowhere with the authorities. So, at that time, by way of a personal, face to face two hour presentation, I briefed a couple of journalists. Whilst they agreed that my material was compelling, they said they did not have the resources to pursue it and "needed a few more buttons pushed". I then tried to pursue the matter with NSW Police Commissioner Maroney, the NSW Ombudsman and Police Minister Costa. Those efforts produced no results. During November I was asked to consult in regard to a civil rape case and found that I could gain access through both "so-called" security doors, leaving no sign of forced entry [one I used my sunglasses - the other a piece of old coathanger wire] in just a few seconds. This was typical of the extensive problems [numbered in the thousands] in these two sectors of the security industry that I had

encountered over the years and so I used that example, along with the entire package I sent your committee in late November, to try and entice any or all of the newspapers to tell my story. The journalist whom I had briefed back in April encouraged me to make my submission to your committee on the basis that " my material was extensive, compelling and that the public were therefore entitled to be informed". **Accordingly I advise that my submission to your committee was already in the public domain before reaching your secretariat.**

I hereby request that you reconsider your decision to keep my former submission confidential [if necessary by blacking out the names of those I have accused] but failing that urge your committee to highlight the problems in this sector of the industry.

By publicizing the types of problems I am listing you will not be teaching the young criminal how to circumvent inappropriate and poorly designed security systems. They already know, they learn at a very young age, often in gangs with older kids. The public, the consumer, the employer and the employee [i.e. Mr. and Mrs. Honest Citizen] on the other hand will never know until their product is attacked and either it does the job or it doesn't and by that time it is just too late.

Under NSW Security Industry legislation I have a Security Consultant's license – Class 2A [I specialize in barrier security devices and associated locking systems] and am also licensed to sell those products – Class 2B. I do not profess to have any specialist knowledge in electronic security, guarding or any of the other sectors of the industry. I have over 17 years experience in the "barrier" sector of the security industry. I estimate that I have done between 16,000 and 17,000 site inspections. I have no idea of how many times I have witnessed the results of a break & enter attack but it would be in the thousands. A significant percentage of those were through inappropriate or poorly designed or poorly installed barrier security and locksmithing products – break & enters which would have mostly been preventable had Fair Trading and Security Industry legislation been rigidly enforced. If required, I can provide references from senior experts in the security industry who will confirm that in regards to problems in the barrier security and locksmithing sectors of the industry I would probably have more experience than anyone else in Australia. Now I am not a locksmith. In fact I am an accountant by trade. My ability to break in through so many security doors and security locking systems using non-locksmithing techniques, is purely as a result of observation of every day break & enter attacks, the aftermath of which I have witnessed.

Be aware of the relevance of the "barrier" security and locksmithing industries to the objectives of your committee. When the public, the householder, the employer/employee [and indeed the government itself] become concerned that regardless of the effort put in by the law enforcement authorities, crime cannot be prevented they choose to add their own security measures to complement the work done by the police. There are many facets to the security industry but the main elements for the purpose of my submission would be personnel [guards and patrols], electronic, locksmithing and barrier security. My experience is that most people are confused as to the relevance of each of those sectors to suit their own particular circumstances and concerns and that that confusion is

not helped by the inappropriate advice of the security salesman intent on getting a sale for his/her particular product.

Electronic security for example is a "reactive" device. It does not physically stop someone entering the premises. Hopefully the alarm will be activated. Hopefully it will not be a false alarm. Hopefully someone will respond to that alarm. Generally the fastest "guaranteed response time", in Sydney for example, would be 30 minutes. It is obvious then that an alarm system cannot provide an employee [at a bank for example] with the necessary protection under Occupational Health & Safety legislation [the National Australia Bank armed hold-up at Willoughby is one of hundreds of examples around Sydney alone]. It is just as obvious that an alarm system will not protect the family sitting at home having their dinner at 6 o'clock in the evening. In broad terms electronic security is for the protection of valuables [i.e. not people] or in the case of CCTV the added benefit of hopefully helping to solve the crime.

