

Question	Page	Member	Question on Notice	Answer
1	p4	The Hon. Susan Carter	<p>The Hon. Susan Carter: Will there be an education campaign about your new drugs policy, especially for border communities like Queanbeyan and Goulburn, about the similarities and differences between the ACT and New South Wales drug laws?</p> <p>The Hon. Michael Daley: I'm not sure, because this is being driven as a partnership between police and NSW Health. Are we doing any education—</p> <p>The Hon. Susan Carter: I'm sorry, you are saying it's a partnership—</p> <p>The Hon. Michael Daley: I'm seeking some advice.</p> <p>The Hon. Susan Carter: —between police and NSW Health, so the Attorney General's department isn't involved?</p> <p>The Hon. Michael Daley: I'm seeking some advice. Let me answer the question.</p> <p>Paul McKnight: Can we take on notice the details of the public education involved in this process? And we can perhaps give that to the Committee afterwards.</p>	<p>Answered in page 50 of transcript:</p> <p>The Hon. Michael Daley: A communications strategy is currently under development in preparation for the rollout of the new scheme, including information to be provided to both the general public—for example, on websites—and to penalty recipients. It will include addressing communications requirements for any specific audiences, including by location. This would include messaging around the ACT arrangements as distinct from the new scheme in New South Wales. It is anticipated that the communications strategy will be developed before the end of the year.</p>
2	p5	The Hon. Susan Carter	<p>The Hon. Susan Carter: Therapeutic Guidelines, a clinical resource for Australian medical practitioners, says that cocaine exposures of one gram are potentially lethal. Minister, do you believe that the system of waiving fines for possession and use of one gram of cocaine is the best way to achieve health outcomes for the community?</p> <p>The Hon. Michael Daley: The best way to achieve health outcomes is to get people into drug and alcohol programs, and that's what this program seeks to do.</p> <p>The Hon. Susan Carter: But you are happy with the one gram limit, given the Therapeutic Guidelines' warning?</p> <p>The Hon. Michael Daley: It's not a matter of whether I'm happy or not. We are acting on the advice of the chief medical officer and the police and adopting the existing quantities in the Drug Misuse and Trafficking Act, which has been in situ for quite some time.</p> <p>The Hon. Susan Carter: So you did get advice from the police in relation to this policy?</p> <p>The Hon. Michael Daley: They wrote the policy.</p> <p>The Hon. Susan Carter: And that advice included possible impacts on the road toll?</p> <p>The Hon. Michael Daley: I would have to take that on notice. I don't have the paper in front of me.</p>	<p>Answered in page 50 of transcript:</p> <p>The Hon. Michael Daley: New South Wales is not decriminalising drugs. It remains an offence to possess and use illicit drugs. New South Wales is not changing drug driving offences. It is also still against the law in New South Wales to drive with the presence of any illegal drug in your system or to drive under the influence of illegal or prescription drugs. The pre-court drug diversion scheme simply replaces, where appropriate, court appearances with penalty notices for people detected with small quantities of drugs for personal use and possession. Currently, most people who commit low-level drug offences receive low-level penalties from courts, such as fines. The scheme was developed jointly by the NSW Police Force, Health and the Department of Communities and Justice. Careful consideration has been given to the parameters for the scheme, and the police support the rollout of the scheme.</p>

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3	p5	The Hon. Susan Carter	<p>The Hon. Susan Carter: What's the start date of the program?</p> <p>The Hon. Michael Daley: Six months from the date that it went through Parliament, I think, or from when it was proclaimed.</p> <p>The Hon. Susan Carter: Sorry, I think the issue is that it didn't go through Parliament. There was an amendment to the Fines Act and a press release. Are you saying it will be introduced six months from 10 October, the date of the press release?</p> <p>The Hon. Michael Daley: I'll check exactly what the mechanism is, but—</p> <p>Paul McKnight: The program is to be implemented early next year.</p> <p>The Hon. Susan Carter: Early next year when? 1 January?</p> <p>Paul McKnight: We don't have a specific date.</p> <p>The Hon. Susan Carter: When will you be able to share the details of the date with the people of New South Wales?</p> <p>Paul McKnight: I can take on notice the question of how much detail we can provide you about implementation at this point. There is a range of implementation action going on within police and Health and within State Revenue, which you might imagine.</p>	<p>Answered in page 50 of transcript:</p> <p>The Hon. Michael Daley: A cross-agency working group is overseeing implementation planning for the new Drug Court diversion scheme to commence from early 2024. The group includes the NSW Police Force, Ministry of Health, Revenue NSW, Department of Communities and Justice, The Cabinet Office and others as required. It meets fortnightly and is well established.</p> <p>Implementation activities overseen by the working group and being undertaken by agencies to prepare for the commencement of the new scheme include but are not limited to developing a communications strategy for the rollout of the new scheme, including information to be provided to both the general public—for example, on websites—and to penalty recipients; statewide police education and training, noting that the scheme is an extension of the existing scheme that the NSW Police Force use at music festivals; changes to the IT systems across relevant agencies, including police and Revenue NSW; engagement of the health intervention service provider and service specifications; legislative and regulatory changes—noting, of course, in October 2023 the Justice Legislation Amendment (Miscellaneous) Act 2023 inserted section 23B into the Fines Act 1996, which facilitates the scheme by allowing completion of certain prescribed activities to be treated as payment of a penalty notice; development of the form of the criminal infringement notice and information provided to the penalty notice recipient about the health intervention; and engagement with stakeholders, such as Legal Aid NSW, to support vulnerable penalty notice recipients. There's a handwritten note that says, I think, that the working group will also monitor and review the rollout of the scheme.</p>

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4	p5-6	The Hon. Susan Carter	<p>The Hon. Susan Carter: Okay. Thank you very much. You have referred, Mr Attorney General, to our diversion policy, which was to be supported by an investment of half a billion dollars. This included almost \$360 million for targeted AOD health diversion initiatives to address what you have identified is a currently existing gap in treatment, which is why you are doing this implementation work. However, when we look at the detailed breakdown of your plans, it shows an investment of almost \$30 million less than we were going to make. What programs have you cut?</p> <p>The Hon. Michael Daley: I think that that's probably better directed to the health department or the Minister for Health. The rollout of the program, is, as I understand it, a matter for the Minister for Health.</p> <p>The Hon. Susan Carter: So you're saying you can't answer what programs are being cut?</p> <p>The Hon. Michael Daley: I can take it on notice, but I think it probably would have better been addressed to the Minister for Health.</p>	<p>This question should be directed to the Minister for Health, as the Minister is responsible for the provision of health services in NSW.</p>
5	p7-8	The Hon. Susan Carter	<p>The Hon. Susan Carter: As the first law officer, are you not concerned that the options for anybody who receives a criminal infringement notice are not the same at every place in New South Wales? The rule of law requires that everybody is treated equally before the law. If the options in Bourke are different to the options in Bankstown—if there's telehealth in one place and face to face in another, if there's a three-month wait for a rehab bed in Bourke but a one-week wait in Bankstown and if that's part of the intervention—does that difference not constitute a major impact on the operation of the rule of law in New South Wales?</p> <p>The Hon. Michael Daley: I'm not sure I agree with that characterisation. What's available to all citizens is an opportunity to have an intervention program. You are assuming that the way you have characterised the services available to people will be so, and I'm not sure you're correct. In any event, these are questions you can put to the health Minister or to me on notice and I'll try and get the advice from Health. But they are not being delivered by DCJ; those programs are being delivered by Health.</p>	<p>The health intervention provided under the scheme will be delivered via a telehealth session delivered by a qualified alcohol and other drug specialist. The telehealth session includes a tailored assessment of the person's health needs and will result in referrals into health services where appropriate. It is anticipated that Criminal Infringement Notice Recipients will vary widely in terms of their therapeutic needs in relation to drug use, and due to the eligibility parameters of the scheme, many may have a relatively low level of substance use.</p> <p>Completion of the telehealth intervention will result in the fine being considered paid. Uptake by the person of any referrals from the session is voluntary. Further details in relation to the delivery of the health intervention fall into the portfolio responsibilities of the Minister for Health.</p>

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6	p10	Ms Sue Higginson MLC	<p>Ms Sue Higginson MLC: And so in terms of the victim-survivors that have had to settle for compromised settlements, is that going to be part of your brief? Have you considered that component? Or are you just looking at what will happen for people who are currently subject to stays?</p> <p>The Hon. Michael Daley: When I'm advised as to what the full ramifications of the High Court's decision is, I'll be better able to make those decisions. I'm not trying to escape questioning on this, and I understand that you've been a passionate advocate and that there are many thousands of victims and advocates across the country who are waiting with bated breath to see what happens next. I understand the gravity of that, and that's why we'll treat the advice and this issue with all due seriousness, Ms Higginson.</p> <p>Ms Sue Higginson MLC: And so what's your timing? The victim-survivors that I've been talking to, what can I suggest to them, including the ones who have had to be subjected to compromised settlements? What should I tell them about the timing of what the AG's department and the AG are considering?</p> <p>The Hon. Michael Daley: I'll tell them now that I'll act with no delay—no undue delay.</p> <p>Ms Sue Higginson MLC: I understand, but what does that mean for those people? What is undue delay?</p> <p>The Hon. Michael Daley: This is too important a decision for me to speculate as to the time frame.</p> <p>Ms Sue Higginson MLC: When is the date that you'll be receiving your brief and your advice?</p> <p>The Hon. Michael Daley: When the department properly considers it and hands it to me.</p> <p>Ms Sue Higginson MLC: And how long would that normally take in such a circumstance, which we have never really seen before?</p> <p>The Hon. Michael Daley: I'm happy to take that on notice.</p> <p>Ms Sue Higginson MLC: So you will get back to us with a time frame?</p> <p>The Hon. Michael Daley: Yes.</p>	<p>On Wednesday 1 November 2023, the High Court of Australia handed down the decision <i>GLJ v The Trustees of the Roman Catholic Church for the Diocese of Lismore</i> [2023] HCA 32.</p> <p>I have requested advice from DCJ on this matter and I will closely consider the issue.</p>

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7	p13	Ms Sue Higginson MLC	<p>Ms Sue Higginson MLC: Attorney, do you know how many young people under the age of 14 are currently in incarceration in New South Wales?</p> <p>The Hon. Michael Daley: My advice is that between December 2021 and December 2022 there were 80 proven court appearances, with one aged 10 years old, one aged 11 years—</p> <p>Ms Sue Higginson MLC: Sorry, that's not the question I asked, Attorney. Do you know how many young people under the age of 14 are currently incarcerated in New South Wales?</p> <p>The Hon. Michael Daley: I don't have that at my fingertips but I can certainly find that for you.</p>	<p>I am advised: The number of young people in custody, including those under the age of 14, fluctuates daily, as new young people are admitted, and/or young people already in custody are released.</p> <p>On the date of the Budget Estimates hearing for the Minister for Youth Justice (31 October 2023), there were four young people under the age of 14 in custody. The data quoted by Mr Michael Tidball, Secretary of the Department of Communities and Justice, was from 29 October 2023, hence the different figures.</p> <p>Answered in page 23 of transcript: MICHAEL TIDBALL: Ms Higginson, if I may assist the Committee by indicating the current numbers in youth detention. There are currently zero under 12 years in custody. There are currently six children under 14 years in custody. Each of those six is on remand and zero are on control. Ms SUE HIGGINSON: I don't think they are the figures that were quite given to us in budgets a couple of days ago, but fair enough. Maybe something— MICHAEL TIDBALL: I'm happy to—at the Youth Justice hearing— Ms SUE HIGGINSON: I've literally got written here from answers that were provided in budgets less than a week ago—and it was that there are currently four children under 14 years of age in custody and three of those are Aboriginal children. MICHAEL TIDBALL: I'm happy to clarify. My extraction date is 29 October, but I will clarify.</p>

