



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

## **BUDGET ESTIMATES 2023-2024**

### **Supplementary questions**

Portfolio Committee No. 5 – Justice and Communities

**Attorney-General  
(Daley)**

Hearing: Wednesday, 6 March 2024

**Answers due by:** Tuesday, 2 April 2024

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**BUDGET ESTIMATES 2023-2024**  
**SUPPLEMENTARY QUESTIONS**

**Questions from Hon Chris Rath MLC** *(on behalf of the Opposition)*

**ATTORNEY-GENERAL**

**Office of the Director of Public Prosecutions**

For the last 5 years:

- (1) How many costs orders have been made against the DPP?
- (2) In what amounts?
- (3) Please provide a copy of the reported or unreported judgment making the costs order.
- (4) For each year how many costs orders were made in sexual assault cases?
- (5) For each year how many costs orders were made in non sexual assault other cases?
- (6) For each year, what was the number of sexual assault cases prosecuted at hearing by the DPP?
- (7) For each year, what was the number of non sexual assault cases prosecuted at hearing by the DPP?
- (8) For each year, what was the number of sexual assault cases successfully prosecuted at hearing by the DPP?
- (9) For each year, what was the number of sexual assault cases prosecuted at hearing by the DPP where there was a verdict of not guilty?
- (10) For each year, what was the number of sexual assault cases prosecuted at hearing by the DPP where there was a hung jury?
- (11) For each year, what was the number of sexual assault cases prosecuted at hearing by the DPP where there was a hung jury and a retrial took place?
- (12) For each year, what was the number of non sexual assault cases successfully prosecuted at hearing by the DPP?
- (13) For each year, what was the number of non sexual assault cases prosecuted at hearing by the DPP where there was a verdict of not guilty?

- (14) For each year, what was the number of non sexual assault cases prosecuted at hearing by the DPP where there was a hung jury?
- (15) For each year, what was the number of non sexual assault cases prosecuted at hearing by the DPP where there was a hung jury and a retrial took place?
- (16) Please provide a list of judicial complaints made against the ODPP
- (17) What matters have the ODPP received complaints about?
- (18) Is the audit of sexual assault cases to be conducted internally by the ODPP or externally?
- (19) What are the terms of reference for the audit?
- (20) Will staff be consulted?
- (21) Will comments made by staff in the course of the audit be confidential or available to their managers?
- (22) On what grounds was the complaint about the judgement of Justice Newlinds made?
- (23) Please provide a list of all complaints made to the judicial commission over the last 5 years.

### **Drug Diversion**

- (24) Will the review of the programme take into account reports of similar programmes such as the PDDI in SA?
- (25) If those programmes are not successful will the review have the power to make recommendations to alter the programme to ensure it achieves the best outcomes?
- (26) Is there a target percentage reduction in drug-related offences?
- (27) Will the review take into account the rate of drug-related hospital admissions over the review period?
- (28) Was there an information campaign prior to the launch of the Initiative?
  - (a) How was this campaign delivered?
  - (b) Can you provide links to the information, or copies of materials produced for this campaign?
  - (c) Did the campaign include information on the difference between this initiative and the drug reforms in the ACT?

## **S93Z Review**

- (29) What are the relevant stakeholders mentioned in the review's terms of reference?
- (a) Will these stakeholder groups be publicly named?
- (30) What is the time frame for the conclusion of the review?

<b>Questions from Ms Sue Higginson MLC</b>
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### **ATTORNEY-GENERAL**

#### **Civil settlements for misconduct claims against the NSW Police**

- (31) In FY19-20, FY20-21, FY21-22, FY22-23, and the current financial year, how many civil suits were settled with the police that included non-disclosure agreements or clauses?
- (a) Of which, how many such clauses or agreements were included at the suggestion of police?
- (32) Will the Attorney General advise crown solicitors against the inclusion of non-disclosure agreements in civil matters settled with the police, other than in exceptional circumstances or at the request of victims?

#### **NCAT and the Courts NSW online system**

- (33) What resources were made available to consult, test and customise the Courts NSW online system for use in NCAT?
- (34) Was there any user testing of this system prior to being made public on November 20, 2023?
- (35) Are Tenant Advocates who are funded by the government to represent tenants able to use the online system in the same way real estate agents are able to use it in representing their owner clients?

#### **NCAT and the Courts NSW online system**

- (36) Did the RFS Commissioner or Minister for Emergency Services request a general inquiry by the State Coroner into the following fires that occurred during 2019/2020?
- (a) Bees Nest
- (b) Drake - Long Gully
- (c) Busby's Flat

- (d) Carrai Creek
- (e) Liberation Trail and Old Glen Innes Road
- (f) Stockyard Flat
- (g) Stockyard East
- (h) Gulf Road-Torrington
- (i) Muck Creek
- (j) Schultz Road
- (k) Kian Road complex
- (l) Myall Creek
- (m) Gospers Mountain
- (n) Mummel Road
- (o) Currowan – Clyde River
- (p) Green Wattle-Kowmung River – Yerranderie Road
- (q) Green Wattle-Kowmung River – Balmoral
- (r) Currowan – Clyde Mountain
- (s) Green Wattle -Kowmung River – Jenolan Caves
- (t) Currowan – Conjola Park
- (u) Green Valley
- (v) Dunns Road
- (w) Badja Forest Fire

<b>Questions from Ms Abigail Boyd MLC</b>
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**ATTORNEY-GENERAL**

**Establishment of an Independent Victim Services Commissioner**

- (37) The Labor Government made an election promise to appoint an independent Victim Services Commissioner, however this is yet to occur. When will the process of appointing this position commence?

- (38) The NSW Trustee and Guardian hold payments for child victims till they are 18. In how many of the total cases each year are fees withheld?
- (a) What is the dollar value of fees withheld over the past 5 years?
    - i. Please break down by each calendar year, from 2019 to present.
  - (b) What is the process for fees being waived?
  - (c) How are victims made aware that they can apply for fees to be waived?

### **Safe waiting room arrangements at court locations**

- (39) How many court locations in NSW currently have a dedicated safe waiting room onsite at the court?
- (a) How many of these guarantee that victims are not at risk of having to see or be intimidated by their perpetrator?
- (40) How many court locations in NSW currently have a safe waiting room arrangement offsite at the nearest police station?
- (41) How many court locations in NSW currently have a safe waiting room arrangement offsite at another location?
- (42) What actions are currently being taken to ensure that all waiting arrangements at all court locations are safe, and not where victims are at risk of having to see or be intimidated by their perpetrator?

### **Domestic violence**

- (43) In July 2022, the Department of Communities and Justice undertook a statutory review of the Victims Rights and Support Act 2013. When can victims and the specialist domestic and family violence sector expect an outcome from the review?
- (44) The Domestic Violence Death Review Team is vital to moving towards a future free from domestic and family violence, however the Review Team has been chronically underfunded and overworked for many years. What is the NSW Government doing to ensure the team is funded appropriately so they can continue to perform this critical work, ensuring no woman or child dies in vain?