A static guard may be a good deterrent, but standing out the front of the bank does not prevent armed bandits coming in through the back doors or windows behind the teller counters [Westpac Wahroonga is one of many examples around Sydney alone]. A patrol guard is either a reactive situation to compliment the alarm system or a deterrent situation [hopefully the guard will be at the premises to deter a break-in].

Good locking systems and barrier security devices are "pro-active" security and when done properly to meet the individual requirement of the customer will protect the employee at work and the family at home.

With electronic security [say by climbing in through an unlocked window] or a static guard [have a stranger approach and check his reaction], one can test the effectiveness of the product. On the other hand one cannot attack one's own security door or window grille with say a jemmy bar or knife to test its effectiveness. It is not until it is put to the test in a real life attack that the consumer finds out whether or not it meets his/her reasonable expectation.

Perhaps these examples [and believe me they are just the tip of the iceberg] will convince your committee to publicize these matters.

A few years back, I accompanied a Choice magazine journalist knocking on doors [at random] of houses with security screen doors in the Castle Hill / Baulkham Hills area. Nine out of ten stated that the primary reason for installing their security door was for the protection of their family. In the other 10% and as a secondary function on the first 90% the expectation was that their security doors would also protect their valuables. Yet none of the doors we inspected would have provided that level of protection / expectation when attacked by a street thug.

I was called on to advise a young lady at Redfern who had purchased a new "security" unit – presumably described as such because of its "security" intercom system. Despite the wall around the unit block she was concerned about her kitchen window and glass slider which could be accessed by climbing that wall around her complex. She selected, I understand from the Yellow Pages, one of the larger firms selling security doors and

security window grilles. She was totally unaware that at that time that firm was selling and installing those products illegally under NSW Security Industry legislation. She came home one day to find the kitchen window grille ripped off and she had been robbed. Two weeks later a young thug kicked down her locked security screen door and attacked her flatmate. She was so devastated she sold up [she said "even if at a loss"] and shifted. That would not have happened had Fair Trading and Security Industry licensing legislation been enforced.

I was approached by a lady from Glendenning who had made inquiries and been referred to me. She had purchased a security screen door and subsequently could not believe how easily a break & enter had been effected through it and she had been robbed. She thought that perhaps she had made a mistake and that whilst she had been under the impression she had purchased a proper security door, perhaps it was just a "screen" door. So she shopped around and purchased new "proper security screen doors", totally oblivious to the fact that the firm was trading illegally selling her those doors as "security" devices and that the brochure material upon which she based her decision breached Fair Trading laws as outlined by the Department of Fair Trading several years previously. Her 3 year old daughter accidentally ran into one of the new doors and knocked it right out of its tracks. Based on my advice the Australian Security Industry Association [ASIAL] lodged a complaint on behalf of this lady with the Department of Fair Trading, whose ultimate finding was that the firm trading illegally by selling those products as security devices had said that they had manufactured and installed the doors in accordance with the Australian Standards, that my expertise did not count and that the firm had done nothing wrong.

An elderly lady at Baulkham Hills was referred to me in an absolutely distraught condition. She had purchased her security screen door several years beforehand and lived "safe in the knowledge it would protect her". One day while sitting in her lounge room there was a loud crash as thugs kicked it down and robbed her. I inspected the door and it was obviously totally ineffective as a security device.

What about the Wollongong man, murdered 3 years ago after two 12 year old kids broke through his locked security screen door. I have the expertise to tell from the pictures on television that as a security device that door had been sold illegally under NSW Security industry legislation and in breach of Fair Trading legislation. Similarly the two elderly sisters from the Hunter Valley held up in their home by men with shotguns.

