



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 4

Budget Estimates 2017-2018



Report 34

December 2017

4

www.parliament.nsw.gov.au

Portfolio Committee No. 4 – Legal Affairs

Budget Estimates 2017-2018

Ordered to be printed 14 December 2017 according to
Standing Order 231

New South Wales Parliamentary Library cataloguing-in-publication data:

New South Wales. Parliament. Legislative Council. Portfolio Committee No. 4 – Legal Affairs.

Budget Estimates 2017-2018 / Portfolio Committee No. 4 – Legal Affairs [Sydney, N.S.W.] : the Committee, 2017. [viii; 21] pages ; 30 cm. (Report no. 34 / Portfolio Committee No. 4 – Legal Affairs)

“December 2017”

Chair: The Hon. Robert Borsak, MLC.

ISBN 9781922258441

1. New South Wales. Parliament. Legislative Council. Portfolio Committee No. 4 – Legal Affairs—Appropriations and expenditures.
- I. Borsak, Robert.
- II. Title.
- III. Series: New South Wales. Parliament. Legislative Council. Portfolio Committee No. 4 – Legal Affairs. Report ; no. 34

328.94407 (DDC22)

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Terms of reference

1. That upon tabling, the Budget Estimates and related papers for the financial year 2017 – 2018 presenting the amounts to be appropriated from the Consolidated Fund be referred to the Portfolio Committees for inquiry and report.

2. That the initial hearings be scheduled as follows:

Day One: Thursday 31 August 2017

PC 3	Early Childhood Education, Aboriginal Affairs, Assistant Minister for Education	1.45 pm – 3.45 pm
PC 3	Skills, Regional NSW, Small Business	4.00 pm – 6.00 pm
PC 4	Police, Emergency Services	2.00 pm – 6.00 pm

Day Two: Friday 1 September 2017

PC 5	Primary Industries, Regional Water, Trade and Industry	9.00 am – 1.00 pm
PC 6	Environment, Heritage, Local Government	9.00 am – 1.00 pm
PC 5	Transport and Infrastructure	2.00 pm – 6.00 pm
PC 6	Resources, Energy and Utilities, Arts	2.00 pm – 5.00 pm

Day Three: Monday 4 September 2017

PC 1	Finance, Services and Property	9.00 am – 12.00 pm
PC 1	The Legislature	12.15 pm – 1.15 pm
PC 1	Innovation and Better Regulation	1.45 pm – 3.45 pm
PC 3	Tourism and Major Events, Assistant Minister for Skills	4.00 pm – 6.00 pm

Day Four: Tuesday 5 September 2017

PC 2	Family and Community Services, Social Housing, Prevention of Domestic Violence and Sexual Assault	9.00 am – 12.00 pm
PC 4	Corrections, Counter Terrorism, Veterans Affairs	9.00 am – 12.00 pm
PC 2	Mental Health, Women, Ageing	2.00 pm – 5.00 pm
PC 3	Education	2.00 pm – 6.00 pm

Day Five: Wednesday 6 September 2017

PC 1	Treasury, Industrial Relations	9.00 am – 1.00 pm
PC 5	Western Sydney, WestConnex, Sport	9.00 am – 11.00 am
PC 5	Lands and Forestry, Racing	11.15 am – 1.15 pm
PC 2	Health, Medical Research	2.00 pm – 6.00 pm
PC 5	Roads, Maritime and Freight	2.00 pm – 6.00 pm

Day Six: Thursday 7 September 2017

PC 1	Premier	2.00 pm – 6.00 pm
PC 2	Disability Services, Multiculturalism	2.00 pm – 5.00 pm

Day Seven: Friday 8 September 2017

PC 6	Planning, Housing, Special Minister of State	9.00 am – 1.00 pm
PC 4	Attorney General	2.00 pm – 4.00 pm

3. That supplementary hearings be scheduled during the week of 3 to 6 October 2017.
4. That each scheduled day for the initial round of hearings will begin not earlier than 9.00 am and conclude by 6.00 pm.
5. That the committees must hear evidence in public.
6. That the committees may ask for explanations from ministers, or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure.
7. That ministers may not make an opening statement before the committee commences questions.
8. That the committees are to present a final report to the House by 15 December 2017.
9. That members may lodge supplementary questions with the committee clerk by 5.00 pm, within two days, excluding Saturday and Sunday, following the hearing.
10. That answers to questions on notice and supplementary questions be published, except those answers for which confidentiality is requested, after these answers have been circulated to committee members.

These terms of reference were referred to the committee by the House: *Minutes*, NSW Legislative Council, 21 June 2017, pp 1756-1757.

Committee details

Committee members

The Hon Robert Borsak MLC	Shooters, Fishers and Farmers Party	<i>Chair</i>
Mr David Shoebridge MLC	The Greens	<i>Deputy Chair</i>
The Hon David Clarke MLC	Liberal Party	
The Hon Catherine Cusack MLC	Liberal Party	
The Hon Trevor Khan MLC	The Nationals	
The Hon Shaoquett Moselmane MLC	Australian Labor Party	
The Hon Lynda Voltz MLC	Australian Labor Party	

Non-substantive members who attended the hearings

The Hon Rick Colless MLC	The Nationals
The Hon Mark Pearson MLC	Animal Justice Party
The Hon Natasha Maclaren-Jones MLC	Liberal Party
Dr Mehreen Faruqi MLC	The Greens
The Hon Adam Searle MLC	Australian Labor Party
The Hon Lou Amato MLC	Liberal Party
The Hon Courtney Houssos MLC	Australian Labor Party

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Chair's foreword

I am pleased to present this report on the Inquiry into Budget Estimates 2017-2018. This annual inquiry into the Budget Estimates ensures parliamentary oversight of the Budget, and provides an important mechanism for the accountability of the executive government to the Legislative Council.