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8	p20	The Hon. Susan Carter	<p>The Hon. Susan Carter: The Sheriff and Court Security Amendment Bill 2023, which is currently before the House. Has the proposed rank structure for sheriff's officers been costed?</p> <p>The Hon. Michael Daley: Unless somebody can answer that, I'm happy to take that on notice.</p> <p>MICHAEL TIDBALL We'll take it on notice.</p> <p>The Hon. Michael Daley: Yes, we'll take that on notice.</p> <p>The Hon. Susan Carter: While you're taking that on notice, perhaps you can tell us how much that will cost.</p> <p>MICHAEL TIDBALL Yes, happy to do that.</p> <p>The Hon. Susan Carter: And, if the bill is enacted, how this cost will be met. Will it come from DCJ's budget? Will it create a shortfall? Will a PTA be submitted to meet the shortfall? And, if not, from where will the funding be taken?</p> <p>MICHAEL TIDBALL Certainly.</p> <p>The Hon. Michael Daley: You've got all that on notice?</p> <p>MICHAEL TIDBALL Yes.</p>	<p>I am advised this question was answered on page 27 of transcript:</p> <p>MICHAEL TIDBALL: In respect of the sheriff issue raised by Ms Carter, in respect of the miscellaneous sheriff amendment, so what that piece of legislation does is effectively formalise a rank structure that has been in practice, in place, for some time. Has it been costed? Yes, but the cost is zero because it's just formalising that structure, as I say, which has been in place.</p>
9	p26	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : Do you remember the alleged murder of Leisl Smith on the Central Coast in 2012?</p> <p>The Hon. Michael Daley: I don't remember it, no, but I'm aware of it in general terms, yes.</p> <p>The Hon. Natasha Maclaren-Jones : You're aware of the case. Her ex-boyfriend was arrested and faced a judge-alone trial and then took his own life a day before the verdict was due to be made public in July 2022. Justice Elizabeth Fullerton said the law prevented her from saying whether she had decided to find the defendant guilty or not. He pleaded not guilty. It has been reported that Leisl's sister has been in contact with your office in the hope of getting the law changed, but has not received a response. Has your office responded to Leisl's sister?</p> <p>The Hon. Michael Daley: I'm not sure where that response is up to, but I am certainly aware that correspondence came in and I have referred it to the department. They're looking at it. I think we're probably close to getting a response out—I think, but we will take that on notice and see where it is.</p> <p>The Hon. Natasha Maclaren-Jones : Attorney, could you attempt to get a response to that— of when you will respond to her—by the end of the session?</p> <p>The Hon. Michael Daley: Yes, sure.</p>	<p>I am advised this question was answered on page 27 of transcript:</p> <p>Mr MICHAEL DALEY: Sorry, just one more. I was asked a question in relation to whether we had responded to correspondence in respect of Liesl Smith. I'm advised that a response will be provided within a week or two.</p> <p>The Hon. SUSAN CARTER: Sorry, I found that very hard to hear. Could you talk into the mic?</p> <p>Mr MICHAEL DALEY: I don't know what's wrong with my microphone. With respect to correspondence in response to the Liesl Smith matter, a response will be provided within a week or two. So it must be back from the department.</p> <p>The Hon. SUSAN CARTER: Thank you.</p>

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10	p27	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : Attorney General, would you be aware of the Magistrates Early Referral into Treatment, also known as the MERIT program?</p> <p>The Hon. Michael Daley: Yes.</p> <p>The Hon. Natasha Maclaren-Jones : This program has been measured to reduce reoffending by around 12 per cent. What is the expected success rate of your new diversion program?</p> <p>The Hon. Michael Daley: I think I will ask Anne Campbell from the department to answer that, please.</p> <p>ANNE CAMPBELL: I will need to take that on notice, but I'm certainly happy to provide it this afternoon.</p>	<p>The Ice Inquiry noted that diversion is proven to lead to improved outcomes for offenders, through reduced drug use and criminal behaviour, and improved physical health, mental health and relationships with significant others.</p> <p>It is anticipated that this scheme will divert thousands of people away from the Local Court each year. The NSW Bureau of Crime Statistics and Research will evaluate the scheme to assess whether it is meeting its intended objectives.</p>
11	p28	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : Could you also advise if you have set a date of when you will review your program?</p> <p>The Hon. Michael Daley: I'm not sure.</p> <p>ANNE CAMPBELL: You are talking about the MERIT Program?</p> <p>The Hon. Natasha Maclaren-Jones : No, the new diversion program.</p> <p>The Hon. Michael Daley: The new Fines Act drug diversion—court diversion program.</p> <p>ANNE CAMPBELL: No, I will need to take it on notice.</p>	<p>Answered in page 50 of transcript:</p> <p>The Hon. Michael Daley: The NSW Bureau of Crime Statistics and Research will evaluate the scheme. Due to the time needed to monitor the impact of the implementation of the scheme, the complete outcome of this evaluation will take 3½ years; however, data monitoring can commence quarterly and the initial effects of the scheme on the issuing of CANs, CINs and cannabis cautions will be evident after about one year.</p> <p>DCJ additional answer: The NSW Bureau of Crime Statistics and Research will evaluate the scheme to assess whether it is meeting its intended objectives. Due to the time needed to monitor the impact of the implementation of the scheme, the complete outcome of this evaluation will take 3 and a half years. The results will be published. In the meantime, data monitoring will be undertaken quarterly and the initial effects of the scheme on the issuing of Court Attendance Notices, Criminal Infringement Notices, and cannabis cautions will be monitored throughout implementation.</p>

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12	p29	The Hon. Susan Carter	<p>The Hon. Susan Carter: The question is what persuaded you to follow the Health advice and introduce a diversion program as part of the criminal justice system?</p> <p>The Hon. Michael Daley: I had no reason to question it, that's why, and it makes perfect sense.</p> <p>The Hon. Susan Carter: So any advice you get from Health, you just accept?</p> <p>The Hon. Michael Daley: This work had been done largely before we got into government. My decision—the decision which was left to the new Government was whether we forsook all of the work the police and the health department had done over many, many months and wait until the drug summit to see what we would do or whether to put that good work into action now. We decided that the best course of action was to put the program that they had come up with into fruition now</p> <p>The Hon. Susan Carter: And the question for the incoming government was whether it would be resourced equally throughout the whole of New South Wales?</p> <p>The Hon. Michael Daley: Would you want me to take that on notice? I think we have gone there as well. I think it is. If you want me to go and check what that is, I can do it, but I will have to get the advice from Health.</p> <p>The Hon. Susan Carter: I would be delighted to receive details of how it's to be implemented across the entirety of New South Wales.</p> <p>The Hon. Michael Daley: Well, that will be advice that we'll have to get from Health, so it won't be forthcoming today.</p>	Further details in relation to the delivery of the health intervention fall into the portfolio responsibilities of the Minister for Health.

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13	p29	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : Attorney General, just following on that, in relation to the advice that you did get from Health, I'm interested to know about particularly the rehabilitation beds and what will be made available. Were you given advice and details about how many rehabilitation beds would be available and the cost?</p> <p>The Hon. Michael Daley: This is a telephone counselling and telehealth counselling program. There will be no drug and alcohol rehab beds attached to it, unless I'm mistaken.</p> <p>The Hon. Susan Carter: Can I take you to the information we received from Kerry Chant in estimates where she said it could go from telehealth up to drug and rehabilitation?</p> <p>The Hon. Michael Daley: Sure. If that's the advice that you have been given by the person who's running the program, then I have no reason to question it.</p> <p>The Hon. Susan Carter: But if it's your program, have you costed rehab beds as part of the program, since you say it doesn't include rehab beds?</p> <p>The Hon. Michael Daley: I'll get some advice on that. We will take that on notice.</p>	Further details in relation to the delivery of the health intervention fall into the portfolio of the Minister for Health.
14	p31	The Hon. Susan Carter	<p>The Hon. Susan Carter: Can I ask you, if an offender in a regional area receives a tailored health intervention which requires treatment in rehab and then there is no rehab bed available for them, what happens?</p> <p>The Hon. Michael Daley: Happy to take that on notice. I'll ask the Minister for Health to provide me with some advice</p>	<p>Answered in page 51 of transcript:</p> <p>The Hon. Michael Daley: Fine recipients across New South Wales will be provided details for how to access the health intervention, including a contact number so they can call for the service. Where appropriate, referrals to health services may be made. Completion of the intervention will result in the fine being considered paid. Take-up of referrals is not mandatory. Take-up of services is a health matter for individuals and availability of health services is a matter for Health.</p> <p>DCJ additional answer: Same answer as question 5</p>

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15	p32	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : How many magistrates are authorised under the DSPO scheme?</p> <p>The Hon. Michael Daley: I'm not sure. I'll take that on notice.</p> <p>The Hon. Natasha Maclaren-Jones : Can I also then ask what you are doing to promote the scheme amongst the magistracy?</p> <p>The Hon. Michael Daley: I'll have to take some advice on that.</p> <p>The Hon. Natasha Maclaren-Jones : Could you then answer, potentially, how many DSPOs have been approved to date?</p> <p>The Hon. Michael Daley: I'll take that on notice.</p> <p>The Hon. Natasha Maclaren-Jones : And how many have not been approved?</p> <p>The Hon. Michael Daley: We'll get that.</p>	<p>Answered in page 51 of transcript:</p> <p>The Hon. Michael Daley: There are eight authorised magistrates under the drug supply prohibition order pilot scheme. Since the pilot scheme commenced on 16 May 2022, 16 drug supply prohibition orders have been granted and one application has been refused.</p> <p>DCJ additional answer: in relation to what the Attorney General is doing to promote the scheme amongst the magistracy, the Chief Magistrate is responsible for informing the magistrates about the drug supply prohibition order pilot scheme.</p>
16	p33	The Hon. Susan Carter	<p>The Hon. Susan Carter: Minister, perhaps you could update us in relation to OPCAT and where the negotiations are with respect to Commonwealth and funding.</p> <p>The Hon. Michael Daley: OPCAT is being discussed at a Federal level through the coalition of attorneys-general, at the next meeting. Correct me if I'm wrong, Mr McKnight—</p> <p>MICHAEL TIDBALL It's 1 December.</p> <p>The Hon. Michael Daley: It's 1 December?</p> <p>Paul McKnight It's not on the agenda.</p> <p>The Hon. Michael Daley: It's not on the agenda. So it's being progressed at SCAG but it's not on the agenda for the December meeting.</p> <p>The Hon. Susan Carter: Has the Commonwealth committed to fully fund New South Wales' costs to implement the protocol?</p> <p>The Hon. Michael Daley: Not at this time.</p> <p>The Hon. Susan Carter: Do you anticipate that they will?</p> <p>The Hon. Michael Daley: I don't know. You'd have to ask Mark Dreyfus and the Federal Treasurer about that.</p> <p>The Hon. Susan Carter: I wonder, Attorney General, whether it's a question you should be asking Mark Dreyfus rather than us.</p> <p>The Hon. Michael Daley: Mark Speakman had no success in convincing him, so we'll keep progressing it.</p> <p>The Hon. Susan Carter: What are you doing to advance these negotiations?</p> <p>The Hon. Michael Daley: Getting involved in them at SCAG with my other State colleagues to try and land a good outcome.</p> <p>The Hon. Susan Carter: If it's not on the next SCAG agenda, do you have any understanding of when it will be considered by SCAG?</p> <p>The Hon. Michael Daley: I can take that on notice.</p>	<p>Answered in page 51 of transcript:</p> <p>The Hon. Michael Daley: It is anticipated that discussions will continue through SCAG in 2024</p>