In my own case, my wife and I purchased a six-year old house in a country town about three years ago. The Contract of Sale document specified that the house contained three security screen doors. Of course they were not. They had been supplied as such illegally under NSW Security Industry law and they breached Fair Trading law. Yet the solicitor for the vendor refused to delete the word "security" from the contract documents. They had not heard of the NSW Security Industry legislation and "surely the Department of Fair Trading would have put a stop to such doors being sold in breach of the Fair Trading Act?" To make matters worse, the locking on each of the timber doors could be opened with a piece of cardboard and without the protection of proper security screen doors the timber doors can also all be easily kicked down, shouldered down or jemmied open.

What about the rear "security" grille door on National Australia Bank at Penrith. Young thugs opened the locked door with a 50mm screwdriver at 10 in the morning in just a few seconds, without a sound, and held up the staff.

Three or four years ago I visited Floriade in Canberra with friends and stayed at their son's security unit in a block at Barton. I was told that there "had been trouble" and twice a day a security patrolman called to check that all the doors were properly locked. You knew he had been because he left his business card in the door. I was able to take that business card and using that and nothing else, let myself in through not only the security intercom door but also into our friend's son's unit. I was able to do so without leaving any sign that I had done so.

Sydney City Council built a brand new community centre and I was asked to inspect the architect specified rear security grille door. I was able to open it with the ballpoint pen from my pocket. It turns out that was how the staff were getting in when they had forgotten their keys.

I was called to an office equipment supplier's warehouse in Chatswood. They had had their seventh break-in in a year by having the lock on their fire door smashed. Yet after it had been repaired by one of the better locksmithing firms in Australia, I was still able to open it using just my cardboard business card and again without leaving any sign of forced entry.

I was called to a suite of tenanted offices in an upstairs block in Mosman. All were protected by a single heavy-duty security grille door on the ground floor. All had had their individually locked office doors kicked/smashed down. The police investigators said "no sign of forced entry through the ground floor security grille door – one of the tenants must have forgotten to lock it". And there was much finger pointing and acrimony between the tenants. Yet I was able to open that downstairs locked security grille door using the little steel engineers ruler that I carried around in my top pocket, again without leaving any evidence that I had done so. Similarly a block of commercial units in St Leonards all protected by two locked security grille doors. Several of the units had their individually locked entry doors smashed down. Again the finger pointing – who had forgotten to lock the security grille doors? Again I was easily able to circumvent them in several different ways e.g. a bent rod, a wire loop etc.

I was called to a brand new "security" block of home units on the Pacific Hwy at Chatswood. They had had four break & enters in a week. I was able to get in through the security intercom door with a bent screwdriver and into the individual units with a piece of cardboard. I was able to get into the "secure" garage area, and hence into the hallways to the units, through the locked roller grille door by disengaging the controller arm which activates the roller door when the permit card is put into the slot [Whilst I was outside the roller door and the controller arm was inside the door, it was easy to disengage with a wire loop poked through the door]. I was also able to get into that "secure" garage area through the pedestrian security door using several different options such as a bent screwdriver or a stick.

I visited friends in a brand new "security" block of units on the Central Coast. A lady had been assaulted by a street thug inside the so-called secure garage area. My advice was that from a security perspective there were a dozen or so deficiencies, not the least of which was one of the entries accessible from the street consisted of a pergola arrangement with no door or sides on it. When the Body Corporate approached the builder to rectify [my estimate for that to be done properly was \$10,000] he refused by getting a certificate from the architect saying that, as an architect he could specify that the building was a security block. This despite the fact that the architect did not have a Security Consultant's license to enable him to make that claim, yet I did and despite the fact that the architect had no concept of the problem. The Department of Fair Trading were not interested. The Body Corporate, at their own cost, arranged for a local licensed locksmith to grille the walls of the pergola and install a security grille door. Yet when I last visited I was able to easily get through the locked security grille door in several different ways.

