



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2022-2023

Supplementary Questions

Portfolio Committee No. 5 – Regional NSW and Stronger Communities

Attorney General

Hearing: Monday 22 August 2022

Answers due by: Friday 16 September 2022

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Attorney General

Questions from Ms Abigail Boyd MLC

Victims Services

1. What is the estimated savings from auditing the Immediate Needs Support Package through Victim's Services?
2. Do the estimated savings from Immediate Needs Support Package auditing outweigh the emotional cost for victim-survivors exposed to auditing?
3. What is the breakdown of the additional \$45.1m/year announced in the budget for The Victim Services Scheme?
4. Do the courts collect data on how many Part 6 of the Victims Rights Support Act compensation awards were made over the past 5 years? If yes, what is the response? If no, can data be collected on this?
5. What amount was recovered through restitution in
 - (a) 2018-19?
 - (b) 2019-20?
 - (c) 2020-21?
 - (d) 2021-22?
6. For each financial year
 - (a) 2018-19
 - (b) 2019-20
 - (c) 2020-21
 - (d) 2021-22
 - i. How many written objections to a notice of restitution order were made to the Commissioner pursuant to s62 of the Victims Rights Support Act?
 - ii. What were the grounds for objection?
 - iii. How many objections were:
 - (1) Allowed in whole?
 - (2) Allowed in part?

- (3) Disallowed?
- (4) Confirmed the decision?
- (5) Confirmed the decision with variation to reduce the payable?
- (6) Reversed the decision?

iv. What were the reasons for the decision on the objection?

7. As outlined in the Victims Services data set on restitution 2017-18 (p2), “In some circumstances, victims may request that Victims Services waive issuing a provisional order [for restitution]. This is at the discretion of the Commissioner of Victims Rights and occurs on a case-by-case basis. For example, restitution was waived in one case where the offender continually breached an Apprehended Domestic Violence Order and there was evidence of continued threats to the victim. In this case, it was clear that proceeding with restitution would expose the victim to further violence”.

For each financial year

- (a) 2018-19
- (b) 2019-20
- (c) 2020-21
- (d) 2021-22

i. How many requests did Victims Services receive from applicants not to pursue restitution/requested waivers for restitution actions not to be pursued against the offender

- (1) in total?
- (2) in relation to domestic violence (as a number and percentage)?
- (3) in relation to sexual assault and child sexual abuse (as a number and percentage)?

ii. How many requests were granted and on what basis

- (1) in total?
- (2) in relation to domestic violence (as a number and percentage)?
- (3) in relation to sexual assault and child sexual abuse (as a number and percentage)?

- iii. How many requests were denied and on what basis
 - (1) in total?
 - (2) in relation to domestic violence (as a number and percentage)?
 - (3) in relation to sexual assault and child sexual abuse (as a number and percentage)?
8. How many applications have been attempted to be lodged with Victims Services that are not accepted for any reason during financial year 2021-2022? If this data is not currently being collected, will it be collected?
9. During financial year 2021-2022 and in relation to
- (a) the Victims Access Line
 - (b) the Aboriginal Contact Line
 - i. How many calls have been received?
 - ii. What was the nature of the call and what was the response?
 - iii. How many people have been assisted to collect evidence to support their claim for Victims Support?
 - iv. How many people have been assisted by the service contacting a counsellor on their behalf and organising a counselling appointment?
10. During financial year 2021-2022, how many Victims Support Scheme applications were
- (a) received,
 - (b) awarded,
 - (c) pending,
 - (d) dismissed
- for each of the components of Victims Support relating to:
- i. people living in regional, rural and remote areas?
 - ii. people who are homeless/risk of homelessness?
 - iii. people currently in prison/detention/closed setting?
11. Once a person submits their Victims Support application to Victims Services that person has 12 months to collect their evidence to support their claim before Victims Services closes their application. As a matter of procedural fairness, does Victims Services advise applicants in writing

the earliest date by which their matter will be determined if it is before the end of the 12 month period so they know the date by which they need to provide any relevant evidence or to ask for more time?

Drink Spiking

12. What are the specific legal obligations that licensed venues have, in regards to duty of care and negligence risks related to ensuring their venues are safe environments for patrons?
13. Do licensed venues have a legal obligation to report incidents of drink spiking in either an alcohol or prohibited drug incident report, so that it is logged in the incident registry?
14. When a licensed venue is alerted of a drink spiking incident, what are their specific legal obligations to ensure additional incidents do not happen?
15. Does the NSW Government currently have any strategies in place to shift the focus from the responsibility of young women to ensure their own safety and the safety of their friends, to dealing with the perpetrators?
16. The Victorian Government recently dedicated funding to conduct research into drink spiking over the next two years, for which the goal is to improve crime prevention, education measures and address underreporting. Has the NSW Government considered doing something similar?