The inquiry consisted of three hearings to examine the following portfolios:

- Police, Emergency Services
- Corrections, Counter Terrorism, Veterans Affairs
- Attorney General.

A supplementary hearing was also held for the Police and Emergency Services portfolios.

On behalf of the committee, I would like to thank the Ministers and their officers who assisted the committee during this important inquiry. I am grateful to my fellow committee members and the secretariat staff for their contributions to the inquiry process.



The Hon Robert Borsak MLC
Chair

Chapter 1 Introduction

Referral of the 2017-2018 Budget Estimates

- 1.1 On 21 June 2017, the Legislative Council resolved that ‘the Budget Estimates and related papers for the financial year 2017-2018 presenting the amounts to be appropriated from the Consolidated Fund be referred to the Portfolio Committees for inquiry and report’.¹ The resolution (hereafter referred to as the Budget Estimates resolution) requires each committee to examine the Budget Estimates for the relevant portfolios and report to the House by 15 December 2017.²
- 1.2 The Budget Estimates resolution further stipulated that the initial hearings will be held from 31 August to 8 September 2017 and the initial round of supplementary hearings be scheduled during the week of 3-6 October 2017.³

Hearings

- 1.3 The committee held three public hearings as follows:
- Thursday 31 August 2017 – Police, Emergency Services
 - Tuesday 6 September 2017 – Corrections, Counter Terrorism, Veterans Affairs
 - Friday 8 September 2017 – Attorney General.
- 1.4 The committee also held a supplementary hearing on Thursday 9 November 2017 for the Police and Emergency Services portfolios.

Transcripts, questions on notice and supplementary questions

- 1.5 Transcripts of the hearings, questions taken on notice, supplementary questions and answers to these questions are available on the Budget Estimates web page at: www.parliament.nsw.gov.au/budgetestimates.

¹ *Minutes*, NSW Legislative Council, 21 June 2017, pp 1756-1757.

² *Minutes*, NSW Legislative Council, 21 June 2017, pp 1756-1757.

³ *Minutes*, NSW Legislative Council, 21 June 2017, pp 1756-1757.

Chapter 2 Issues raised during hearings

This chapter provides a brief summary by portfolio of the key issues raised during the hearings.

Police, Emergency Services

2.1 A hearing examining the portfolios of Police, Emergency Services was held on Thursday 31 August 2017. The following issues were raised during the committee's examination of these portfolios:

- Changes to firearms regulations and legislation
- Resourcing of police commands and possible mergers or closures of police stations
- Consultation on counter-terrorism measures with local councils
- Compulsory training programs for police officers and rates of participation for the current frontline workforce
- Allocation of responsibilities between the Police, Emergency Services and Counter-Terrorism portfolios.

2.2 A supplementary hearing examining the portfolios of Police, Emergency Services was held on Thursday 9 November 2017. The following issues were raised during the committee's examination of these portfolios:

- Registered Organisations Commission search warrant on the Australian Workers Union
- Re-engineering of local area commands in New South Wales
- Suspect Target Management Plan
- Service delivery to firearms licence holders
- Firefighters' exposure to hazardous substances.

Corrections, Counter Terrorism, Veterans Affairs

2.3 A hearing examining the portfolios of Corrections, Counter Terrorism, Veterans Affairs was held on Tuesday 6 September 2017. The following issues were raised during the committee's examination of these portfolios:

- Operational capacity of prisons
- Expenditure and outcomes of prison rehabilitation programs
- Addressing high Indigenous incarceration rates
- Counter terrorism measures, including concrete bollards
- Australian Defence Force veterans in prison.

Attorney General

2.4 A hearing examining the portfolio of Attorney General was held on Friday 8 September 2017. The following issues were raised during the committee's examination of this portfolio:

- Sanctity of the confessional
- Funding for the Drug Court and Koori Court
- Privacy
- Surety bonds
- Indigenous incarceration
- Community legal centre funding.

Appendix 1 Witnesses at hearings

Police, Emergency Services – Thursday 31 August 2017

Name	Position and Organisation
The Hon Troy Grant MP	Minister for Police and Minister for Emergency Services
Mr Andrew Cappie-Wood	Secretary, Department of Justice
Mr Arthur Diakos PSM	Chief Financial Officer, Department of Justice
Mr Feargus O'Connor	Executive Director, Office of Emergency Management, Department of Justice
Mr Adrian McKenna	Executive Director, Office for Police, Department of Justice
Mr Michael Fuller APM	Commissioner, NSW Police Force
Mr Jim Hamilton	Deputy Commissioner, Fire & Rescue NSW
Mr Shane Fitzsimmons AFSM	Commissioner, NSW Rural Fire Service
Mr Mark Smethurst DSC, AM	Commissioner, NSW State Emergency Service