One of the big wine companies operating out of St Leonards had, from memory, seven unauthorized entries in eight weeks. Many of them left no sign of forced entry. An inspection showed that entry could be gained through many of the locked doors in a number of different ways, often without leaving any sign of forced entry. Two in particular require mention to highlight the problem I am trying to draw to your attention. One of the glass [fire] egress doors locked into a large aluminium door jamb. The lock was substantial with good engagement into the jamb. Yet using a concealable jemmy bar I was able to spring the aluminium door jamb away from the door by over 25mm to jump the lock and I left no sign of having done that. The firm had a telecommunications room accessible from outside the building. They had asked a firm of locksmiths [and again a good firm] to "master-key" the lock on the external door. I was able to easily gain access to the room using a bent screwdriver and leaving no sign of forced entry.

A very large food company with a research facility at Botany had had security problems. I was able to gain access to all parts of the facility merely by using bent screwdrivers, plastic cards, pieces of wire etc. From memory five egress [fire exit] doors were particularly easy to manipulate. One of the doors at the front of the premises, needing a "code" to access, was also particularly easy to get through.

I have just read today's Sun-Herald and I refer you to the headline on page 9 [of the country edition] "Family of three found shot dead in home unit". The report says "Residents spoken to by the Sun-Herald said They also had to have had a key because they were able to gain access to the front entrance of the block, the lift and also the apartment itself". From the pictures on television I am confident that I have been to that very apartment block to quote on individual barrier security and if my memory serves me correctly I felt confident that I could easily circumvent the locking on both the front entry and the fire egress doors [there were several] and the lock on the door of the unit that I was visiting. If the lift needed a key that would not be difficult to get around. Each floor had a number of units. Just wait and get a ride up with one of the other tenants. No-one asks who you are.

One of the problems faced by the community is the total lack of understanding of the problem by the Architectural [in their building design], builders [who lack any

understanding of the basics of locksmithing] and Real Estate [in their advertising language] communities. Purchasers are paying hefty surcharges for the description "security" in the advertising material, which in reality is little or no security at all. Take the new security block of units on the corner of Pacific Hwy and Boundary Road at Roseville. From memory eight break & enters in a matter of weeks. Every so-called security device was easily circumvented. But to illustrate the lack of knowledge of the architect and the consumer I was asked by one of the landlords how far should she go in providing security for a tenant. One of her questions was "surely that window in the roof of the second storey was not a problem?" I was explaining to her that because of the building design I thought it was. It had been done in such a way that the protruding brickwork provided a natural ladder up onto the first floor balcony, from there a substantial "privacy" trellis arrangement provided a ladder to the second floor balcony, another privacy trellis to the roof of that balcony and that provided access to the window in the roof. **Her response was one of disbelief until a passing tenant explained that that was exactly how entry to his place had been gained a few days previously. NOR IS THIS PROBLEM UNUSUAL.** For example access was gained in exactly this manner through a window in the roofs of the third floor unit of so-called "security" apartment blocks at Greenwich and Wollstonecraft.

I was called to a so-called "security" unit block in Randwick to advise one of the unit owners on a security door for the entry to her unit following a break & enter situation at the block. I was told that the Police Community Safety Officer had already been to her ground floor unit and approved the added locking fitted to her balcony glass slider by a local locksmith. Yet despite the added lock I still was able to jump the glass slider out of its tracks and gain entry.

There are Australian Standards for security screen doors but again they fall far short of the expectation of the consumer. For example they are based on a presumption contained in words to the effect that one should not rely on a security door for protection but rather on a timber door with a quality lock. Yet a very large percentage of purchasers of security screen doors buy those products because they have had their timber door with a quality lock [and often with even two locks] smashed down in the first place. Whenever I have asked a consumer for their expectation from their security door [and that would number in the many thousands] it has always been because they, either from personal experience or from hearsay, believe that their timber door will not stand up to the crime being reported in the community. Yet they are never aware of this provision of the Standard in the first place. To see how wrong the presumption is one only has to see how many fire doors inside home units even fitted with two deadlatches get jemmed opened. The Standard's presumption talks about the Australian climate and the need for airflow creating the need for security screen doors then contradicts itself by talking about relying on a well locked timber door. So how does one protect ones family when the timber door is open for airflow? Under the Standard doors are tested hung from timber door framing – what a joke. The Standard allows for the bottom corner of the door to be "flexed" open 450mm so long as it springs back to 150mm once the load is removed. A 150 kilogram street thug would easily clamber in that gap / a drug addict may need assistance to flex the door that far but would only need 200mm to crawl through. Doors made from cast aluminium pass the Australian Standards test but the cast is brittle and easily smashed within the attack force parameters witnessed in every day break & enters. One of the tests