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17	p33	The Hon. Susan Carter	<p>MICHAEL TIDBALL No, if I can just amplify my earlier response, Ms Carter. The national preventative mechanism, although it's national, will be stood up effectively on a federated basis, so we are working with the Commonwealth to seek to determine what the requirements would be at the point of implementation because from that you can actually work out what the cost will actually be and the impact on resources.</p> <p>The Hon. Susan Carter: And is there any understanding for who is going to meet those costs for New South Wales?</p> <p>MICHAEL TIDBALL The position of New South Wales remains that the Commonwealth should pay.</p> <p>The Hon. Susan Carter: Does the Commonwealth share New South Wales' position?</p> <p>The Hon. Michael Daley: That's what negotiations are all about.</p> <p>The Hon. Susan Carter: If and when negotiations are sufficiently advanced, do you anticipate any law reform to support implementation of OPCAT?</p> <p>The Hon. Michael Daley: Any law reform?</p> <p>The Hon. Susan Carter: To support implementation?</p> <p>The Hon. Michael Daley: I'm not sure that there would have to be law reform. There might have to be some access reform within departments. But law reform, I'd have to take that on notice.</p>	<p>Answered in page 51 of transcript:</p> <p>The Hon. Michael Daley: Existing New South Wales agencies with appropriate inspection functions may be designated as national preventive mechanism agencies, and amendments to legislation will be required to support them to ensure that the United Nations subcommittee on the prevention of torture can visit all primary places of detention in New South Wales in accordance with OPCAT.</p>

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18	p35-36	The Hon. Tania Mihailuk	<p>The Hon. Tania Mihailuk : Mr Attorney General, I note in your diary you've met twice on this issue up until September. I've looked at your diary from April to September. There is nothing available beyond September. You have met with obviously representatives that Mr Greenwich brought, ACON, Equality Australia, I think on 27 April, and then you met with religious leaders, I understand, on 1 August. Have there been any other—</p> <p>The Hon. Michael Daley: Mr Donnelly also brought some concerned parents in to talk to me as well.</p> <p>The Hon. Tania Mihailuk : Is that in the diary disclosure as well?</p> <p>The Hon. Michael Daley: It should be. It might be outside the most recent disclosure period but I'm disclosing it now.</p> <p>The Hon. Tania Mihailuk : So there was another meeting since September?</p> <p>The Hon. Michael Daley: Yes. I don't know what date it was but I have met Mr Donnelly.</p> <p>The Hon. Tania Mihailuk : So you've had three formal meetings about the conversion practices bill with stakeholders?</p> <p>The Hon. Michael Daley: Yes, one of them was with Better Balanced Futures and we decided to condense 15 meetings into one. So there was a big contingent of religious leaders in that meeting. In fact, I've had two meetings with them, and there were a number of groups.</p> <p>The Hon. Tania Mihailuk : So two meetings? In there I can see one meeting.</p> <p>The Hon. Michael Daley: No, I've had two.</p> <p>The Hon. Tania Mihailuk : Since September you might have another one. Is that what you're saying—</p> <p>The Hon. Michael Daley: Yes, I think that might be right.</p> <p>The Hon. Tania Mihailuk : —that perhaps I'm not aware of?</p> <p>The Hon. Michael Daley: Yes, correct.</p> <p>The Hon. Tania Mihailuk : I think you're meeting with religious leaders next week. Is that right, Mr Attorney General?</p> <p>The Hon. Michael Daley: I don't know. I'd have to have a look at my diary.</p> <p>The Hon. Tania Mihailuk : You don't know? Okay. Have you had a really good look at some of the submissions from the religious groups and organisations like Women's Forum? Have you met with Women's Forum, by the way?</p> <p>The Hon. Michael Daley: I'd have to have a look at my diary, Ms Mihailuk.</p> <p>The Hon. Tania Mihailuk : I understand they've requested a meeting to discuss with you the issue of gender dysphoria.</p> <p>The Hon. Michael Daley: I'd have to look at my diary. I just don't have a copy of it in front of me.</p>	<p>I am advised this question was answered on page 50 of transcript:</p> <p>A meeting to discuss raising the age is confirmed for this Wednesday 15 November 2023 with the following attendees: Minister Jihad Dib; Minister Rose Jackson; Minister David Harris; James Clifford, Aboriginal Legal Service (NSW/ACT) Limited; Lucy Tierney, Aboriginal Legal Service (NSW/ACT) Limited; Jonathon Hunyor from the Public Interest Advocacy Centre; Henry Rajendra, NSW Teachers Federation; Ben McAlpine from NCOSS; Geoffrey Winters from Just Reinvest NSW; John Leha from AbSec, the NSW Child, Family and Community Peak Aboriginal Corporation; Sarah Marland from Community Legal Centres NSW; Damiya Hayden, Change the Record; and Emily Mayo, Raise the Age NSW.</p>

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19	p36	The Hon. Tania Mihailuk	<p>The Hon. Tania Mihailuk : Can I actually discuss with you gender dysphoria, Mr Attorney General? Would you say that there is at the moment a rise in gender dysphoria?</p> <p>The Hon. Michael Daley: I don't know.</p> <p>The Hon. Tania Mihailuk : You haven't come across any data or any research in relation to it?</p> <p>The Hon. Michael Daley: I don't have that data at my fingertips, but I'm happy to take that on notice.</p>	Data and research in relation to gender dysphoria falls within the portfolio responsibilities of the Minister for Health.
20	p39-40	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : Prior to the State election in March the New South Wales Coalition Government announced they would provide victim-survivors of domestic violence with access to first home buyer support and interest-free rental bond loans. These reforms would help remove significant barriers for those escaping domestic violence. Has the Labor Government also committed to these initiatives in their budget?</p> <p>The Hon. Michael Daley: I would have to take that on notice.</p> <p>ANNE CAMPBELL: Yes, I can answer that. Yes.</p> <p>The Hon. Michael Daley: They have? Thanks, Anne. Yes.</p> <p>The Hon. Natasha Maclaren-Jones : Can you outline how much has been allocated?</p> <p>ANNE CAMPBELL: I'd need to take that on notice—and that certainly sits with the Minister for the Prevention of Domestic Violence and Sexual Assault, Minister Harrison.</p>	<p>The NSW Government has invested \$13 million to expand access to the Shared Equity Home Buyer Helper scheme trial to include domestic and family violence victim-survivors.</p> <p>Expansion of the shared equity scheme follows the recommendations of a taskforce established to explore ways to improve housing outcomes for domestic and family victim-survivors.</p> <p>The NSW Government recognises the serious and harmful impact of domestic and family violence on victim-survivors and their families, including on their financial well-being and housing security.</p> <p>Expanding access to the shared equity scheme to domestic and family violence victim-survivors will support better long-term housing outcomes through home ownership.</p> <p>In addition, the Department of Communities and Justice have waived the income eligibility threshold for victim-survivors of domestic violence to access an interest-free rental bond loan under the Rentstart service.</p>
21	p40	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : The previous New South Wales Coalition Government committed \$20 million to expand the State's electronic monitoring devices for high-risk domestic violence offenders following the Mackenzie Anderson alleged murder. This meant that the State would receive 200 more electronic monitoring devices in efforts to protect victim-survivors. How much money was allocated for electronic monitoring of offenders in the New South Wales budget?</p> <p>The Hon. Michael Daley: Again, that is for the Minister for Corrections, but if we can get you that information before the end of today, we will.</p> <p>ANNE CAMPBELL: We will.</p> <p>The Hon. Natasha Maclaren-Jones : If you can also outline, based on how much has been allocated, how many bracelets that would cover?</p> <p>The Hon. Michael Daley: Sure.</p>	<p>I am advised:</p> <p>This question should be directed to the Minister for Corrections and the Minister for Police and Counter-terrorism.</p>

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22	p40-41	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : Attorney General, coercive control includes seeking to control the choice of others. The New South Wales government website indicates that coercive control includes exploiting a person's medical condition to make decisions about their care to disempower or control them. Voluntary assisted dying laws commenced in New South Wales on the twenty-eighth of this month. Has your office assisted with the training of those who will be handling requests for voluntary assisted dying to ensure that they can identify coercive control and that all requests to die are made freely?</p> <p>The Hon. Michael Daley: Has my office done that?</p> <p>The Hon. Natasha Maclaren-Jones : Or your department.</p> <p>The Hon. Michael Daley: I'm not sure. I don't know. I'll take that on notice, or do you want to—</p> <p>MICHAEL TIDBALL We'll take that on notice.</p> <p>ANNE CAMPBELL: Take it on notice.</p> <p>The Hon. Michael Daley: We'll take it on notice.</p>	<p>The Coercive Control Implementation and Evaluation Taskforce's workplan is informed by its main purposes, which are prescribed by section 54I(3) of the Crimes Act 1900 as:</p> <ul style="list-style-type: none"> (a) to consult with stakeholders, including reference groups established under this section, about the offence under section 54D (the coercive control offence) and related matters, (b) to provide advice about, and monitor, training, education and resourcing in relation to the coercive control offence, (c) to provide advice about the commencement dates of, and interaction between, the definition of domestic abuse in the Crimes (Domestic and Personal Violence) Act 2007, section 6A and the coercive control offence, (d) to evaluate implementation of the coercive control offence and resourcing in relation to the coercive control offence, (e) to monitor the operation of this Division, including— <ul style="list-style-type: none"> (i) the practical application of defences to the coercive control offence, and (ii) resourcing in relation to the operation of the Division, (f) to provide advice to the Minister about other matters related to a matter in paragraph (a)–(e) or the coercive control offence. <p>The coercive control offence is defined in the Crimes Legislation Amendment (Coercive Control) Act 2022, to be inserted as section 54D of the Crimes Act 1900 on 1 July 2024. It will be subject to statutory review as per section 54J of the Crimes Act 1900 two years after it commences.</p> <p>The voluntary assisted dying reforms is a matter for NSW Health. The Independent Voluntary Assisted Dying Board is the independent oversight and decision-making body with responsibility for performing and exercising the powers conferred upon it by the Voluntary Assisted Dying Act 2022.</p>

