



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 5

# Budget Estimates 2019-2020



Report 53

May 2020

5

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Portfolio Committee No. 5 - Legal Affairs

# **Budget Estimates 2019-2020**

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## Terms of reference

1. That on tabling, the Budget Estimates and related papers for the financial year 2019 – 2020 presenting the amounts to be appropriated from the Consolidated Fund be referred to the Portfolio Committees for inquiry and report.
2. That for the purposes of the Budget Estimates inquiry 2019 – 2020:
  - (a) initial hearings be scheduled over 12 days from 29 to 30 August, 2 to 6 September and 9 to 13 September 2019, with the examination of portfolios on those days to be specified by further resolution of the House,
  - (b) supplementary hearings be scheduled over five days from 28 October to 1 November 2019, or on such other dates as required, with the examination of portfolios on those days to be determined by resolution of each committee,<sup>1</sup>
  - (c) further hearings be scheduled over 12 days from 2 to 17 March 2020, with the examination of portfolios on those days to be specified by further resolution of the House and the time for giving of evidence by ministers, parliamentary secretaries and officers to be determined by resolution of each committee,<sup>2</sup>
  - (d) each scheduled day for the initial and further rounds<sup>3</sup> of hearings will begin at 9.30 am and conclude by 8.30 pm,<sup>4</sup>
  - (e) the committees must hear evidence in public,
  - (f) the committees may ask for explanations from ministers, parliamentary secretaries or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure,
  - (g) witnesses, including ministers, may not make an opening statement before the committee commences questions,
  - (h) members may lodge supplementary questions with the committee clerk by 5.00 pm within two days, excluding Saturday and Sunday, following a hearing,
  - (i) answers to questions on notice and supplementary questions are to be published, except those answers for which confidentiality is requested, after they have been circulated to committee members, and
  - (j) committees are to present a final report to the House by 30 June 2020.

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<sup>1</sup> *Minutes*, NSW Legislative Council, 16 October 2019, p 520.

<sup>2</sup> *Minutes*, NSW Legislative Council, 20 November 2019, p 729.

<sup>3</sup> *Minutes*, NSW Legislative Council, 16 October 2019, p 520.

<sup>4</sup> *Minutes*, NSW Legislative Council, 20 November 2019, p 729.

3. That this House resolve to adopt a revised schedule for future budget estimates inquiries similar to the Senate estimates process comprised of:
- (a) an initial round of estimates hearings over 12 days on the tabling of the Budget Estimates and related papers,
  - (b) supplementary hearings scheduled over five days in October or November of that year, and
  - (c) further hearings scheduled over 12 days in February or March of the following year.

The terms of reference were referred to the committee by the House on 8 May 2019, and amended on 16 October 2019 and 20 November 2019.<sup>5</sup>

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<sup>5</sup> *Minutes*, NSW Legislative Council, 8 May 2019, pp 117-119; 16 October 2019, p 520; 20 November 2019, p 729.

## Committee details

### Committee members

<b>The Hon Robert Borsak MLC</b>	Shooters, Fishers and Farmers	<i>Chair</i>
<b>Mr David Shoebridge MLC</b>	The Greens	<i>Deputy Chair</i>
<b>The Hon Sam Farrow MLC</b>	The Nationals	
<b>The Hon Rose Jackson MLC</b>	Australian Labor Party	
<b>The Hon Natasha Maclaren-Jones MLC</b>	Liberal Party	
<b>The Hon Shaoquett Moselmane MLC</b>	Australian Labor Party	
<b>The Hon Natalie Ward MLC</b>	Liberal Party	

### Non-substantive members who attended the hearings

<b>The Hon Lou Amato MLC</b>	Liberal Party
<b>The Hon Niall Blair MLC</b>	The Nationals
<b>Ms Abigail Boyd MLC</b>	The Greens
<b>The Hon Mark Buttigieg MLC</b>	Australian Labor Party
<b>The Hon Catherine Cusack MLC</b>	Liberal Party
<b>The Hon Anthony D'Adam MLC</b>	Australian Labor Party
<b>The Hon Wes Fang MLC</b>	The Nationals
<b>The Hon Scott Farlow MLC</b>	Liberal Party
<b>The Hon Emma Hurst MLC</b>	Animal Justice Party
<b>The Hon Trevor Khan MLC</b>	The Nationals
<b>The Hon Taylor Martin MLC</b>	Liberal Party
<b>The Hon Mark Pearson MLC</b>	Animal Justice Party
<b>The Hon Adam Searle MLC</b>	Australian Labor Party
<b>The Hon Walt Secord MLC</b>	Australian Labor Party
<b>The Hon Penny Sharpe MLC</b>	Australian Labor Party

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## Chair's foreword

I am pleased to present this report on the Inquiry into Budget Estimates 2019-2020. This annual inquiry into the Budget Estimates ensures parliamentary oversight of the Budget, and provides an important mechanism for the accountability of the executive government to the Legislative Council.