under the Australian Standards is "three slashes with a Stanley style carton knife". There are several relatively new "security" screens on the market that pass that test and they are advertised extensively. But hang on a minute, the NSW police have confiscated some 20,000 knives during the last five years, 90 - 95% of which will cut those security screens using no greater force than that witnessed in every day break & enter attacks. I understand that the police have confiscated very few, if any, Stanley knives. So what relevance is the Standard OR on the other hand is the consumer adequately informed? A considerable amount of the advertising literature falsely claims compliance with Australian Standards with the wording "cannot be cut or slit with a knife" - it can, it is just a Stanley style knife to which it is resistant to cutting.

At my last job, I had gathered a collection of security doors from break & enter attacks. Some purportedly complying with Australian Standards were breached and entry gained with very little damage to the door itself. Others were totally wrecked yet stopped the attackers gaining entry. **I am the first to tell consumers that there is no security product that can provide absolute protection. BUT security doors, security grilling, security screens and locksmithing can all be done to a standard that will meet the consumer's reasonable expectation in the circumstances explained to the sales consultant by the consumer at the time of purchase.**

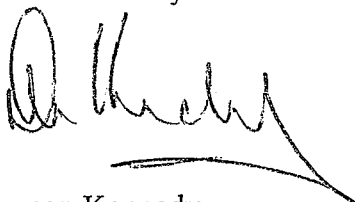
I have prepared this submission from memory. I am not exaggerating in saying that I have a thousand such stories. Add this to my submission already before you, [those stories I have not repeated] and only when you appreciate that I am one small cog in a very large industry do you get the enormity of the problem I present to you.

I am tempted to relate more such stories but hope that what I have written will suffice.

I have the utmost respect for your committee and the establishment of the parliament and I confirm that I mean no disrespect when I say that to deny the public my knowledge in the areas I have outlined in my two submissions to your committee is surely to condemn them to the potential for further unnecessary and preventable murders, rapes, armed holdups, assaults and lesser but every bit as significant trauma from household break and enters.

Finally I implore your committee to fully investigate my claims. I believe the community deserves that much.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Duncan Kennedy', with a long horizontal flourish extending to the right.

Duncan Kennedy

Attachment to:- laca.reps@aph.gov.au

From:- Duncan Kennedy

12th March 2003

Re:- Inquiry into Crime In the Community

Having this afternoon spoken to Julia, I would like to elaborate on my "one page" submission dated 2nd February 2003.

Julia questioned my phrase in the final paragraph "I assume I made them to the proper authorities". I was referring to my allegations of "criminal negligence" and by that statement [proper authorities] I meant that I had initially tried to report my allegations to the police by personally attending the Chatswood Police Station. They refused to even discuss my allegations with me let alone look at my huge volume of evidence. Frankly, I did not trust the then Commissioner Peter Ryan and so I attempted to raise the issue through the NSW Legislative Council. I got about eight letters of concern back but nothing more. I then wrote to the new Police Commissioner Maroney whose response was to pass on my allegations to those I had accused. I complained to the NSW Ombudsman that had my allegations been about a private company corporate officer, for example, the police would not have sent my allegations to the accused with the request that the accused look into my allegations. The ombudsman couldn't see anything wrong with the police approach in that instance. I wrote to Police Minister Costa and received back a stupid answer bearing no relationship to my allegations. In between times, Bob Carr's Premier's Department told me that it was of no concern to him, the Premier, that there may have been criminal negligence in the Department of Fair Trading and the NSW Attorney Generals office, in a letter back to me, penned over many months, did not rule out my allegations but suggested I go back to those I had accused for further talks knowing full well that they wouldn't listen.