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23	p41	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : Attorney General, can you provide an update on the rollout of the education campaign to support the reforms to legislation regarding the sexual consent laws in New South Wales?</p> <p>The Hon. Michael Daley: I'll have to get the department to update you on that, if we can.</p> <p>MICHAEL TIDBALL Yes, a large amount of work has already been completed, but we can certainly provide an update on notice.</p>	<p>The Make No Doubt sexual consent advertising campaign is a community education campaign to raise awareness about the importance of seeking sexual consent.</p> <p>The third phase of Make No Doubt launched in May 2022 and supported key changes to consent laws in NSW by empowering young people aged 16 to 24 years to seek consent every time they engage in sexual activity. The first burst of activity for this phase ran on social media, digital, television and outdoor advertising from May to August 2022. The second burst of activity ran from October 2022 to January 2023 on previously high-performing social media and digital channels, as well as new digital and outdoor placements.</p> <p>The campaign has received widespread positive coverage from national print, TV, radio and digital media outlets and strong stakeholder support. Further details about the campaign can be accessed here: https://www.nsw.gov.au/family-and-relationships/make-no-doubt</p>

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24	p42	The Hon. Susan Carter	<p>The Hon. Susan Carter: When the Trustee and Guardian can determine its own fees, then there is the ability for a CEO to cover any shortfalls in his agency budget by increasing fees, perhaps in an unreasonable manner.</p> <p>The Hon. Michael Daley: If what you put to me is the case then, as it follows, yes.</p> <p>The Hon. Susan Carter: So what protections are there to stop price gouging of New South Wales consumers by the Trustee and Guardian unilaterally increasing fees?</p> <p>The Hon. Michael Daley: Unless somebody has some advice about that, I'll take it on notice. But if you're talking about proposed charges, proposed changes to regulated fees charged to customers are part of NSW Trustee and Guardian's overall plan for financial sustainability. They relate to fees that have not changed since 2016, and they aim to balance fairness, equity and market forces. The revenue from these changes is intended to strengthen Trustee and Guardian's capacity to provide better outcomes for customers by enabling it to manage the growth in demand and complexity of the services it provides.</p> <p>Trustee and Guardian provides discounts, fee reductions and waivers to customers who have limited income and assets to pay for services. A discount is also provided for document storage fees for New South Wales seniors card holders. Trustee and Guardian is authorised under its governing legislation to waive, remit or reduce fees where there's clear evidence that those fees would cause extreme hardship or would be inequitable. The first changes to fees, which impacted clauses 11 and 28 of the regulations, commenced in January 2022. These included changes to fees for wills and estate planning services and managing customer investments. Additionally, Trustee and Guardian have provided me with a briefing on proposed fee changes. Fee changes will not proceed at this stage due to cost-of-living pressure considerations.</p>	<p>The fees charged for NSW Trustee and Guardian services are set out in the NSW Trustee and Guardian Regulation 2017 (https://legislation.nsw.gov.au/view/html/inforce/current/sl-2017-0446) and published on the NSW Trustee and Guardian website (https://www.tag.nsw.gov.au/fees). In most cases the amount charged is set by Regulation. There are a small number of fees, that the NSW Trustee and Guardian Regulation 2017 states the amount charged can be set at the discretion of the NSW Trustee. There are processes in place to ensure that the fees set by the Trustee are appropriate. These include regular reviews and comparison of market rates, if applicable. There were no changes to fees charged to customers during 2022/23</p>

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25	p42	The Hon. Susan Carter	<p>The Hon. Susan Carter: I appreciate all the detail of the fees, but the question actually went to the mechanism and risks inherent in the mechanism, which has been changed by your legislation, and what protections were in place. I note that changes to both the Civil Procedure Act and the Dormant Funds Act also permit an increase in fees by regulation. Do you agree that here there is a similar risk that cost-of-living pressures will not be taken into account and fees could rise unreasonably?</p> <p>The Hon. Michael Daley: I would have to take some advice on that. I don't have the provisions of those measures in front of me, unless somebody else wants to—</p> <p>The Hon. Susan Carter: I suppose the question that we're asking is why are you seeking powers to allow for extra costs to be imposed on New South Wales citizens under these new changes?</p> <p>The Hon. Michael Daley: As I've just said, I'll take that on notice.</p>	<p>I am advised:</p> <p>The <i>Civil Procedure Act 2005</i> was amended to provide for the express regulation making power in relation to fees. This reflected the practice in NSW. Clause 5A of the Civil Procedure Regulation 2017 provides for the annual adjustment of fees in line with the with the Consumer Price Index on 1 July.</p> <p>Justice system fees, such as fees for using courts, must keep pace with the cost of providing those services. Fee relief is available for people to avoid hardship. There are guidelines that allow court registrars to provide relief where fees will cause an applicant undue financial hardship or on compassionate grounds.</p> <p>The <i>NSW Trustee and Guardian Act 2009</i> was amended to provide clarity about the ability of the NSW Trustee and Guardian (NSWTAG) to set fees for its services, in accordance with the NSW Trustee and Guardian Regulation. This is not a substantive change as the Regulation currently allows NSWTAG to charge a fee it determines to be just and reasonable for a limited number of its services. The majority of fees that NSWTAG may charge are determined by a formula set out in the Regulation. Further, there are processes in place to ensure that the fees set by the Trustee are appropriate. These include regular reviews and comparison of market rates, if applicable. There were no changes to fees charged to customers the during 2022/23 financial year.</p> <p>The amendments to the <i>Dormant Funds Act 1942</i> did not make any substantive changes to the current operation of the Act or its regulations, and were made to ensure clarity about the current operation of the formulation of proposals for dormant funds. The regulations currently allow the Commissioner of Dormant Funds to charge a fee for the formulation of a proposal to ensure the funds in a dormant fund are used for an appropriate purpose. A dormant fund is property that has been set aside for a charitable or public purpose, which is being controlled by trustees, where the Commissioner has determined that the fund is no longer being, or is no longer capable of being, used for the purposes for which it was intended.</p>

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26	p43	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : How many JPs are registered as court-appointed questioners?</p> <p>The Hon. Michael Daley: I don't have that number at my fingertips. We will take that on notice.</p> <p>MICHAEL TIDBALL We can provide that today, though.</p>	<p>I am advised this question was answered on page 50 of transcript: MICHAEL TIDBALL: <i>Yes, if I may. In response to the question about court-appointed questioners and the number of JPs who have been trained, I can indicate that some 51 JPs have been trained and are available to do the work, and over the next month training for another 13 JPs is anticipated will have been completed.</i></p>
27	p43	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : What is being done to promote the uptake and ensure that vulnerable victims are given the chance to give their best possible evidence in court?</p> <p>The Hon. Michael Daley: I might take that on notice, Ms Maclaren-Jones.</p>	<p>I am advised: The Department of Communities and Justice (DCJ) is seeking to expand the pool of court-appointed questioners (CAQ) available in regions where there is a shortage of available JPs and has reached out to relevant JP Associations to increase awareness of the program. DCJ also sends mailouts to JPs based at locations across the state where the CAQ provisions are routinely invoked and where the availability of CAQs is limited. Training for JPs on the CAQ role is also delivered on a regular basis.</p>

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28	p43	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : Attorney General, one of the initiatives that was welcomed by the disability royal commission is the expansion of the program to divert people with cognitive disability from local courts into the NDIS, where they are supported. My understanding is that of the 155 courts we have, only six of these have a diversion program. Can I ask what you're doing to expand this statewide?</p> <p>The Hon. Michael Daley: I'll take that on notice.</p>	<p>The NSW Government has invested \$28 million over four years (1 April 2022 – 30 June 2025) to continue the Justice Advocacy Service (JAS) state-wide and establish a court-based diversion service for people with a cognitive impairment in six local courts. The JAS court-based diversion service replaced the now-ceased Cognitive Impairment Diversion Program (CIDP) pilot, which operated at two local courts, being Penrith and Gosford.</p> <p>The new JAS court-based diversion service operates at the Downing Centre, Parramatta, Blacktown, Penrith, Gosford and Lismore local courts. These six courts were selected based on:</p> <ul style="list-style-type: none"> •estimated demand for diversionary support for people with a cognitive impairment; •the availability of mental health services, noting that a high proportion of people with a cognitive impairment also have a mental health impairment; and •geographic considerations, noting the location of the CIDP and the potential need for Diversion Coordinators to service multiple locations. <p>The Department of Communities and Justice is currently planning for an Outcomes Evaluation and Cost-Benefit Analysis of the JAS, including the court-based diversion service, in 2024. The evaluation will support planning for any future expansion of the JAS court-based diversion service following the end of the JAS contract on 30 June 2025.</p>

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29	p44	The Hon. Susan Carter	<p>The Hon. Susan Carter: The outcomes of the consultation that you held in relation to your proposed conversion therapy legislation?</p> <p>Paul McKnight The outcomes?</p> <p>The Hon. Susan Carter: Yes.</p> <p>Paul McKnight That would be reflected in the bill that the Government brings, or do you mean—</p> <p>The Hon. Susan Carter: Can you share any insights from those outcomes?</p> <p>Paul McKnight Okay. The outcomes of the consultation involved a range of face-to-face meetings with the stakeholders. I think the stakeholders' views are fairly well expressed in the submissions that they made. I'm not sure that the face-to-face consultations shed any further light on the different views in the community about the issues. Those views are fairly well rehearsed in the submissions, I think.</p> <p>The Hon. Susan Carter: How were the stakeholders who were consulted determined?</p> <p>Paul McKnight I'm sorry, I'll need to take that on notice. They would have been determined by an assessment of who made written submissions in relation to the matter, the organisations that we know would have been interested in the matter and we would have had discussions across government about—</p>	<p>The NSW Government committed to banning conversion practices and to establishing a Working Group to be led by the NSW Ministry of Health and the Department of Communities and Justice. The Working Group was established in May 2023 and included representatives from Anti-Discrimination NSW, Multicultural NSW, the Cabinet Office (formerly the Department of Premier and Cabinet), and the Department of Education. Stakeholders to be consulted on the development of the election commitment were identified by the joint working group, with regard to the key sectors and stakeholders who were assessed to be impacted by the reform.</p> <p>Other stakeholders were also nominated by this initial cohort of stakeholders as having relevant expertise or interest in the reforms. These additional stakeholders were also included in the consultation process.</p>
30	p44	The Hon. Susan Carter	<p>The Hon. Susan Carter: Could you give me an example of the last time that a consultation was undertaken on a closed, private, targeted basis?</p> <p>Paul McKnight There is a reasonably significant list of those. I can take on notice some examples and provide them to the Committee.</p>	<p>The purpose of undertaking a confidential consultation process was to facilitate frank discussion and contributions from stakeholders on contested issues. It is not uncommon for targeted and confidential consultation to be undertaken in the development of legislative reform.</p> <p>Other examples of targeted confidential consultations informing legislation include but are not limited to:</p> <ul style="list-style-type: none"> • the consent reforms under the <i>Crimes Legislation Amendment (Sexual Consent Reforms) Act 2021</i>, noting this followed the NSW Law Reform Commission review of consent in sexual offences. • reforms to money laundering under the <i>Crimes Legislation Amendment (Money Laundering) Act 2022</i>. • the no body, no parole reforms under the <i>Crimes (Administration of Sentences) Amendment (No Body, No Parole) Act 2022</i>. • the historical sentencing reforms under the <i>Crimes (Sentencing Procedure) Amendment Act 2022</i>.