Corrections, Counter Terrorism, Veterans Affairs – Tuesday 6 September 2017

Name	Position and Organisation
The Hon David Elliott MP	Minister for Counter Terrorism, Minister for Corrections and Minister for Veterans Affairs
Mr Andrew Cappie-Wood	Secretary, Department of Justice
Mr Arthur Diakos PSM	Chief Financial Officer, Department of Justice
Mr Peter Severin	Commissioner, Corrective Services NSW
Ms Melanie Hawyes	Executive Director, Juvenile Justice
Ms Mary-Ann O'Loughlin AM	Deputy Secretary, Social Policy Group, Department of Premier and Cabinet
Mr Paul Daniell	Director, Countering Violent Extremism, Department of Premier and Cabinet
Ms Caroline Mackaness	Director, Office for Veterans Affairs, Department of Justice

Attorney General – Friday 8 September 2017

Name	Position and Organisation
The Hon Mark Speakman MP	Attorney General
Mr Andrew Cappie-Wood	Secretary, Department of Justice
Mr Arthur Diakos PSM	Chief Financial Officer, Department of Justice
Ms Kate Connors	Acting Deputy Secretary, Justice Strategy and Policy, Department of Justice
Ms Kathrina Lo	Deputy Secretary, Justice Services, Department of Justice
Mr Chris D'Aeth	Acting Deputy Secretary, Court and Tribunal Services, Department of Justice
Mr Brendan Thomas	Chief Executive Officer, Legal Aid Commission, Department of Justice

Police, Emergency Services – Thursday 9 November 2017 (supplementary hearing)

Name	Position and Organisation
Mr Michael Fuller APM	Commissioner, NSW Police Force
Mr Shane Fitzsimmons AFSM	Commissioner, NSW Rural Fire Service

Appendix 2 Minutes

Minutes no. 45

Wednesday 9 August 2017

Portfolio Committee No. 4 – Legal Affairs

Members' Lounge, Parliament House, 1.45 pm

1. Members present

Mr Borsak, *Chair*

Mr Clarke, *Deputy Chair*

Ms Cusack

Mr Moselmane

Mr Pearce (substituting for Mr Khan)

Mr Shoebridge

2. Correspondence

The committee noted the following items of correspondence:

Received:

- 25 July 2017 – Email from Mr Vincent So, Office of the Hon David Elliott MP, Minister for Corrections, Counter Terrorism, Veteran Affairs, providing the list of witnesses for Budget Estimates
- 28 July 2017 – Letter from Ms Rachael Hayes, Office of the Hon Troy Grant MP, Minister for Police, Emergency Services, providing the list of witnesses for Budget Estimates and requesting that the hearing time be split for the Police and Emergency Services portfolios
- 28 July 2017 – Email from Ms Rebecca Meyer, Office of the Hon Mark Speakman MP, Attorney General, providing the list of witnesses for Budget Estimates
- 31 July 2017 – Email from Ms Rachael Hayes, Office of the Hon Troy Grant MP, Minister for Police, Emergency Services to the secretariat, explaining that the Commissioner of Fire and Rescue NSW is unavailable to appear at the Budget Estimates hearing.

Sent:

- 10 July 2017 – Letter from Ms Beverly Duffy, Clerk Assistant - Committees to the Hon David Elliot MP, Minister for Corrections, Counter Terrorism, Veteran Affairs, inviting the Minister to Budget Estimates and requesting witness details
- 10 July 2017 – Letter from Ms Beverly Duffy, Clerk Assistant - Committees to the Hon Mark Speakman MP, Attorney General, inviting the Minister to Budget Estimates and requesting witness details
- 10 July 2017 – Letter from Ms Beverly Duffy, Clerk Assistant - Committees to the Hon Troy Grant MP, Police, Emergency Services, inviting the Minister to Budget Estimates and requesting witness details.

3. Inquiry into Budget Estimates 2017-2018 – procedural resolutions

The committee noted that the Budget Estimates timetable for 2017-2018 was agreed to by the House, with the following Portfolio Committee No. 4 hearings:

Date	Time	Portfolio	Room
Thursday 31 August	2.00 pm – 6.00 pm	Police, Emergency Services (Grant)	Jubilee
Tuesday 5 September	9.00 am – 12.00 pm	Corrections, Counter Terrorism, Veterans Affairs (Elliott)	Macquarie
Friday 8 September	2.00 pm – 4.00 pm	Attorney General (Speakman)	Macquarie

3.1 Government questions

Resolved, on the motion of Mr Shoebridge: That with government members not asking questions:

- The portfolios of Police, Emergency Services be examined from 2.00 – 4.40 pm
- The portfolios of Corrections, Counter Terrorism, Veterans Affairs be examined from 9.00 – 11.00 am
- The portfolio of Attorney General be examined from 2.00 – 4.00 pm.

3.2 Sequence of questions

The committee noted that, under the resolution establishing the Portfolio Committees, the sequence of questions alternates between opposition, crossbench and government members, with equal time allocated to each, unless the committee decides otherwise.

3.3 Procedure for examining more than one portfolio

The committee noted its intention to examine portfolios concurrently.

3.4 Additional witness requests

The committee noted each minister's list of proposed witnesses, as per the table below, and that members have until 11.00 am Friday 11 August 2017 to provide any additional witness requests.