Portfolio Committee No. 5 is responsible for the scrutiny of the following portfolio areas:

- Attorney General and Prevention of Domestic Violence
- Police and Emergency Services
- Counter Terrorism and Corrections
- Sport, Multiculturalism, Seniors and Veterans
- Families, Communities and Disability Services.

The key evidence gathering mechanism of this Inquiry is through the conduct of public hearings. This report lists the key issues raised during the hearings. Transcripts, tabled documents and additional answers provided after the hearings are published on the [Inquiry's webpage](#).

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



Hon Robert Borsak MLC

**Chair**



## Chapter 1 Introduction

The Inquiry into Budget Estimates is one of the key mechanisms for parliamentary committees to scrutinise government expenditure, performance and effectiveness. It holds ministers and government officials to account and provides a greater level of transparency to the public.

The Inquiry is conducted annually by the Legislative Council's Portfolio Committees. Each committee examines the budget estimates of its responsible portfolios, with ministers and senior public servants as the primary witnesses. The evidence taking process of the Inquiry consists of answers provided during public hearings and answers to post-hearing written questions (known as supplementary questions). There is no provision for written submissions.

### Referral of the Budget Estimates 2019-2020

- 1.1** The Inquiry into Budget Estimates 2019-2020 ('the Inquiry') was referred to the portfolio committees on 8 May 2019 by the Legislative Council.<sup>6</sup> The budget estimates resolution establishing the Inquiry and that sets out the rules for the Inquiry is reproduced on page iv and v.
- 1.2** The budget estimates resolution this year had significant procedural changes compared to previous years. The amount of time for questioning for each portfolio area was significantly increased, and the duration of the whole inquiry across all the portfolio committees was 12 days, compared to previous years of five. The variations to the conduct of the Inquiry are outlined below.

#### Total hearing time for questioning

- 1.3** The resolution authorised the committees to conduct three rounds of hearings: initial, supplementary and further hearings, from 9.30 am to 8.30 pm, to examine all portfolios for each minister.
- 1.4** The total amount of time available for scrutiny was nearly tripled compared to previous estimates inquiries. In the past, only two rounds of hearings (initial and supplementary) were conducted and portfolios under the same minister were examined for under four hours duration. That meant that Ministers and senior public servants could generally face a maximum of eight hours of questioning over two budget estimates hearings. In contrast, under the new resolution Ministers and senior public servants could face potentially up to 33 hours of questioning over three different hearings.
- 1.5** On 16 October 2019, the House amended the resolution to require only initial and further rounds of the hearings to begin at 9.30 am and conclude by 8.30 pm. The committees were therefore able to determine when and how much time was required for supplementary hearings, if any.<sup>7</sup>

<sup>6</sup> *Minutes*, NSW Legislative Council, 8 May 2019, pp 117-119.

<sup>7</sup> *Minutes*, NSW Legislative Council, 16 October 2019, p 520.

### Witnesses

- 1.6 The resolution required ministers, parliamentary secretaries or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure, to appear in the morning session, and only officers giving further evidence during the afternoon session.<sup>8</sup> It is noted that parliamentary secretaries were not required to give evidence to earlier estimates inquiries.
- 1.7 On 20 November 2019, the resolution was further amended so that, for the further hearings, each committee could determine who (ministers, parliamentary secretaries, public servants, or representatives from statutory bodies) they wanted to call and for how long they were to appear within the parameters of 9.30am to 8.30pm.<sup>9</sup>

### Number of hearings

- 1.8 The Budget Estimates resolution, as amended, stipulated that the initial hearings be held between 29 August and 13 September 2019, supplementary hearings from 28 October to 1 November 2019, and further hearings from 2 to 17 March 2019.<sup>10</sup>

### Hearings

- 1.9 The committee held 10 public hearings as follows:
- Thursday 29 August 2019 – Police and Emergency Services
  - Monday 2 September 2019 – Attorney General and Prevention of Domestic Violence
  - Wednesday 4 September 2019 – Families, Communities and Disability Services
  - Monday 9 September 2019 – Counter Terrorism and Corrections
  - Thursday 12 September 2019 – Sport, Multiculturalism, Seniors and Veterans
  - Wednesday 4 March 2020 – Counter Terrorism and Corrections (further hearing)
  - Friday 6 March 2020 – Sport, Multiculturalism, Seniors and Veterans (further hearing)
  - Tuesday 10 March 2020 – Police and Emergency Services (further hearing)
  - Friday 13 March 2020 – Attorney General and Prevention of Domestic Violence (further hearing)
  - Tuesday 17 March 2020 – Families, Communities and Disability Services (further hearing).