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31	p48	Ms Cate Faehrmann MLC	<p>The Hon. Michael Daley: It's not a new initiative, but what we have done is to realise and to join with the former Government, if you want to characterise it that way, that it's time to look at the health issues and not just the narrow justice issues that arise with drug taking and possession. I think we should be given credit for not simply sitting back and saying that we will wait until a future date and that we will move now on a scheme that had some work done on it already.</p> <p>Ms Cate Faehrmann MLC : It wasn't within your power or there was no mood to have a look to see whether it needed to be improved, from an Attorney General's perspective?</p> <p>The Hon. Michael Daley: I was satisfied with the work that had been done, particularly the fact that we'd got buy-in from the police, which is hugely important.</p> <p>Ms Cate Faehrmann MLC : Did you get briefed by experts, particularly maybe First Nations groups, about it? This is where police discretion becomes very concerning, doesn't it?</p> <p>The Hon. Michael Daley: It can, from some people's point of view.</p> <p>Ms Cate Faehrmann MLC : Did you get briefed?</p> <p>The Hon. Michael Daley: No, because the decision—</p> <p>Ms Cate Faehrmann MLC : So the decision wasn't made largely by this Government; it was made by the Coalition Government. That's what this diversionary scheme is all about.</p> <p>The Hon. Michael Daley: I've been through all this already this morning. I've been through this scheme up hill and down dale already this morning, and I don't really have much more to add to what I've said.</p> <p>Ms Cate Faehrmann MLC : I'm asking very different questions to what the Coalition member asked.</p> <p>The Hon. Michael Daley: Not really.</p> <p>Ms Cate Faehrmann MLC : Can I just ask one more question around the detail. So it's two strikes— over what time period do those two strikes refer to?</p> <p>The Hon. Michael Daley: I don't know that they have an expiry period, do they? I don't think so.</p> <p>Ms Cate Faehrmann MLC : So, what, over the whole—</p> <p>The Hon. Michael Daley: I will have to check. I don't think it does. I think, in the adult life of a person, you can't get more than two strikes. We'll take that on notice, but I think that's how it works.</p>	<p>The limit of two Criminal Infringement Notices for minor drug use/possession offences applies over the (adult) life of the person.</p>
32	p49	Ms Sue Higginson MLC	<p>Ms Sue Higginson MLC: Thank you. Your diary disclosures don't show that you've met with the families of Evelyn Greenup, Clinton Speedy-Duroux and Colleen Walker-Craig or their advocates from the Jumbunna Institute. Have you considered meeting with them?</p>	<p>I am advised:</p> <p>Ministers' Diary Disclosures are published on The Cabinet Office website. 2023 ministers' diary disclosures NSW Government</p>

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			<p>The Hon. Michael Daley: I don't know if I've received a request to meet them, but I'm happy to take that on notice and see if I have.</p>	<p>I have received correspondence requesting to meet with these individuals from Ms Sue Higginson MLC.</p> <p>On 17 July 2023, the Attorney General wrote to the Minister for Police identifying that the substantive issues fell within the portfolio responsibilities of the Minister for Police and Counter-terrorism and are best addressed by her in the first instance. Additionally on review, it appears that a response was not sent to Ms Sue Higginson MLC informing her of this. The Attorney General apologises for this oversight.</p>
33	p53	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : Could I ask on what grounds is someone not accepted?</p> <p>Paul McKnight I think we'd have to take that one on notice.</p>	<p>I am advised:</p> <p>The grounds for exclusion included:</p> <ul style="list-style-type: none"> • The person was not available to participate in the program due to outstanding charges. • Imprisonment for the offences for which they were referred was unlikely. • The offences for which the person was referred did not meet the eligibility criteria. • The person was charged with an offence involving violent conduct, a sexual offence or some types of drug offences. • The person did not reside in the relevant Local Government Area (Dubbo LGA). • The person withdrew their nomination.

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34	p53	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : Can you confirm, the local courts—is it just up north that it's run? Where is the program offered?</p> <p>ANNE CAMPBELL: MERIT?</p> <p>The Hon. Natasha Maclaren-Jones : Yes.</p> <p>ANNE CAMPBELL: Until January 2023, 55 courts offering drug treatment, seven courts offering alcohol and drug treatment. Since January 2023, the service has been expanded and it will be expanded between now and 2025-26, which will result in alcohol and drug services being available at 30 additional New South Wales local courts and 10 existing drug treatment sites being enhanced to accept alcohol treatment referrals. By the end of this expansion, MERIT will be available at 92 New South Wales local courts, so that's 45 drug MERIT and 47 alcohol and drug MERIT sites reaching 93 per cent of eligible clients across the State. I can certainly provide those locations on notice.</p>	<p>MERIT is currently available at the following courts:</p> <ol style="list-style-type: none"> 1. Albion Park (Drug MERIT) 2. Bathurst (Drug and Alcohol MERIT) 3. Broken Hill (Drug and Alcohol MERIT) 4. Coffs Harbour (Drug and Alcohol MERIT) 5. Dubbo (Drug and Alcohol MERIT) 6. Orange (Drug and Alcohol MERIT) 7. Wellington (Drug and Alcohol MERIT) 8. Wilcannia (Drug and Alcohol MERIT) 9. Ballina (Drug MERIT) 10. Bankstown (Drug MERIT) 11. Blacktown (Drug MERIT) 12. Blayney (Drug MERIT) 13. Burwood (Drug MERIT) 14. Byron Bay (Drug MERIT) 15. Campbelltown (Drug MERIT) 16. Casino (Drug MERIT) 17. Cessnock (Drug and Alcohol MERIT) 18. Cooma (Drug MERIT) 19. (Sydney) Downing Centre (Drug MERIT) 20. Fairfield (Drug MERIT) 21. Forbes (Drug MERIT) 22. Forster (Drug and Alcohol MERIT) 23. Gosford (Drug MERIT) 24. Grafton (Drug MERIT) 25. Hornsby (Drug MERIT) 26. Junee (Drug MERIT) 27. Katoomba (Drug MERIT) 28. Kempsey (Drug MERIT) 29. Kiama (Drug MERIT) 30. Kyogle (Drug MERIT) 31. Lismore (Drug MERIT) 32. Liverpool (Drug MERIT) 33. Maclean (Drug MERIT) 34. Maitland (Drug and Alcohol MERIT) 35. Manly (Drug MERIT) 36. Milton (Drug MERIT) 37. Mt Druitt (Drug MERIT) 38. Mullumbimby (Drug MERIT) 39. Murwillumbah (Drug MERIT) 40. Muswellbrook (Drug and Alcohol MERIT) 41. Newcastle (Drug and Alcohol MERIT) 42. Newtown (Drug MERIT)

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				<p>43. Nowra (Drug MERIT) 44. Oberon (Drug MERIT) 45. Parkes (Drug MERIT) 46. Parramatta (Drug MERIT) 47. Penrith (Drug MERIT) 48. Picton (Drug MERIT) 49. Port Kembla (Drug MERIT) 50. Port Macquarie (Drug MERIT) 51. Queanbeyan (Drug MERIT) 52. Raymond Terrace (Drug and Alcohol MERIT) 53. Singleton (Drug MERIT) 54. Sutherland (Drug MERIT) 55. Tamworth (Drug MERIT) 56. Taree (Drug and Alcohol MERIT) 57. Toronto (Drug and Alcohol MERIT) 58. Tweed Heads (Drug MERIT) 59. Wagga Wagga (Drug MERIT) 60. Wauchope (Drug MERIT) 61. Waverley (Drug MERIT) 62. Wentworth (Drug and Alcohol MERIT Service) 63. Wollongong (Drug MERIT) 64. Woy Woy (Drug MERIT) 65. Wyong (Drug MERIT)</p> <p>MERIT services will be expanded in four phases across 2022/23 to 2025/26. Locations will be announced with each phase</p>

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35	p53	The Hon. Natasha Maclaren-Jones	<p>MICHAEL TIDBALL In relation to the expanded Drug Court, in terms of the expansion, expanded within Sydney to the LGAs of Bayside, Canterbury Bankstown, City of Blacktown, City of Campbelltown, City— I can read all this; it's a long list. Do you want me to keep going or provide it on notice?</p> <p>The Hon. Natasha Maclaren-Jones : Are you able to take it on notice?</p> <p>MICHAEL TIDBALL I can read them now but it's going to take five minutes.</p>	<p>I am advised:</p> <p>The following LGA's are included in the expansion of the Drug Court:</p> <p>Bayside, City of Randwick, Georges River, Waverley and Woollahra.</p> <p>This is in addition to the LGA's already eligible:</p> <p>Canterbury-Bankstown, City of Blacktown, City of Campbelltown, City of Cessnock, City of Fairfield, City of Hawkesbury, City of Lake Macquarie, City of Liverpool, City of Maitland, City of Newcastle, City of Parramatta, City of Penrith, City of Sydney, Cumberland, Dubbo Regional, Port Stephens and The Hills Shire</p>
36	p53	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : No, that's fine. Do you have any information about the wait times for the CBD and the Parramatta drug courts?</p> <p>MICHAEL TIDBALL I could attempt to answer that. I would prefer for the sake of accuracy, if I may, to come back with a proper response.</p>	<p>I am advised:</p> <p>There are no wait times for an eligible person, who has been referred from another court to the Drug Court. Whenever there are more referred offenders than there are available program places, a weekly selection process occurs (the ballot) to determine which applicant is assigned to each available place. Unsuccessful referrals are returned to the referring Local Court of District Court. If successful in the ballot participants at all Drug Courts may be required to wait in custody for an assessment and a treatment plan to commence. Data on these wait times are held by Justice Health (NSW Ministry of Health).</p>
37	p53	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : And also the number of people who can be assisted at these two, both CBD and Parramatta.</p> <p>MICHAEL TIDBALL I may have that. Just give me a moment. With the expansion, it will be 160 participants per year in Sydney.</p> <p>The Hon. Natasha Maclaren-Jones : Do you have the figure currently before expansion?</p> <p>MICHAEL TIDBALL No. I'd prefer, if I may, to take that on notice.</p> <p>The Hon. Natasha Maclaren-Jones : And then also the number that can be assisted through Toronto and Dubbo. For Dubbo you said the capacity was 80.</p> <p>Paul McKnight That's the capacity at Dubbo, yes.</p> <p>The Hon. Natasha Maclaren-Jones : Toronto?</p> <p>MICHAEL TIDBALL I don't think we have Toronto.</p>	<p>I am advised:</p> <p>The Sydney Drug Court can currently support up to 80 participants per year. The Parramatta Drug Court can support up to 160 participants per year. The Toronto Drug Court can support up to 80 participants per year. The Dubbo Drug Court can support up to 80 participants per year.</p> <p>Note Toronto and Dubbo were answered at the hearing:</p> <ul style="list-style-type: none"> For Dubbo - answered on page 52 of the transcript. The Hon. NATASHA MACLAREN-JONES: <i>How many days a week is the Drug Court in Dubbo sitting?</i> MICHAEL TIDBALL: <i>It sits two days a week, with capacity to support 80 participants a year.</i> <p>For Toronto (Hunter) - answered on page 54 of the transcript. PAUL MCKNIGHT: <i>I have, if this helps, got the capacity numbers for the other courts. Parramatta sits five days a week and has capacity to support up to 160 participants per year. Hunter sits two days a week and has the capacity to support up to 80 participants a year. And Sydney and Dubbo we've covered.</i></p>