Minister	Portfolio	Witness	Position and Department
Grant	Police, Emergency Services	Mr Andrew Cappie-Wood	Secretary, Department of Justice
		Mr Arthur Diakos	Chief Financial Officer, Department of Justice
		Mr Feargus O'Connor	Executive Director, Office of Emergency Management, Department of Justice
		Mr Adrian McKenna	Executive Director, Office for Police, Department of Justice
		Mr Michael Fuller	NSW Police Commissioner, NSW Police Force
		Mr Jim Hamilton	FRNSW Deputy Commissioner
		Mr Shane Fitzsimmons	NSW RFS Commissioner
		Mr Mark Smethurst	NSW SES Commissioner

Elliott	Corrections	Mr Andrew Cappie-Wood	Secretary, Department of Justice
		Mr Arthur Diakos PSM	Chief Financial Officer, Department of Justice
		Mr Peter Severin	Commissioner, Corrective Services NSW
		Ms Melanie Hawyes	Executive Director, Juvenile Justice, Department of Justice
	Counter Terrorism	Ms Mary-Ann O'Loughlin AM	Deputy Secretary, Social Policy Group, Department of Premier and Cabinet
		Mr Paul Daniell	Director, Countering Violent Extremism, Department of Premier and Cabinet
	Veterans Affairs	Ms Caroline Mackaness	Director, Office for Veterans Affairs, Department of Justice
Speakman	Attorney General	Mr Andrew Cappie-Wood	Secretary, Department of Justice

4. Adjournment

The committee adjourned at 1.48 pm, *sine die*.

Sharon Ohnesorge
Clerk to the Committee

Minutes no. 48

Thursday 31 August 2017
 Portfolio Committee No. 4 – Legal Affairs
 Jubilee Room, Parliament House, Sydney, at 1.47 pm

1. Members present

Mr Borsak, *Chair*
 Mr Shoebridge, *Deputy Chair*
 Mr Clarke
 Mr Colless (substituting for Mr Khan)
 Ms Cusack (from 1.57 pm)
 Mr Moselmane
 Ms Voltz
 Mr Pearson (participating)

2. Draft minutes

Resolved, on the motion of Mr Shoebridge: That draft minutes nos. 44 and 45 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 22 July 2017 – Correspondence from Mr Chris Hamill lodging a submission to the inquiry into emergency services agencies

- 8 August 2017 – Email from a member of the public to the committee, alleging bullying in Corrective Services NSW
- 23 August 2017 – Email from Ms Rebecca Meyer, Office of the Hon Mark Speakman MP, Attorney General, providing an updated witness list for Budget Estimates
- 29 August 2017 – Email from Ms Rebecca Meyer, Office of the Hon Mark Speakman MP, Attorney General, providing an additional witness for Budget Estimates.

Sent:

- 15 August 2017 – Letter from the Chair to the author of submission 16 and 16a responding to allegations of a conflict of interest for a committee member
- 15 August 2017 – Letter to a member of the public advising that while the committee has resolved not to amend its terms of reference members are at liberty to take up the issues raised during the Budget Estimates inquiry
- 15 August 2017 – Letter from the Chair to Mr Peter Dunphy, Chief Executive, SafeWork NSW, inviting SafeWork NSW to make a submission to the inquiry into emergency services agencies and requesting that it include statistical information on the number of bullying complaints received by SafeWork NSW and the outcomes of those complaints.

Resolved, on the motion of Mr Shoebridge: That the committee treat the document received from Mr Chris Hamill received 22 July 2017 as correspondence.

Resolved, on the motion of Mr Moselmann: That the committee keep confidential the correspondence from a member of the public received 8 August 2017 as it contains sensitive/identifying information, as per the recommendation of the secretariat.

The committee noted that any correspondence resolved to be kept confidential can only be referred to in general terms in hearings, for example in Budget Estimates questions.

4. Inquiry into emergency services agencies

4.1 Chair's proposed approach to *in camera* hearings

Resolved, on the motion of Mr Shoebridge: That the committee:

- adopt the chair's proposed approach to *in camera* hearings.
- invite the chair's proposed list of *in camera* witnesses to give evidence.

4.2 Public submissions

Resolved, on the motion of Mr Shoebridge: That the committee authorise the publication of submission nos. 83a and 145.

4.3 Partially confidential submissions

Resolved, on the motion of Mr Moselmann:

- That the committee authorise the publication of submission nos. 43a, 67, 93, 95, 103a, 108, 115, 117 and 122, with the exception of identifying and/or sensitive information, which is to remain confidential, as per the request of the author.
- That the committee authorise the publication of submission nos. 50, 55, 57, 94, 119 and 120, with the exception of identifying and/or sensitive information, and/or adverse mention, which is to remain confidential, as per the recommendation of the secretariat.

4.4 Confidential submissions

Resolved, on the motion of Mr Shoebridge:

- That the committee keep submission nos. 72, 85a, 99, 103, 104, 105, 107, 112, 134, 134a, 134b and 149 confidential, as per the request of the author, as they contain identifying and/or sensitive information.
- That the committee keep submission nos. 39, 50a, 55a, 67a, 114, 124 and 127 confidential, as per the recommendation of the secretariat, as they contain identifying and/or sensitive information and/or adverse mention.

5. Inquiry into Budget Estimates 2017-2018

5.1 Public hearing: Budget Estimates 2017-2018 – Police, Emergency Services

Witnesses, the public and the media were admitted.

The chair made an opening statement regarding the broadcasting of proceedings and other matters. The chair noted that members of Parliament swear an oath to their office, and therefore do not need to be sworn prior to giving evidence before a committee.

The Honourable Troy Grant MP, Minister for Police and Minister for Emergency Services was admitted.