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<sup>8</sup> *Minutes*, NSW Legislative Council, 8 May 2019, pp 117-119.

<sup>9</sup> *Minutes*, NSW Legislative Council, 20 November 2019, pp 117-119.

<sup>10</sup> *Minutes*, NSW Legislative Council, 20 November 2019, pp 117-119.

## **Transcripts, questions on notice and supplementary questions**

- 1.10** Transcripts of the hearings, questions taken on notice, supplementary questions and answers to these questions are available on the Budget Estimates web page at: [www.parliament.nsw.gov.au/budgetestimates](http://www.parliament.nsw.gov.au/budgetestimates).



## Chapter 2 Issues raised during hearings

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

### Attorney General and Prevention of Domestic Violence

2.1 A hearing examining the portfolio of Attorney General and Prevention of Domestic Violence was held on Monday 2 September 2019. The following issues were raised during the committee's examination of this portfolio:

- Deaths of Jacinta Rosa Smith and Mona Lisa Smith
- Investigation into workplace issues at Victims Services
- Legal Aid private practitioner rates
- Coronial inquests and review of coronial process and legislation
- Victims immediate support and recognition payments
- Aboriginal Custody Notification Service
- Funding for Women's Family Law Court Support Service
- Funding for Women's Domestic Violence Court Assistance
- Aboriginal family and domestic violence services funding
- Companion animal protection in family and domestic violence
- *Law Enforcement (Powers and Responsibilities) Act 2002* implementation of amendments
- Mandatory reporting of child sexual offences
- Age of criminal responsibility
- Surveillance device warrants
- Cross examination of victims by perpetrators
- Operation and expansion of the Drug Court
- Discretionary police powers and whether justice outcomes for Aboriginal and Torres Strait Islander peoples are fair and equal
- The mental health and wellbeing of magistrates and what support is available to them
- The imposition of efficiency dividends and whether this is limiting the Director Public Prosecutions' ability to pursue prosecutions
- The Early Appropriate Guilty Pleas Program and whether this reform has achieved its stated aim in reducing court waiting times
- District Court resourcing and how its workload is being managed with the appointment of 12 new judges since October 2018

- GIPAA requests and the Government's policy of not mandatorily requiring its departments to receive these via electronic submission
- The Men's Behaviour Change Program and its performance in helping reduce domestic violence reoffending
- The number of dedicated crisis beds that exist for women experiencing domestic and family violence and what other programs are available to help keep women and children safe
- Coordination between the Health and Stronger Communities clusters in seeking to reduce domestic violence rates
- Contract funding uncertainty in the NGO sector and its impact on service outcomes.

**2.2** A further hearing examining the portfolio of Attorney General and Prevention of Domestic Violence was held on Friday 13 March 2020. The following issues were raised during the committee's examination of this portfolio:

- Allocation of funding given to Legal Aid and the hourly rates paid to lawyers and whether this is sufficient
- Preparations within the court system for the COVID-19 pandemic, in particular plans for managing the high volume of cases before the local court
- Timeframe for allowing historical settlements in child sexual abuse cases to be set aside as per the recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse
- Potential reform of section 293 of the *Criminal Procedure Act 1986* and the associated consultation process
- Funding for domestic violence services and whether allocated funding is sufficient to meet demand
- Allegation of bail compliance checks being undertaken without court authority under section 30 of the *Bail Act 2013*
- Facial recognition technology
- NSW Drug Court
- Efficiency dividend impacts on the Department
- Adult re-offending rates.