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38	p54	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : The other question is if there's a difference—if you've got the information—between wait times in regional locations versus the city locations.</p> <p>MICHAEL TIDBALL I think it would be wise for me to take that on notice, if I may.</p>	<p>I am advised: There are no wait times for an eligible person, who has been referred from another court to the Drug Court. Whenever there are more referred offenders than there are available program places, a weekly selection process occurs (the ballot) to determine which applicant is assigned to each available place. Unsuccessful referrals are returned to the referring Local Court of District Court. If successful in the ballot participants at all Drug Courts may be required to wait in custody for an assessment and a treatment plan to commence. Data on these wait times are held by Justice Health (NSW Ministry of Health).</p>
39	p54	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : Just back to the MERIT program, what is the wait time for the MERIT program?</p> <p>ANNE CAMPBELL: I think I'd need to take that one on notice.</p>	<p>Guidelines for adjournments included in the current MERIT Operational Manual estimate up to 3 weeks for comprehensive assessment by the MERIT team. In most cases, people referred to the MERIT program are assessed for eligibility and suitability within 2 weeks and commence treatment once accepted onto the program by the magistrate. Acceptance onto the program by the magistrate is usually within 2-4 weeks of referral to the program. On occasion, delays in access to MERIT may occur when the program is oversubscribed or when there is limited capacity of NSW Health to respond to demand. As a last resort, sites may suspend new referrals for short periods to manage demand.</p>
40	p54	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : That's fine. How many people can the program assist at any one time?</p> <p>ANNE CAMPBELL: I can give you the MERIT numbers for 2022, which is the calendar year. The total defendants referred were 2,747. Total participants accepted was 1,856, which is a 67 per cent acceptance rate. And total participants who successfully completed, 1,265, so that's a 68 per cent completion rate.</p> <p>The Hon. Natasha Maclaren-Jones : Also, similarly to the other one, do you have the reason why they're not accepted?</p> <p>ANNE CAMPBELL: I'd need to take that on notice. There are probably various reasons.</p>	<p>Reasons for non-acceptance onto the MERIT program include:</p> <ul style="list-style-type: none"> • No suspicion or history of drug use • No treatable drug problem • Not eligible for bail or release • Strictly Indictable offence(s) • Not an adult • Unwilling to participate • Primary mental health problem • Already in court ordered treatment • Resides outside of effective treatment area • Program full • Program entry not endorsed by Magistrate • Current offences deemed ineligible by magistrate • Court matters dismissed/finalised prior to program entry

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41	p55	The Hon. Susan Carter	<p>The Hon. Susan Carter: From what sorts of disciplines were the academics? Were they medical academics? Were they psychological? Were they sociological?</p> <p>Paul McKnight They would have been academics working in related fields that have an interest in conversion practice. I don't have the disciplines.</p> <p>The Hon. Susan Carter: Could you tell me what the related fields are?</p> <p>Paul McKnight They could have been any of those fields. Can I take on notice the disciplines?</p> <p>The Hon. Susan Carter: Yes, that would be great. I'd appreciate if you could take on notice—</p> <p>Paul McKnight Very happy to provide that information.</p> <p>The Hon. Susan Carter: Thank you very much. There would have been social welfare groups?</p> <p>Paul McKnight What I have in terms of the sectors and groups consulted—as we said, academics and researchers, and I'll get you some more detail about the disciplines. CALD community organisations, education sector, including those representing religious educational institutions—</p> <p>The Hon. Susan Carter: For public education, who would that have included? Would it have been the unions or the department or principals?</p> <p>Paul McKnight Again, I'll need to take the detail on notice.</p>	<p>Academics who were engaged during the consultation process were from a range of relevant disciplines, including medicine, law, sociology and psychology.</p> <p>In addition to academics, the consultation process also engaged with:</p> <ul style="list-style-type: none"> • Culturally and linguistically diverse community organisations • Education sector, including peak bodies, unions, and organisations representing religious educational institutions • Faith community organisations including all major denominations • Government agencies • Health sector • Legal sector • LGBTQ+ advocacy organisations • Parents rights advocates • Gender advocacy organisations • Victim survivors • Youth advocacy organisations
42	p55	The Hon. Susan Carter	<p>Paul McKnight It would've involved the department undoubtedly. Faith community organisations, including all the major denominations—</p> <p>The Hon. Susan Carter: With respect to faith communities, did it also include specialist ministries who work with people who are LGBTIQ?</p> <p>Paul McKnight Undoubtedly.</p> <p>The Hon. Susan Carter: Why would they not have been included?</p> <p>Paul McKnight Sorry, I didn't—yes. I imagine they were included, yes.</p> <p>The Hon. Susan Carter: So Courage was included?</p> <p>Paul McKnight I don't know the answer to that question.</p> <p>The Hon. Susan Carter: Could you take that on notice and, if they weren't, could you perhaps indicate why they were not?</p> <p>Paul McKnight I'll take that on notice.</p>	<p>Stakeholders were identified by the joint working group with regard to the key sectors and stakeholders who were assessed to be impacted by the reform. The working group was led by the Department of Communities and Justice and the NSW Ministry of Health, and included representatives from other key Government agencies.</p> <p>Other stakeholders were also nominated by this initial cohort of stakeholders as having relevant expertise or interest in the reforms. These additional stakeholders were also included in the consultation process.</p> <p>As the process was confidential, the identity of specific stakeholder participants is not being disclosed. Many participated on the condition of confidentiality.</p>

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43	p56-57	The Hon. Susan Carter	<p>The Hon. Susan Carter: In terms of the groups, you said LGBTIQ groups. Did that include the LGB Alliance?</p> <p>Paul McKnight I don't have a list of the stakeholders—</p> <p>The Hon. Susan Carter: Could you take that on notice?</p> <p>Paul McKnight —in front of me. Absolutely happy to take on notice what we can provide to the Committee.</p>	<p>Stakeholders were identified by the joint working group with regard to the key sectors and stakeholders who were assessed to be impacted by the reform. The working group was led by the Department of Communities and Justice and the NSW Ministry of Health, and included representatives from other key Government agencies.</p> <p>Other stakeholders were also nominated by this initial cohort of stakeholders as having relevant expertise or interest in the reforms. These additional stakeholders were also included in the consultation process.</p> <p>As the process was confidential, the identity of specific stakeholder participants is not being disclosed. Many participated on the condition of confidentiality.</p>
44	p58	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : I might go back to the MERIT Program and the Drug Court. Just in relation to the drug courts, do you have a breakdown of the number of Aboriginal people who have gone through into the courts?</p> <p>MICHAEL TIDBALL We can do that. I would prefer to take that on notice.</p>	<p>I am advised:</p> <p>From 1 January 2020 to 21 November 2023, 324 of the Drug Court's participants identified as Aboriginal.</p>
45	p58	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : That's fine. I have the same question in relation to the MERIT Program: How many Aboriginal people have gone through that program?</p> <p>ANNE CAMPBELL: Yes, I'll take that on notice.</p>	<p>Since commencement of the program from 2000-2022, 4,206 of 26,143 completers (16%) identified as Aboriginal.</p> <p>The data just for the three most recent calendar years is:</p> <p>2022: 251 of 1,265 completers (20%)</p> <p>2021: 228 of 1,168 completers (20%)</p> <p>2020: 257 of 1,503 completers (17%)</p>

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46	p58	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : What was the determining factor of where the program would be rolled out to?</p> <p>ANNE CAMPBELL: I think, looking at the sort of data and analytics that we get through BOCSAR and where the need was across the State. I'm happy to take that on notice in terms of the methodology, but I'm pretty sure that was the approach.</p>	<p>The MERIT program currently operates in 65 local courts. Once the MERIT expansion is complete, MERIT will be operating at 92 local courts.</p> <p>In determining the selection of courts for MERIT's expansion and enhancement:</p> <ul style="list-style-type: none"> •First, NSW Local Court data collected by BOCSAR between 2016-19 was analysed on the basis of the court's size i.e. number of finalised charges and the proportion of alcohol and/or other drug related charges. •Second, the following criteria were applied: <ul style="list-style-type: none"> -Rural and regional locations have been given higher priority. -Current listing and sitting arrangements of Local Courts, including the opening hours and their corresponding hub courts. -Capacity of existing MERIT teams to travel between courts to deliver the service. -Locations with high rates of Aboriginal defendants. •Third, anticipating the impact of MERIT's expansion, Courts Tribunals and Service Delivery (CTSD) and the Chief Magistrate's Office (CMO) were consulted to determine potential risks and operational challenges for Local Court staff and registries to accommodate MERIT. <p>The expansion was developed in close collaboration with NSW Ministry of Health with additional advice on possible local court locations provided by Courts Tribunals and Service Delivery and the Chief Magistrates Office.</p>
47	p59	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : The new drug policy and the health interventions—do you know how long, on average, those health interventions would be?</p> <p>ANNE CAMPBELL: I'm not sure if that might be a matter for NSW Health, but I'm happy to take that on notice.</p>	<p>This question should be directed to the Minister for Health, as the Minister is responsible for the health intervention component of the scheme.</p>

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48	p59	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : Also, if there was any evidence provided when the decision was being made or the advice being provided about the effectiveness of a shorter period of time for the program. Basically, looking at the MERIT Program, which was on a short two-month, three-month program, versus longer health interventions—whether or not any evidence was provided?</p> <p>ANNE CAMPBELL: I'm happy to take that on notice. It was, as I said earlier, evaluated in 2009. They obviously looked at what worked, what didn't work and then tailored it for the extended version. But I'm happy to take that one on notice.</p>	<p>I am advised:</p> <p>Unlike the Drug Court and MERIT, which are court-based programs targeted to offenders with serious and problematic drug use, the drug diversion scheme targets people at the police detection stage and only for low-level drug offending. It is designed to keep people out of court altogether and provide access to a health intervention where currently there is none. Due to the eligibility parameters of the scheme, it is expected most people will have a low level of substance use.</p>
49	p60	The Hon. Susan Carter	<p>The Hon. Susan Carter: Have you had any conversations with your Health colleagues about how they are compensating for the well-known phenomenon of impression management?</p> <p>Paul McKnight I haven't, no.</p> <p>The Hon. Susan Carter: Is that something that Justice is planning to do? Or could you perhaps take that on notice so that we could get information about that?</p> <p>Paul McKnight I am more than happy to take that on notice.</p>	<p>I am advised:</p> <p>The telehealth session provided under the scheme is within the scope of practice for qualified and skilled alcohol and other drug specialist service providers. Further questions regarding detail of the health intervention should be directed to the Minister for Health.</p>