The following witnesses were sworn:

- Mr Shane Fitzsimmons, NSW RFS Commissioner, NSW Rural Fire Service
- Mr Jim Hamilton, FRNSW Deputy Commissioner, Fire & Rescue NSW
- Mr Mark Smethurst, NSW SES Commissioner, NSW State Emergency Service
- Mr Feargus O'Connor, Executive Director, Office of Emergency Management, Department of Justice
- Mr Michael Fuller, NSW Police Commissioner, NSW Police Force
- Mr Adrian McKenna, Executive Director, Office for Police, Department of Justice
- Mr Andrew Cappie-Wood, Secretary, Department of Justice
- Mr Arthur Diakos PSM, Chief Financial Officer, Department of Justice.

The Chair declared the proposed expenditure for the portfolios of Police, Emergency Services open for examination.

The Minister and departmental witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.40 pm.

The public and media withdrew.

5.2 Supplementary hearings

Resolved, on the motion of Mr Shoebridge: That the committee defer its decision on whether to hold supplementary hearings for the portfolios of Police, Emergency Services until receipt of answers to questions on notice and supplementary questions.

6. Adjournment

The committee adjourned at 4.44 pm, until 8.45 am, Tuesday 5 September 2017, Macquarie Room (*Corrections, Counter Terrorism, Veterans Affairs*).

Jenelle Moore
Clerk to the Committee

Minutes no. 49

Tuesday 5 September 2017

Portfolio Committee No. 4 – Legal Affairs

Macquarie Room, Parliament House, Sydney, at 8.47 am

1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair* (until 10.28 am)

Mr Clarke

Mr Khan

Mrs Maclaren-Jones (substituting for Ms Cusack)

Mr Moselmane

Ms Voltz

Dr Faruqi (participating) (from 10.27 am)

2. Inquiry into Budget Estimates 2017-2018**2.1 Public hearing: Budget Estimates 2017-2018 – Corrections, Counter Terrorism, Veterans Affairs**

Witnesses, the public and the media were admitted.

The chair made an opening statement regarding the broadcasting of proceedings and other matters. The chair noted that members of Parliament swear an oath to their office, and therefore do not need to be sworn prior to giving evidence before a committee.

The chair also reminded Mr Andrew Cappie-Wood and Mr Arthur Diakos that they did not need to be sworn, as they had been sworn at another Budget Estimates hearing.

Minister Elliott MP was admitted.

The following witnesses were sworn:

- Mr Peter Severin, Commissioner, Corrective Services NSW
- Ms Melanie Hawyes, Executive Director, Juvenile Justice
- Ms Caroline Mackaness, Director, Office for Veterans Affairs, Department of Justice
- Ms Mary-Ann O'Loughlin AM, Deputy Secretary, Social Policy Group, Department of Premier and Cabinet
- Mr Paul Daniell, Director, Countering Violent Extremism, Department of Premier and Cabinet.

The chair declared the proposed expenditure for the portfolios of Corrections, Counter Terrorism, Veterans Affairs open for examination.

The Minister and departmental witnesses were examined by the committee.

Minister Elliott tendered the following document:

- Department of Justice, Corrective Services of New South Wales, Response to Audit Office of NSW Performance Audit Report: Therapeutic Programs in Prisons, dated May 2017.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 11.00 am.

The public and media withdrew.

2.2 Tendered document

Resolved, on the motion of Ms Voltz: That the committee accept and publish the following document tendered during the Corrections, Counter Terrorism, Veterans Affairs hearing held on Tuesday 5 September 2017:

- Department of Justice, Corrective Services of New South Wales, Response to Audit Office of NSW Performance Audit Report: Therapeutic Programs in Prisons, dated May 2017, tendered by Minister Elliott.

2.3 Supplementary hearings

Resolved, on the motion of Mr Khan: That the committee defer its decision on whether to hold supplementary hearings for the portfolios of Corrections, Counter Terrorism, Veterans Affairs.

3. Adjournment

The committee adjourned at 11.01 am, until 1.45 pm, Friday 8 September 2017, Macquarie Room (*Attorney General*).

Samuel Griffith
Clerk to the Committee

Minutes no. 50

Friday 8 September 2017

Portfolio Committee No. 4 – Legal Affairs

Macquarie Room, Parliament House, Sydney, at 1.45 pm

1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Mr Clarke

Ms Cusack

Mr Khan

Mr Moselmane

Ms Voltz

Mr Pearson (participating) (until 3.07 pm)

Mr Searle (participating)

2. Inquiry into Budget Estimates 2017-2018

2.1 Public hearing: Budget Estimates 2017-2018 – Attorney General

Witnesses, the public and the media were admitted.

The chair made an opening statement regarding the broadcasting of proceedings and other matters. The chair noted that members of Parliament swear an oath to their office, and therefore do not need to be sworn prior to giving evidence before a committee.

The chair also reminded Mr Andrew Cappie-Wood and Mr Arthur Diakos that they did not need to be sworn, as they had been sworn at another Budget Estimates hearing.

Attorney General Speakman MP was admitted.

The following witnesses were sworn:

- Ms Kate Connors, Acting Deputy Secretary, Justice Strategy and Policy, Department of Justice

- Ms Kathrina Lo, Deputy Secretary, Justice Services, Department of Justice
- Mr Chris D'Aeth, Acting Deputy Secretary, Court and Tribunal Services, Department of Justice
- Mr Brendan Thomas, Chief Executive Officer, Legal Aid Commission, Department of Justice.

The chair declared the proposed expenditure for the portfolio of Attorney General open for examination.