## **Counter Terrorism and Corrections**

**2.3** A hearing examining the portfolio of Counter Terrorism and Corrections was held on Monday 9 September 2019. The following issues were raised during the committee's examination of this portfolio:

- Intensive Correction Orders (ICO) and in particular that relating to the individual charged with the manslaughter of a 12 year old in Hurstville

- Electronic monitoring devices for parolees
- Need for greater transparency of the decisions of the State Parole Authority and communication of these decisions; alignment with community expectations
- New management at Parklea Correctional Centre and the new management contract
- Actions being taken to address hanging points in cells resulting in deaths in custody
- Prison programs for inmates who have drug and alcohol dependencies to quit, and the success of these programs post discharge of inmates
- Funding and programs for tackling extremism in the community, and in youth justice centres
- Facial recognition and biometric capabilities
- Funding package to fight violent extremism
- The NSW Counter Terrorism Plan and Community Action for Preventing Extremism (CAPE)
- COMPACT program
- Step Together helpline
- Prisoner education
- Female prisoners and prisoners with dependent children
- Intensive supervision parole
- Recidivism
- Joint Counter Terrorism teams
- Corrective Services Intelligence Group
- Prison design capacity and the Prison Bed Capacity Program
- Grafton Correctional Centre and Long Bay Correctional Centre
- Hepatitis C prison infection rates
- Private prison operators
- Grafton Correctional Centre staff redeployment
- Correctional officer training
- Corrections Immediate Action Team (IAT).

**2.4** A further hearing examining the portfolio of Counter Terrorism and Corrections was held on Wednesday 4 March 2020. The following issues were raised during the committee's examination of this portfolio:

- Closure of Brewarrina and Ivanhoe correctional centres
- Abdul Rahman incident and any proposed changes to policies for the intensive corrections order regime

- Impact of the recent bushfires on correctional services across the state, including the decision to not evacuate the Lithgow correctional centre
- Management of the coronavirus in correctional centres
- Increase in recidivism rates in prisons
- Vocational education and training programs for inmates in prisons
- Electronic monitoring of serious sex offenders living in the community
- Needle and syringe programs in correctional centres
- The number of women with dependent children in the prison system
- The number of Aboriginal and Torres Strait Islander people in the prison system
- Australian Security Intelligence Organisation's focus on far-right extremist groups
- Increase of extremist attacks against Muslim women.

## **Families, Communities and Disability Services**

**2.5** A hearing examining the portfolio of Families, Communities and Disability Services was held on Wednesday 4 September 2019. The following issues were raised during the committee's examination of this portfolio:

- Efficiency dividend budget requirement
- Community workers equal pay
- Working with children check
- Children's Guardian
- Alternative care accommodation
- Domestic violence temporary accommodation
- Youth detention centres
- Out of Home Care
- FACS Case workers
- Disability Inclusion Act review
- Disability inclusion plans
- Disability standards guidelines for public transport
- Disability advocacy services funding review
- Disability Advocacy Commissioner
- Employee related costs following machinery of government changes
- The process for commissioning non-government organisations for service delivery

- Funding for early intervention services
- Funding for Their Future Matters
- Youth Justice Services
- Social Impact Bonds
- Waiting lists for public and community housing
- Recruitment of carers
- Diversion programs for youth offenders
- Reoffending rates for young people
- NDIS implementation in NSW.

**2.6** A further hearing examining the portfolio of Families, Communities and Disability Services was held on Tuesday 17 March 2020. The following issues were raised during the committee's examination of this portfolio:

- Department response to coronavirus, including strategic response, funding, housing, homelessness, seniors, accessibility, and vulnerable individuals.
- Pandemic planning
- Child protection issues, including case worker numbers, responses to identified children at risk, case plans, alternative care arrangements, Their Futures Matter and other programs
- Adoption orders concerning aboriginal children
- Disability employment targets
- Youth Justice issues, including implementation of the recommendations of the Lee Shearer report, mental health responses, the Megan Davis review, and other issues such as confinement and segregation
- Data-migration from the outgoing KiDS system to the new ChildStory system
- Child protection caseworkers' work division between working in the office and visiting children in need
- Community Services management of caseworkers workers compensation claims for psychological inquiry, staff retention and turnover rates
- COVID-19 pandemic prevention strategy for Aboriginal people
- Use of family group conferencing as an alternative dispute resolution method
- Review and planning of strategy under the NSW Carers (Recognition) Act to engage and support carers
- Progress in the reduction of homelessness by 2025
- Youth justice NSW's implementation of the recommendations in the Lee Shearer review relating to the department's operation, employment condition and different programs for young people.