I would seem to have exhausted most of the authorities available to me in NSW.

With that in mind, my submission of the 2nd February 2003 should be read in the context of my following thoughts.

- In January 2002, a young lady was arrested at Star City Casino spending money the police alleged were the proceeds of a crime. As I understand it she had not participated in the original crime – her crime apparently was "not reporting to the police what ought to have been a reasonable suspicion that a crime had taken place". **Yet when I try and report just such a reasonable suspicions of a crime, the police totally refuse to investigate – in fact refuse to acknowledge my allegations. IS THIS NOT A DOUBLE STANDARD IN THE POLICE FORCE?**
- Refer to the headline in the Daily Telegraph Tues 4th March 2003 "Naturopath was 'wicked' - the Crown Prosecutor alleged the actions of Fenn were reckless and careless and substantially contributed to the baby's death. **Yet when I try and**

make far more serious allegations of a perceived identical crime [involving many deaths and many rapes, not to mention hundreds of thousands of traumas resulting from break & enters], the authorities don't want to know about it. **IS THIS NOT A DOUBLE STANDARD BY THE AUTHORITIES?**

- I see in the papers that the NSW Police are studying claims the Australian Red Cross Service may have breached State law and failed to warn a patient about tainted blood products. **Yet when I try and make an identical type of complaint [only a thousand times more serious] against a Unit of the Police Department they refuse to investigate one shred of my evidence.**
- I see the Finance Sector Unit is suing the ANZ bank for failing to provide a safe work place against armed hold-up. What is going on? I tried desperately to acquaint NSW WorkCover with that very problem three years ago but they refused to listen thereby tacitly endorsing the bank's non action / wrongful action in this regard. **Personally, I have no doubt the bank breached OH&S legislation [I believe I can supply proof to that end - I even have correspondence from NSW WorkCover to back that up], but surely WorkCover themselves are no less responsible than the bank?**
- The majority of armed bank hold-ups currently occurring would be preventable if those I have accused were enforcing relevant legislation. **Is the government supporting the police [forget the tellers for the moment] when they have to respond to a preventable armed hold-up at a bank? OR ARE THE GOVERNMENT'S CLAIMS ALL JUST ELECTIONEERING RHETORIC?**
- I remind you of the true story I sent to your Committee in November. **A young lady raped inside her home unit demonstrably because of the refusal of the authorities to enforce relevant legislation.** I remind you that I can tell of a thousand [and that is not rhetoric] terrible, yet preventable, crime incidents.
- Previously I have supplied your Committee with details of a number of Australians [some professionals, some ratbags] sent to jail for criminal acts no different from the allegations I have made. **Why would the police have investigated those matters but refuse to even consider my allegations?**

I remind you that I have been in the security industry for seventeen years. I have attended some 16,000 to 17,000 sites, many of those after a hold-up or break & enter. I have inspected several hundred bank branches, many of those after an armed hold-up.

Yours faithfully

Duncan Kennedy

RECEIVED
- 2 MAY 2003BY: *Gillian Gould*1st May 2003**The Secretary**

Inquiry into Crime in the Community
House of Representatives Standing Committee on Legal and Constitutional Affairs
Parliament House Canberra 2600

CONFIDENTIAL

Dear Secretary,

I refer you to my four previous submissions to your committee inquiring into Crime in the Community. I believe that such time has now elapsed since I made my original allegations of criminal negligence to the NSW authorities that, in addition to those matters I have already submitted for your consideration, it is now appropriate that I put the following additional allegations before you.

As a citizen, I believe that I have an obligation at law, that if I suspect a criminal act has been committed, I have not only a duty to report that matter to the authorities, but in fact would be in breach of the law myself if I failed to report it.

It is my belief that the authorities then have a reciprocal responsibility at law to, properly and independently, investigate and assess any and all such allegations of criminality.