The Attorney General and departmental witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.00 pm.

The public and media withdrew.

2.2 Supplementary hearings

Resolved, on the motion of Mr Shoebridge: That the committee defer its decision on whether to hold supplementary hearings for the portfolio of Attorney General.

3. Adjournment

The committee adjourned at 4.01 pm, *sine die*.

Stewart Smith

Clerk to the Committee

Minutes no. 53

Wednesday 18 October 2017

Portfolio Committee No. 4 – Legal Affairs

Members' Lounge, Parliament House, 2.13 pm

1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Mr Clarke

Ms Cusack (from 2.24 pm)

Mr Khan

Mr Moselmane (substituting for Ms Voltz for the emergency services inquiry item)

Mr Primrose (substituting for Mr Moselmane for the duration of the inquiry into emergency services agencies)

2. Previous minutes

Resolved, on the motion of Mr Shoebridge: That draft minutes nos. 48, 49, 50, 51 and 52 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 26 September 2017 – Letter from Hon Troy Grant MP, Minister for Police, Emergency Services to the Chair, attaching answers to questions on notice, answers to supplementary questions and transcript corrections

- 27 September 2017 – Email from Hon Shaoquett Moselmane, LC Opposition Whip to secretariat, advising that the Hon Peter Primrose MLC will substitute for the Hon Shaoquett Moselmane MLC for the duration of the inquiry into emergency services agencies
- 29 September 2017 – Letter from Hon David Elliott MP, Minister for Corrections, Counter Terrorism, Veterans Affairs to the secretariat, attaching answers to questions on notice, answers to supplementary questions and transcript corrections
- 29 September 2017 – Letter from Hon David Elliott MP, Minister for Corrections, Counter Terrorism, Veterans Affairs to the secretariat, clarifying evidence provided to the committee during Budget Estimates
- 4 October 2017 – Letter from Hon Mark Speakman MP, Attorney General to the secretariat, attaching answers to questions on notice, answers to supplementary questions and transcript corrections
- 12 October 2017 – Two emails from Witness F to the inquiry into emergency services agencies with confidential attachments.

Sent

- 5 September 2017 – Email from secretariat to Ms Alexandra Byrne and Ms Rachael Hayes Minister Grant's office, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions
- 8 September 2017 – Email from secretariat to Ms Tanya Raffoul, Minister Elliott's office, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions
- 13 September 2017 – Email from secretariat to Ms Rebecca Meyer, Attorney General Speakman's office, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions
- 12 October 2017 – Letter to Mr Dominic Morgan, Chief Executive, NSW Ambulance, forwarding in camera transcripts for discussion at the in camera hearing on 9 November 2017.

Resolved, on the motion of Mr Shoebridge: That the committee keep the correspondence and attachments from Witness F, received 12 October 2017, confidential, as per the recommendation of the secretariat, as they contain identifying and/or sensitive information.

4. Inquiry into Budget Estimates 2017-2018

4.1 Supplementary hearings

Mr Shoebridge moved: That:

- The committee hold a further two hour hearing to consider matters relating to Police, Emergency Services on a date to be determined by the Chair in consultation by members
- Minister Troy Grant MP be invited to attend, along with Commissioner Michael Fuller, Commissioner Shane Fitzsimmons and their respective deputies.

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Moselmane, Mr Primrose, Mr Shoebridge.

Noes: Mr Clarke, Mr Khan.

Question resolved in the affirmative.

Resolved, on the motion of Mr Shoebridge: That the committee hold no further hearings to consider matters relating to the following portfolios:

- Corrections, Counter Terrorism, Veterans Affairs
- Attorney General.

5. Inquiry into emergency services agencies

5.1 Dossier of documents tendered by Mr Mick Holton, President, Volunteer Fire Fighters Association, 18 September 2017 hearing

Resolved, on the motion of Mr Khan: That the dossier of documents tendered by Mr Holton, President, Volunteer Fire Fighters Association on 18 September 2017 be kept confidential.

5.2 Documents tendered by Witness E, 22 September 2017

Resolved, on the motion of Mr Shoebridge: That the committee accept and publish the following documents tendered by Witness E on 22 September 2017:

- NSW Ambulance operating procedure, Consultation standard for work health and safety, issued 7 February 2017
- NSW Ambulance operating procedure, Crib break management, issued 3 June 2015
- NSW Ambulance standard operating policy, Promoting a respectful workplace: Raising workplace concerns, issued 25 May 2011
- NSW Ambulance, standard operating policy, Promoting a respectful workplace: Raising workplace concerns, issued 11 November 2009.

5.3 Additional proposed witnesses who are past/present employees of the NSW Ambulance Service

Resolved, on the motion of Mr Shoebridge: That the committee invite the authors of submissions no. 19 and 175/175a to give evidence at the *in camera* hearing on 9 November 2017.

Resolved, on the motion of Mr Shoebridge: That the committee consider Mr Khan's advice following the receipt of submissions from the two proposed witnesses.

5.4 Chair's proposed list of *in camera* witnesses for 10 November 2017 (NSW Police Force)

Resolved, on the motion of Mr Primrose: That the selection of *in camera* witnesses for 10 November 2017, focusing on the NSW Police Force, be left in the hands of the Chair.

5.5 Public submissions

Resolved, on the motion of Mr Shoebridge: That the committee authorise the publication of submission no. 98.