Attorney General

Questions from Ms Sue Higginson MLC

Raise the Age of Criminal Responsibility

17. Which State is taking the lead responsibility for Raising the Age of Criminal Responsibility in the Meeting of Attorneys-General process?
18. When will the next meeting of the National Age of Criminal Responsibility Working Group take place?
 - (a) How often will that Working Group meet?
 - (b) Who, in terms of their position, is on that Working Group?
 - (c) What are the Terms of Reference for that Working Group?
 - (d) When will that Working Group complete its work and finally report with a proposal to the Meeting of Attorneys-General?
19. How many children of the following ages are currently in detention in NSW?
 - (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old
20. How many First Nations children of the following ages are currently in detention in NSW?
 - (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old
21. How many children of the following ages are currently in custody in NSW?
 - (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old

22. How many First Nations children of the following ages are currently in custody in NSW?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old
23. How many children of the following ages have been in detention in NSW in the past 12 months or the most recent 12 month period available?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old
24. How many First Nations children of the following ages have been in detention in NSW in the past 12 months?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old
25. How many children of the following ages have been in detention in NSW in the most recent 12 month period available?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old
26. How many children of the following ages have been in custody in NSW in the past 12 months?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old

- (d) 13 years old
27. How many children of the following ages have been in custody in NSW in the most recent 12 month period available?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old
28. How many First Nations children of the following ages have been in custody in NSW in the past 12 months?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old
29. How many First Nations children of the following ages have been in custody in NSW in the most recent 12 months period available?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old
30. How many children of the following ages have been subjected to diversionary programs upon a finding of guilt by a court in NSW in the past 12 months?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old
31. How many children of the following ages have been subjected to diversionary programs upon a finding of guilt by a court in NSW in the most recent 12 months period available?
- (a) 10 years old

- (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old
32. How many First Nations children of the following ages have been subjected to diversionary programs upon a finding of guilt by a court in NSW in the past 12 months?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old
33. How many First Nations children of the following ages have been subjected to diversionary programs upon a finding of guilt by a court in NSW in the most recent 12 month period available?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old
34. How many children of the following ages were convicted in NSW in the past 12 months?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old
35. How many children of the following ages were convicted in NSW in the most recently available 12 months period?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old

36. How many First Nations children of the following ages were convicted in NSW in the past 12 months?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old
37. How many First Nations children of the following ages were convicted in NSW in the most recently available 12 month period?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old
38. How many children of the following ages were charged with offences in NSW in the past 12 months?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old
39. How many children of the following ages were charged with offences in NSW in the most recently available 12 month period?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old
40. How many First Nations children of the following ages were charged with offences in NSW in the past 12 months?
- (a) 10 years old
 - (b) 11 years old

(c) 12 years old

(d) 13 years old

41. How many First Nations children of the following ages were charged with offences in NSW in the most recently available 12 month period?

(a) 10 years old

(b) 11 years old

(c) 12 years old

(d) 13 years old

Attorney General

Questions from the Hon Mark Buttigieg MLC *(on behalf of the Opposition)*

Disability Employment

42. What is the percentage and number of employees who currently identify as having a disability employed by:
- (a) Department of Communities and Justice
 - (b) Community Justice Centres
 - (c) Director of Public Prosecutions
 - (d) Legal Aid Commission
 - (e) Law Reform Commission
 - (f) Personal Injury Commission
 - (g) NSW Trustee and Guardian
43. What is the percentage and number of senior managers who currently identify as having a disability employed by:
- (a) Department of Communities and Justice
 - (b) Community Justice Centres
 - (c) Director of Public Prosecutions
 - (d) Legal Aid Commission
 - (e) Law Reform Commission
 - (f) Personal Injury Commission
 - (g) NSW Trustee and Guardian

Counter Terrorism funding in Department of Communities and Justice (DCJ)

44. How many people are employed by the NSW Government in the area of counter terrorism activity as of 22 August 2022 within the Department of Communities and Justice (DCJ)?
45. How much funding has been allocated to counter terrorism by the NSW Government as of 22 August 2022 within DCJ?

46. For each of the following years, how many people were employed by the NSW Government in the area of counter terrorism within DCJ:
- (a) 2021
 - (b) 2020
 - (c) 2019
 - (d) 2018
 - (e) 2017
47. For each of the following years, how much funding has been allocated by the NSW Government to counter terrorism within DCJ:
- (a) 2021
 - (b) 2020
 - (c) 2019
 - (d) 2018
 - (e) 2017

Counter terrorism programs

48. How many counter terrorism programs are administered by DCJ?
49. Which other NSW Departments and agencies administer counter terrorism programs in conjunction with DCJ?

NSW Counter Terrorism Plan

50. When was the last update of the NSW Counter Terrorism Plan and did DCJ contribute to its update?

Counter Terrorism Legislation and DCJ advice

51. Have DCJ recommended changes to the specific legislation, which it administers, to assist in prevention, response, and recovery relating to terrorism?
52. If so, what changes has DCJ recommended for the Acts that it administers:
- (a) Terrorism (Police Powers) Act 2002 (NSW)
 - (b) State Emergency and Rescue Management Act 1989 (NSW)

- (c) Terrorism (High Risk Offenders) Act 2017 (NSW)
- (d) Crimes (Administration of Sentences) Act 1999 (NSW)
- (e) Criminal Procedures Act 1986 (NSW)
- (f) Bail Act 2013 (NSW)

53. On what date were changes recommended?

- (a) By which department or agency?

54. What is the legislative program for implementing these changes to any of the legislation in (52)(a)-(f)?