I have reported to the authorities, at many levels, my belief that the criminal act of negligence resulting in death, rape, assault, armed hold-up and trauma, has occurred within at least three Departments of the NSW Government – these allegations relate to the security door and locksmithing industries – and copies of my allegations were forwarded to your committee on 26th November 2002

I could not have made the seriousness or the criminality of those allegations more clearly than in my letters to the NSW Police Commissioner Ken Moroney dated 3rd July 2002 and to the then Minister for Police Michael Costa dated 31st October 2002. I have provided your committee with copies of those letters.

My allegations are so serious that they warranted an immediate investigation by the NSW authorities. Yet 10 months and 6 months respectively have transpired since those letters containing those allegations were forward to the Commissioner and the Minister, yet no attempt has been made in any shape or form to contact me to put forward my evidence.

It would seem to me very clear therefore that somewhere along the political chain, presumably for political reasons, someone has put a stop on my allegations being investigated or has buried them in the hope that they won't see the light of day.

As a result of that particular subterfuge I now make these new and separate allegations [regardless of whether or not my original allegations are ultimately proven] against persons unknown viz. whether or not this amounts to

THE PERVERSION OF THE COURSE OF JUSTICE

AND, while we are at it, perhaps the question of whether of not

CONSPIRACY

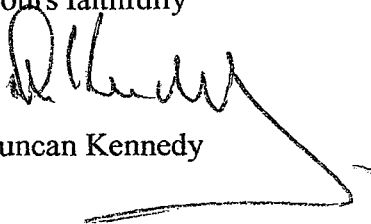
was involved, should also be considered.

I now ask that your committee consider these new allegations along with my previous four submissions.

The material I have already submitted demonstrates that it would be completely inappropriate for this matter to now be dealt with by the NSW Police Department themselves and I cannot think of where else I might turn other than to your committee or the "Press" at large.

Accordingly I ask that I be subpoenaed to appear before your committee at the first opportunity so that I may make these allegations first hand and in turn questioned by them on the appropriateness of my making such damaging and widespread allegations.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Duncan Kennedy', with a long horizontal line extending to the right from the end of the signature.

Duncan Kennedy

(Duncan Kennedy: sent to LACA email on 17 May 2003)

Headline – Daily Telegraph – Sat May 17th 2003

AS POLICE CALL FOR INFORMATION ON ARMED ROBBERIES
BANDITS HAMMER HOME THE MESSAGE

- Two groups of criminals got in on the PR exercise by robbing two banks just before the Press Conference was held
- Five other banks robbed in the last month
- Bankers Association offer increased reward by at least four times the normal \$10,000

MY ANALYSIS

At least 5, if not 6, of those armed holdups were preventable if the banks had fulfilled their security obligations to their employees under OH&S legislation, if WorkCover NSW stopped sidestepping their obligations to oversee the protection of employees and if the NSW Police Security Industry Unit took more interest in fulfilling their obligations under NSW Security Industry Legislation.

That would mean the banks collectively having to spend an estimated \$30 million Australia wide to comply with OH&S legislation. Does a \$40,000 or \$50,000 reward instead not then sound like a bargain???????

BUT

Then why have OH&S legislation in the first place ?????????? AND
Once this mob is rounded up, why will it prevent the next mob from having a go when such easy money is still there for the taking?????????????

I invite you to view the television news footage on this last night. The police spokesman was quite right. The effect on the customers and the staff is extremely traumatic, in fact devastating. Then what about the prospect of a hostage situation or shootout if the police had managed to get there on time. Besides the trauma someone is going to die.

A few years ago a judge put a price on just such a hold-up at a Real Estate office under OH&S - \$800,000 to one employee. This sort of figure has been endorsed in other court cases.

Those 7 armed hold-ups above **in one month [frightening isn't it? - and it wouldn't surprise me if the truth were there were more]** probably affected around 50 staff and that would equate to \$40 million in fines **[I repeat for just one months worth of armed hold-ups]** and if investigated by the "powers that be" would be plenty of incentive to get the banks to properly protect their staff as required under OH&S legislation.