5.6 Partially confidential submissions

Resolved, on the motion of Mr Shoebridge: That the committee authorise the publication of submission nos. 110 and 175a with the exception of identifying and/or sensitive information, which is to remain confidential, as per the request of the author.

Resolved, on the motion of Mr Shoebridge: That the committee authorise the publication of submission nos. 60a, 61a, 70a, 86, 146a and 155a with the exception of identifying and/or sensitive information, and/or adverse mention, which is to remain confidential, as per the recommendation of the secretariat.

5.7 Confidential submissions

Resolved, on the motion of Mr Shoebridge: That the committee keep submission nos. 113, 116, 129, 139, 159, 160 and 175 confidential, as per the request of the author, as they contain identifying and/or sensitive information.

Resolved, on the motion of Mr Shoebridge: That the committee keep submission nos. 60, 61, 126, 138, 140, 144, 146, 155, 158 and 161 confidential, as per the recommendation of the secretariat, as they contain identifying and/or sensitive information and/or adverse mention.

6. Adjournment

The committee adjourned at 2.28 pm, until 9.30 am, Thursday 9 November 2017, Macquarie Room, Parliament House (*in camera* hearing).

Stewart Smith
Committee Clerk

Minutes no. 55

Thursday 9 November 2017

Portfolio Committee No. 4 – Legal Affairs

Macquarie Room, Parliament House, Sydney, at 3.03 pm

1. Members presentMr Borsak, *Chair*Mr Shoebridge, *Deputy Chair*

Mr Amato (substituting for Mr Khan)

Mr Clarke

Ms Cusack

Ms Houssos (substituting for Mr Moselmane)

Ms Voltz

Mr Searle (participating, until 3.20 pm)

2. Apologies**3. Draft minutes**

Resolved, on the motion of Ms Cusack: That draft minutes no. 53 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Sent:

- 20 October 2017 – Letter from Clerk Assistant – Committees to the Hon Troy Grant MP, Minister for Police and Emergency Services, advising of the committee’s decision to hold a supplementary hearing for the Police, Emergency Services portfolios and inviting witnesses to attend.

Received:

- 25 October 2017 – Letter from the Hon Troy Grant MP, Minister for Police and Emergency Service to Clerk Assistant – Committees, confirming witness attendance at the supplementary hearing for the Police, Emergency Services portfolios.

5. Inquiry into Budget Estimates 2017-2018**5.1 Timeframe for return of answers to questions on notice**

Resolved, on the motion of Mr Shoebridge: That witnesses be requested to return answers to questions on notice within 10 calendar days of the date on which the questions are forwarded to the witness.

5.2 Public hearing: Budget Estimates 2017-2018 – Police and Emergency Services

Witnesses, the public and the media were admitted.

The chair made an opening statement regarding the broadcasting of proceedings and other matters.

The chair also reminded Commissioner Michael Fuller and Commissioner Shane Fitzsimmons that they did not need to be sworn, as they had been sworn at another Budget Estimates hearing.

The chair declared the proposed expenditure for the portfolios of Police and Emergency Services open for examination.

The departmental witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.53 pm.

The public and media withdrew.

6. Adjournment

The committee adjourned at 4.54 pm, until Friday 10 November 2017, 9.00 am, Macquarie Room, Parliament House (public hearing).

Sharon Ohnesorge
Committee Clerk

Draft minutes no. 59

Tuesday 7 December 2017
Portfolio Committee No. 4 – Legal Affairs
Macquarie Room, Parliament House, 8.58 am

1. Members present

Mr Borsak, *Chair*
Mr Shoebridge, *Deputy Chair*
Mr Clarke (from 9.13 am)
Ms Cusack (from 9.00 am to 11.09 am)
Mr Farlow (from 11.13 am)
Mr Khan
Mr Primrose (until 11.03 am)
Mr Searle (from 11.13 am)
Ms Voltz (from 9.05 am)

2. Inquiry into emergency services agencies

2.1 Approach to *in camera* hearing with Mr Dominic Morgan, Chief Executive, NSW Ambulance

Resolved, on the motion of Mr Shoebridge: That Mr Morgan's support staff:

- be permitted to attend his *in camera* hearing on 7 December 2017
- be seated at a table behind the Chief Executive, NSW Ambulance, to enable them to advise him during the hearing.

2.2 *In camera* hearing

The committee previously resolved to take *in camera* evidence from individual submission authors.

The committee proceeded to take *in camera* evidence.

Persons present other than the committee: Ms Teresa McMichael, Ms Merrin Thompson, Ms Sarah Dunn, Ms Monica Loftus and Hansard reporters.

The following witnesses were examined on their former oath:

- Mr Dominic Morgan, Chief Executive, NSW Ambulance
- Ms Clare Pemberton, Acting Chief Risk and Safety Officer, NSW Ambulance.

Persons present other than the committee: Ms Kathleen Crilly and Ms Michelle Kelly, support staff to Mr Morgan.

Mr Morgan tendered a document of the rank structure recommended by the National Trust in the United Kingdom.

The evidence concluded and the witnesses and their support staff withdrew.

2.3 Tendered document

Resolved, on the motion of Ms Voltz: That the committee accept and publish the following document tendered during the hearing:

- The rank structure recommended by the National Trust in the United Kingdom, tendered by Mr Morgan.