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50	p60	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : I wanted to move on to a couple of questions in relation to coercive control. Coercive control includes seeking to control the choices of others. The New South Wales government's website—and I've said this before—indicates that coercive control includes exploiting a person's medical condition to make decisions about their care to disempower or control them. Voluntary assisted dying laws commence in New South Wales on the twenty-eighth of this month. Has the implementation and evaluation task force for coercive control considered the legal ramifications of two pieces of legislation interacting?</p> <p>MICHAEL TIDBALL No, we have not.</p> <p>The Hon. Susan Carter: Do you have plans to do that?</p> <p>Paul McKnight The voluntary assisted dying laws were obviously developed in the Health portfolio and are a matter for Health to comment on, but there are very significant safeguards in those laws to ensure that what is happening is happening in a way that is voluntary. They are significant.</p> <p>The Hon. Susan Carter: I think the question still remains: Have you thought about the interaction of these two laws? And are there plans to consider it?</p> <p>MICHAEL TIDBALL What I'm looking at, if I may say this, are the purposes of the task force, effectively the terms of reference, set out in section 54, subsection 3 of the Crimes Act. I think my test of what the implementation task force would consider would be about any matter raised falling within the envelope of that statute, as it's drafted. It would need to satisfy that test. I'm happy to see whether the task force, within the parameters of the drafting, could at least look at that issue. There is a Health representative on the task force. I can take that and consider it, and I'm happy to provide advice back to the Committee.</p>	<p>The Coercive Control Implementation and Evaluation Taskforce's workplan is informed by its main purposes, which are prescribed by section 54I(3) of the Crimes Act 1900 as:</p> <ul style="list-style-type: none"> (a) to consult with stakeholders, including reference groups established under this section, about the offence under section 54D (the coercive control offence) and related matters, (b) to provide advice about, and monitor, training, education and resourcing in relation to the coercive control offence, (c) to provide advice about the commencement dates of, and interaction between, the definition of domestic abuse in the Crimes (Domestic and Personal Violence) Act 2007, section 6A and the coercive control offence, (d) to evaluate implementation of the coercive control offence and resourcing in relation to the coercive control offence, (e) to monitor the operation of this Division, including— <ul style="list-style-type: none"> (i) the practical application of defences to the coercive control offence, and (ii) resourcing in relation to the operation of the Division, (f) to provide advice to the Minister about other matters related to a matter in paragraph (a)–(e) or the coercive control offence. <p>The coercive control offence is prescribed by the Crimes Legislation Amendment (Coercive Control) Act 2022, to be inserted as section 54D of the Crimes Act 1900 on 1 July 2024. It will be subject to statutory review as per section 54J of the Crimes Act 1900 two years after it commences.</p> <p>The voluntary assisted dying reforms is a matter for NSW Health. The independent Voluntary Assisted Dying Board is the independent oversight and decision-making body with responsibility for performing and exercising the powers conferred upon it by the Voluntary Assisted Dying Act 2022.</p>

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51	p61	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : What percentage of DPP and also Police Force will be trained by February or end of February next year?</p> <p>MICHAEL TIDBALL To respond to that I would need to do some maths. I've got police numbers here; I don't know what the percentages are. DPP similarly, I would want to give you an accurate answer to that. If I can take that on notice, I would be happy to do so.</p>	<p>The Office of the Director of Public Prosecutions (ODPP) is delivering coercive control training to all legal staff and to Witness Assistance Service Officers state-wide, across its 10 offices, which includes regional locations. The training is to be a combination of face-to-face seminars and skills training:</p> <ul style="list-style-type: none"> • online seminars/distance learning • online competency training • guest lectures • the creation of dedicated online content. <p>The training package is centred on the following three key components: Understanding Coercive Control; Coercive Control Victims; Prosecuting Coercive Control. The ODPP has consulted with a variety of stakeholders, including members of the Lived Expertise Reference Group, in designing and developing the program.</p> <p>As at 30 October 2023, the following sessions have been delivered or scheduled:</p> <ul style="list-style-type: none"> • Launch of Coercive Control series by The Honourable Justice Jacoba Brasch (16 October 2023) • Understanding Coercive Control in diverse communities: Dr Ellen Reeves (LGBTQIA+); Jess Harkins (Refugee and Migrant Communities); Christine Robinson (First Nations) – October/ November 2023 • Dynamics of Coercive Control by Dr Hayley Boxall (18-19 December 2023) • Lived experience of Coercive Control: Lived Expertise Reference Group panel discussion (18-19 December 2023) and podcast series (early 2024) • The experience in Scotland by Moira Price (18-19 December 2023) • Legislative background and prosecution of offence by Michelle England and Dominique Kelly (18-19 December 2023) • Investigation/evidence acquisition for Coercive Control and Use of Digital evidence by NSW Police (18-19 December 2023) • To be confirmed topic/ presenter - Crown Prosecutor's conference in first week of April 2024. <p>The NSW Police Force has developed a three-phased training package. Phase 1 online component has been completed by all available NSW Police Force employees (sworn and unsworn). Phase 1 introduces coercive control, the legislative reforms and behaviours relevant to coercive control. Phase 1 is complete.</p> <p>Phase 2 involves face-to-face training to sworn members of the NSW Police</p>

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				<p>Force and is currently being delivered until 30 June 2024. This training focuses on:</p> <ul style="list-style-type: none"> • recording and responding to coercive control • collecting and recording evidence • prosecuting coercive control offences, and • the complexity and nuance within different communities, with a focus on First Nations communities and culturally and linguistically diverse communities. <p>Specialised training packages are also being developed, tailored for police prosecutors and investigators and will be delivered to specialist police until 30 June 2024.</p> <p>Phase 3 will commence in June 2024 and run until June 2026. Phase 3 combines phases 1 and 2 to form a training package to be delivered in the Constable Development Program.</p>
52	p61-62	The Hon. Tania Mihailuk	<p>The Hon. Tania Mihailuk : That's one good response. There's a couple of things I want to clarify, just so I can put it on record and not to have to submit some supplementaries. I want to double-check, with the anti-discrimination review being undertaken by Tom Bathurst, what the final costings are on that. You may not have the final costings, but there may be a rough cost that the department has already earmarked with respect to what this review will cost in commissioning both Mr Bathurst but also any ancillary staff or additional staff. Is that the case?</p> <p>MICHAEL TIDBALL That would equate, effectively, to the funding—</p> <p>The Hon. Tania Mihailuk : Sorry, I'm having trouble hearing you.</p> <p>MICHAEL TIDBALL I apologise. The Law Reform Commission of New South Wales is funded. That is probably their most substantial piece of work at the moment; it is the main reference. We can take that on notice and come back—</p>	<p>I am advised:</p> <p>The NSW Law Reform Commission consists of three part-time Commissioners and is supported by the Secretariat for the NSW Law Reform Commission and Sentencing Council. The NSW Law Reform Commission and the Secretariat are funded as part of the Policy, Reform and Legislation Branch of the Department of Communities and Justice.</p>
53	p62	The Hon. Tania Mihailuk	<p>The Hon. Tania Mihailuk : Have there been any additional staff or any additional resourcing put on as a result of undertaking what seems a pretty substantial review?</p> <p>Paul McKnight Not to my knowledge, but I'll take on notice whether we have, within the policy area of my area, shifted people around to accommodate that priority.</p>	<p>The Policy, Reform and Legislation Branch allocates staff resources flexibly to respond to changing priorities.</p>

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54	p63	The Hon. Tania Mihailuk	<p>The Hon. Tania Mihailuk : Can I ask about the Conversion Practices Prohibition Bill, if that's what this bill is going to be referred to or called. I would like to know the amount of resourcing, specifically staff resourcing. Potentially, if you can break that down into the costs associated with the work required to support this bill being prepared for Parliament by the AG's office? Is it possible to get a breakdown?</p> <p>MICHAEL TIDBALL The AG's office or department?</p> <p>The Hon. Tania Mihailuk : Well, the department. I would like the Attorney General's office too but you may not be able to provide that for me. You might be able to provide how much support, resource-wise, has come from the department.</p> <p>Paul McKnight I would say the policy area in my division is supporting this work. It supports—</p> <p>The Hon. Tania Mihailuk : How many staff does that involve? How many full-time staff does that involve?</p> <p>Paul McKnight On this project?</p> <p>The Hon. Tania Mihailuk : And when did they start? Is it since April, May—no, it would have been about June. When did they first indicate the work?</p> <p>Paul McKnight The policy area in my division is a reasonably large area. It's 80-odd people. It supports the work of the Attorney and other Ministers that DCJ supports in their policy and legislative programs. We move people around projects and support the range of work that government needs in a—</p> <p>The Hon. Tania Mihailuk : Okay, with that, maybe you could give me a rough ballpark figure, or take it on notice, on how many maybe were allocated to that particular legislation.</p> <p>Paul McKnight I would need to take that on notice.</p>	<p>I am advised: The Policy, Reform and Legislation Branch allocates staff resources flexibly to respond to changing priorities.</p>

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55	p63	Ms Sue Higginson MLC	<p>Ms Sue Higginson MLC: Could I ask about the Stewards' Foundation of Christian Brethren Act? It is an Act that the Attorney General has responsibility.</p> <p>The Hon. Tania Mihailuk : Can I ask about that too? I've never heard of it—very good research!</p> <p>Ms Sue Higginson MLC: Yes, how is it going!</p> <p>Paul McKnight I'm quite excited about this question.</p> <p>MICHAEL TIDBALL My 118 notes do not cover that statute.</p> <p>Ms Sue Higginson MLC: It's fine, but it is one of the Attorney General's Acts. I wrote to the AG recently and my question was is there any departmental expertise around the administration of that Act and some of the problems that are experienced in the community around the Christian Brethren?</p> <p>MICHAEL TIDBALL You've written; we will pursue that response.</p>	<p>The Attorney General has administrative responsibility for the Stewards' Foundation of Christian Brethren Act 1989 (Stewards' Foundation Act). The Stewards' Foundation Act is one of various pieces of church property trust legislation that fall within the portfolio of the Attorney General. The Church Legislation: NSW Government Policy sets out matters that the NSW Government will consider when determining requests from a religious entity or group to enact new church property trust legislation or amend existing church property trust legislation. The Policy is published on the Department of Communities and Justice website.</p>