3. Draft minutes

Resolved, on the motion of Mr Shoebridge: That draft minutes no. 54, 55 and 56 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 3 November 2017 – Anonymous letter seeking an investigation into bullying and harassment by certain NSW Rural Fire Service employees
- 12 November 2017 – Email from Witness F, to secretariat, attaching a document seeking systemic change from NSW Ambulance in respect of paramedics experiencing trauma
- 24 November 2017 – Letter from Hon Troy Grant MP, Minister for Police, Emergency Services to the Chair, attaching answers to questions on notice, answers to supplementary questions and transcript corrections
- 28 November 2017 – Email from Witness F, to secretariat, updating the committee on the witness's circumstances and requesting a question to NSW Ambulance representatives.

Sent:

- 14 November 2017 – Email from secretariat to Ms Alexandra Byrne and Ms Rachael Hayes, Minister Grant's office, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions.

5. Inquiry into emergency services agencies

5.1 Public submissions

Resolved, on the motion of Ms Cusack: That the committee authorise the publication of submission no. 156.

Mr Primrose left the meeting at 11.03 am.

5.2 Partially confidential submissions

Resolved, on the motion of Ms Cusack: That the committee authorise the publication of submission nos. 153, 154b, 157a, 177a, 178a, 182a, and 182b with the exception of identifying and/or sensitive information, and/or adverse mention, which is to remain confidential, as per the recommendation of the secretariat.

Resolved, on the motion of Ms Cusack: That the committee keep the identifying information in submission no. 98 confidential, as per the recommendation of the secretariat.

5.3 Confidential submissions

Resolved, on the motion of Mr Shoebridge:

- That the committee keep submission nos 154 and 154a confidential, as per the request of the author, as they contain identifying and/or sensitive information
- That the committee keep submission nos. 5b, 177 and 182 confidential, as per the recommendation of the secretariat, as they contain identifying and/or sensitive information and/or adverse mention.

5.4 Answers to questions on notice and supplementary questions

The committee noted that the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice and attachments – Mr Shane Fitzsimmons AFSM, Commissioner, NSW Rural Fire Service – received 9 November 2017.

Resolved, on the motion of Ms Cusack: That the committee keep confidential answers to questions on notice and attachments received from:

Witness J – received 19 November 2017

Witness K – received 17 November 2017

Witness L – received 20 November 2017.

Resolved, on the motion of Mr Shoebridge: That the committee seek permission from Witness K to forward his confidential evidence to Mr Dominic Morgan, Chief Executive, NSW Ambulance for a response.

The committee noted that answers to questions on notice from Witness F were received by the secretariat on 12 October 2017 and distributed to the committee on 18 October 2017 as confidential correspondence.

6. Inquiry into Budget Estimates 2017-2018

6.1 Consideration of Chair's draft report

The Chair submitted his draft report entitled *Budget Estimates 2017-2018* which, having been previously circulated, was taken as being read.

Resolved, on the motion of Mr Shoebridge: That:

The draft report be the report of the committee and that the committee present the report to the House;

The transcripts of evidence, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry be tabled in the House with the report;

Upon tabling, all unpublished transcripts of evidence, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;

The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;

That the report be tabled on Thursday 14 December 2017.

Ms Cusack left the meeting at 11.09 am.

7. Correspondence

The committee noted the following items of correspondence:

Received:

- 4 December 2017 – Email from Community Justice Coalition requesting the committee extend the terms of reference for the Parklea inquiry to examine dormitory prisons
- 4 December 2017 – Email from an employee of an emergency service agency to secretariat regarding the publication of identifying details in a submission.

Sent:

- 4 December 2017 – Reply from secretariat to author of the 4 December 2017 email regarding the publication of identifying details in a submission, to ask if there is a particular request he would like the committee to consider.

Resolved, on the motion of Mr Shoebridge:

- That the committee keep the email from an emergency service agency employee to the secretariat, dated 4 December 2017, regarding the publication of identifying details in a submission confidential, as per the recommendation of the secretariat, as it contains identifying and/or sensitive information, and that the Chair respond to the author on behalf of the committee

- That the committee keep the reply from the secretariat to the author of the 4 December 2017 email confidential, as per the recommendation of the secretariat, as it contains identifying and/or sensitive information.

8. Inquiry into emergency services

8.1 Confidential submissions

Resolved, on the motion of Mr Shoebridge:

That the committee keep submission nos. 166 and 166a confidential, as per the recommendation of the secretariat, as they contain identifying and/or sensitive information

That the committee keep submission nos. 171 and 173 confidential, as per the request of the author, as they contain identifying and/or sensitive information.

8.2 Hearing dates

Resolved, on the motion of Mr Khan: That the committee hold a combination of public and *in camera* hearings on Monday 26 February, Tuesday 20 March and Wednesday 21 March 2018.

8.3 Answers to questions on notice

Resolved, on the motion of Mr Shoebridge:

- That the committee keep confidential the answers to questions on notice received from Witness K – received 5 December 2017
- That the answers to questions on notice received from the NSW Ambulance Service on 6 December 2017 be reviewed by the secretariat to consider publication.

Mr Farlow and Mr Searle joined the meeting at 11.13 am.

9. Inquiry into Parklea Correctional Centre

9.1 Proposed extension to terms of reference

Resolved, on the motion of Mr Shoebridge: That the committee:

- extend the terms of reference to include examination of Rapid-Build dormitory prisons, and
- change the name of the inquiry to 'Parklea Correctional Centre and other operational issues.'

10. Adjournment

The committee adjourned at 11.17 am, *Sine die*.

Merrin Thompson
Committee Clerk