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56	p65	The Hon. Tania Mihailuk	<p>The Hon. Tania Mihailuk : I wanted to know if there had been any reviews undertaken by Community Legal Centres or, indeed, by anywhere across these departments about the impact of the change of that Act in relation to opportunities for parents to be able to access legal assistance as those very dire decisions are being made about their children and guardianship orders. Sorry, I can take all of that on notice, but I know that 78 organisations at the time raised concerns about parts of that legislation. Most of the matters were around FACS, but one specific area was around that lack of access to legal support—parents who might not be fully cognisant of what was actually being proposed before them in losing their children with these guardianship orders. So I wanted to know if there has been any review undertaken in the four years since that legislation took effect.</p> <p>MONIQUE HITTER: I'm not aware of any review. I can say—</p> <p>The Hon. Tania Mihailuk : Have Community Legal Centres raised it since then? They did raise concerns at the time. I'm not sure if there has been any follow-up.</p> <p>MONIQUE HITTER: I'm not sure either, I'm sorry. I can tell you, though, that—</p> <p>The Hon. Tania Mihailuk : Sorry, because I don't think the person who normally—who has the Children's Court? Who manages that? They're not here. I understand that, yes.</p> <p>MICHAEL TIDBALL Yes, for personal reasons—Karen Wallace, yes.</p> <p>The Hon. Tania Mihailuk : I understand that. That's why I thought, if I put that on notice, perhaps they might be more aware of whether any concerns have been raised around those guardianship orders and the way that they are now being administered.</p> <p>MICHAEL TIDBALL By the CLCs?</p> <p>The Hon. Tania Mihailuk : CLCs and generally—any of the individual organisations that normally play a role throughout the hearing in providing assistance. It may not just be the community legal centres. Legal Aid might be involved and it might be other organisations in the FACS area—and NGOs that are involved as well.</p> <p>MICHAEL TIDBALL We did, I think, out of yesterday's estimates agree to take something on notice, from memory.</p> <p>The Hon. Tania Mihailuk : Yes, I asked a similar question there, so I just wanted to flag it here as well.</p> <p>MICHAEL TIDBALL I will make sure we bridge these—I will ensure that we do some inquiry around that.</p>	<p>While this matter most appropriately falls within the portfolio of the Minister for Families and Communities, I am advised that the Hon. Tania Mihailuk is referring to amendments made in 2019 to section 38 of the Care Act which makes it clear that the Children's Court may make a guardianship order with the consent of the parents. The guardianship order can be legally formalised without the need for a hearing, or the need for the Children's Court to rule that there is no realistic possibility of restoration. To make a guardianship order by consent, the Children's Court requires consent of both parents and to be satisfied that this consent was freely given, and that all parties consenting to an order that allocates parental responsibility away from a parent must receive independent legal advice. I am advised that the impact of the 2019 legislative amendments were monitored by the Department of Communities and Justice (DCJ) for a year after the amendments, including guardianship orders by consent. DCJ is not aware of any current systemic concerns raised around guardianship by consent orders and how they are administered.</p>

Question	Page	Member	Question on Notice	Answer
57	p67	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : Thank you. I might cross over to Youth Justice. I'm interested to know the number of young people each year who reoffend within 12 months of participating in the Youth Justice Conference or completing a custodial order or a sentence. That's for 2022-23.</p> <p>MICHAEL TIDBALL I may well have it. It's going to be an ambition to find it. Would it be possible if I took that on notice?</p> <p>The Hon. Natasha Maclaren-Jones : Yes, that's fine.</p>	<p>I am advised: 134 (69.4%) of young people released from sentenced custody in the 12 months ending June 2022 reoffended within 12 months.</p> <p>524 (49.9%) of young people who commenced a supervised community order in the 12 months ending June 2022 reoffended within 12 months.</p> <p>275 (35.4%) of young people who participated in a Youth Justice Conference in the 12 months ending June 2022 reoffended within 12 months.</p> <p>Reoffending is any new offence that takes place within 12 months of the reference date, and is proven in court or dealt with by YJC.</p> <p>Source: NSW Bureau of Crime Statistics and Research Reference: JuvenileReoffending30SEP2023.</p>

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58	p67	The Hon. Natasha Maclaren-Jones	<p>The Hon. Natasha Maclaren-Jones : Now, in relation to the operating costs in Budget Paper No. 01, which is page A5-11, there appears to be a reduction in the operating costs across the Department of Communities and Justice. I was interested to know what the total reduction was.</p> <p>MICHAEL TIDBALL Department-wide, the recurrent expenses for 2022-23 is 2.038 billion; and in 2023-24, 2.189 billion. In 2022-23 the capital component above that is 125 million; and in 2023-24, 81 million. In relation to the—</p> <p>The Hon. Natasha Maclaren-Jones : That was for capital.</p> <p>MICHAEL TIDBALL The total legal functions—the subject of this committee today—for courts and tribunals—and I can itemise these; DPP, Legal Aid and other things—is \$880.6 million.</p> <p>The Hon. Natasha Maclaren-Jones : How did you achieve a capital reduction from the \$125 million to, I think it was, \$81 million?</p> <p>The Hon. Susan Carter: Yes, \$81 million.</p> <p>MICHAEL TIDBALL I think there was work undertaken last year. I just want to check. We will try and come back very quickly now on what that work was and if there was a reason. But it has reduced in 2023-24.</p> <p>The Hon. Susan Carter: That courts tribunal figure that you gave us—is that this year's figure?</p> <p>MICHAEL TIDBALL It is—2023-24.</p> <p>The Hon. Susan Carter: Is that an increase or a decrease from last year?</p> <p>MICHAEL TIDBALL It's an increase. In terms of that figure for 2022-23, I would need to take that on notice. But I can certainly obtain it.</p>	<p>Capital allocation and actual expenditure tends to vary year on year due to a range of factors including the respective stages of particular projects. The difference in the capital allocation of \$45 million within the Department of Communities and Justice (DCJ) portfolio relates to factors such as:</p> <ul style="list-style-type: none"> • Completion of several courthouse upgrade programs, such as Albury, Queanbeyan and the updates to the District Court (7 courthouses) in FY22/23 • Completion of the digital courthouse reform program in FY22/23
59	p68	Ms Sue Higginson MLC	<p>Ms Sue Higginson MLC: Do they still have the mediation function that they used to have?</p> <p>The Hon. Natasha Maclaren-Jones : Legal Aid?</p> <p>Ms Sue Higginson MLC: No, the community justice centres. That was the place particularly for those kind of neighbourhood disputes and all of those.</p> <p>MICHAEL TIDBALL Can I come back on that? I may try and do it this afternoon.</p> <p>The Hon. Natasha Maclaren-Jones : The other was the graffiti program.</p> <p>ANNE CAMPBELL: Yes, that finished in June—</p> <p>The Hon. Natasha Maclaren-Jones : Last year or this year?</p> <p>ANNE CAMPBELL: June this year.</p>	<p>I am advised: Yes, the community justice centres still have a mediation function.</p>

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60	p68	The Hon. Susan Carter	The Hon. Susan Carter: I note in Budget Paper No. 03 at page 4-8, there is an allocation of \$871,000 to improve Local Court capacity. Which local courts are being improved under this allocation? MICHAEL TIDBALL I would need to take that on notice.	I am advised: Upgrades are occurring to the Local Court in Parramatta. Further works are currently being scoped and planned.
61	p68	The Hon. Susan Carter	The Hon. Susan Carter: What's the expected impact on Local Court operations of the drug diversion policy? MICHAEL TIDBALL I would need to take that on notice.	I am advised to refer to the answer in page 68 of transcript: PAUL McKNIGHT: We expect something in the realm of a few thousand matters to be taken out of the Local Court in drug possession proceedings. PAUL McKNIGHT: That will go to relieving pressure on the Local Court, which, as you know, is the busiest court in Australia and has a number of challenges in ensuring that timely service is provided. That's how that will play out, in terms of resourcing. There is no money saving here. It's an efficiency, in terms of Local Court operation, and it should improve the standard of service to people using the Local Court.
62	p68	The Hon. Susan Carter	The Hon. Susan Carter: So it would be very interesting to have that. Will any savings in Local Court costs, which arise as a result of the drug diversion policy, be directed towards further resourcing drug diversions or will it just be diverted into other areas in the department? MICHAEL TIDBALL I'm unaware of it being diverted into— Paul McKnight Can I assist with this one? We expect a few—I think it's in the realm of a few thousand—matters of possession matters. The Hon. Susan Carter: Sorry, could you talk up a bit? Paul McKnight We expect something in the realm of a few thousand matters to be taken out of the Local Court in drug possession proceedings. The Hon. Susan Carter: Could you give me an indication of size? A few thousand out of how many? Paul McKnight I will take the precise figure on notice, if that's okay.	Criminal court statistics on possession and/or use of illicit drugs in finalised court appearances can be found at the NSW Bureau of Crime Statistics and Research 'Criminal Courts Statistics Jan 2018-Dec 2022' https://www.bocsar.nsw.gov.au/Pages/bocsar_publication/Pub_Summary/CCS-Annual/Criminal-Court-Statistics-Dec-2022.aspx It is anticipated a significant proportion of these could be diverted out of the Local Court, subject to exercise of police discretion.
63	p69	The Hon. Susan Carter	The Hon. Susan Carter: In February of this year, the Coalition Government announced a \$5.1 million upgrade of the Port Macquarie Court House beginning April this year. Is that upgrade going ahead? MICHAEL TIDBALL I have nothing in my briefing that would indicate that it's not, but I could take that on notice.	Yes, the Port Macquarie Courthouse expansion is progressing.

Question	Page	Member	Question on Notice	Answer
64	p69	The Hon. Susan Carter	<p>The Hon. Susan Carter: How much funding has been allocated for the Parramatta Justice Precinct?</p> <p>MICHAEL TIDBALL Do you mean for redevelopment?</p> <p>The Hon. Susan Carter: For the redevelopment, I apologise, yes</p> <p>MICHAEL TIDBALL I would need to take that on notice.</p>	<p>The Parramatta Justice Precinct redevelopment project is in planning.</p>
65	p69	The Hon. Susan Carter	<p>The Hon. Susan Carter: Apart from audio-visual upgrades, what infrastructure is funded under phase two of the Sustaining Critical Infrastructure Program and does this include any physical upgrades to courthouses?</p> <p>MICHAEL TIDBALL I would need to take that on notice.</p>	<p>I am advised: The Sustaining Critical Infrastructure Program (SCIP) Phase 2 for 2023/24, comprises:</p> <ul style="list-style-type: none"> • Workplace Office Upgrades to the Department of Communities and Justice (DCJ) Service Centres • Corrective Services Asset Replacement/Renewal Program • Corrective Services Fire, Life & Safety Program (upgrades) • Courts and Tribunals AVL upgrades/replacements • Courts and Tribunals security (PTZ) cameras upgrades/replacements • Courts and Tribunals remote security monitoring program • DCJ security assets replacement • Courts and Tribunals Fire, Life & Safety Program (upgrades) • Courts and Tribunals security upgrades. <p>It does include physical upgrades to courthouses. Example projects for 2023/24 are:</p> <ul style="list-style-type: none"> • Fire, life & safety upgrades at Campbelltown Courthouse (emergency warning system) • Security upgrades to the Central Courthouse switchboard • Security upgrades to Newcastle Courthouse CCTV and duress system <p>The 2024/25 SCIP funding has not been allocated at a program level; this will be completed prior to July 2025 based on critical infrastructure priorities.</p>