## Police and Emergency Services

**2.7** A hearing examining the portfolio of Police and Emergency Services was held on Thursday 29 August 2019. The following issues were raised during the committee's examination of this portfolio:

- Employee-related savings achieved from the NSW Police Force 're-engineering' program
- Reasons for the alleged increase in strip searches from 2006 to 2019
- Improvements to water safety in preparation for summer
- Workers' compensation entitlements for special constables
- Staffing reductions of the Firearms Registry and projects undertaken by the registry
- Use of technology to keep the community safe
- Effects of budget cuts on front line services provided by Fire and Rescue NSW
- Operation and staffing of the Bias Crime Unit
- Police station staffing numbers in remote and regional locations
- Changes to the police death and disability scheme and eligibility criteria for officers aged above 60
- Staffing numbers and the performance of the Firearms Registry
- Compliance with firearm license conditions
- Effectiveness of diversionary programs for young offenders
- Police use of spyware and other IT programs during criminal investigations
- Police strip search statistics and policing techniques used in searching for illicit drugs
- The regulation of firearm suppressors and eligibility requirements
- Bullying and harassment in emergency services and the responses of senior management in dealing with any allegations
- The budget allocation for firefighter protective clothing
- Counter terrorism policy and the effectiveness of community engagement programs.

**2.8** A further hearing examining the portfolio of Police and Emergency Services was held on Tuesday 10 March 2020. The following issues were raised during the committee's examination of this portfolio:

- Circumstances surrounding the Minister's firing of prohibited weapons at the John Morony Correctional Complex rifle range
- Police investigation of the operation of Corrective Services firing ranges
- Police investigation of the Minister's involvement in a traffic incident in October 2019
- The taking of leave by the Minister during the bushfire crisis over the Christmas/New Year period

- Operation and management of the Firearms Registry
- Issues relating to the 2019/2020 bushfire season, including state of emergency declarations, communications between the NSW Rural Fire Service and responsible Ministers, appliance numbers, suitability and schedule for upgrades, operation and decision making of Incident Management teams, the impact of climate change, and mental health impacts on emergency services personnel
- Exemptions from the annual efficiency dividend for NSW Fire & Rescue and NSW Rural Fire Service staffing costs
- The upgrade of Karuah Police Station and other regional police stations
- Police investigation of an alleged forged document relating to City of Sydney travel expenses
- Revision of search warrant numbers
- Search warrant quota policy.

## **Sport, Multiculturalism, Seniors and Veterans**

**2.9** A hearing examining the portfolio of Sport, Multiculturalism, Seniors and Veterans was held on Thursday 12 September 2019. The following issues were raised during the committee's examination of this portfolio:

- Minister Sidoti's compliance with disclosure of interest and other requirements under the Ministerial Code of Conduct.
- Relocation of professional sporting teams to alternate stadia during the rebuild of the Sydney Football Stadium and refurbishment of Stadium Australia
- How relevant agencies work together to respond to instances of Islamophobia and race hate
- The governance and management of Sydney's stadiums and whether they should be overseen by one body rather than two
- The consultation process used in developing Multicultural NSW's strategic review 2019 to 2023 and whether sufficient ethnically and linguistically diverse groups have had their input incorporated
- Children's sporting participation rates from lower socioeconomic backgrounds
- Redemption rates for the Active Kids voucher program and what the government has spent on the program to date
- The government's approach to managing an ageing population and the adequacy of its response to things such as increasing elder abuse rates and more older women being homeless
- The government's response to the recommendations of the Productivity Commission's A Better Way to Support Veterans report

- Where the government is up to in delivering local sporting facilities that were promised at the recent election
- Whether the NRL grand final will remain in Sydney beyond 2020.

**2.10** A further hearing examining the portfolio of Sport, Multiculturalism, Seniors and Veterans was held on Friday 6 March 2020. The following issues were raised during the committee's examination of this portfolio:

- Minister Lee's capacity to manage his substantive portfolio responsibilities and his appointment as Acting Minister of Sport, Multiculturalism, Seniors and Veterans
- The use of a State Government sports grant to Penrith Panthers made prior to the 2015 election to fund conference facilities and the role of the Office of Sport
- Regional and Greater Sydney sports grants in the lead up to the 2019 State election and the decision making process
- The cost of the Sydney Football Stadium rebuild and the absence of a LED curtain for the upper tier of the stadium
- The timing and consultation in relation to the rebuild of the Sydney speedway
- Homelessness amongst older women in New South Wales
- Protecting seniors from coronavirus
- The decline in diversity in the public service
- Disruption costs attributable to the demolition and rebuilding of the Sydney Football Stadium at Moore Park in the context that the project deadline has been extended
- Reports that the tenants of the Sydney Football Stadium were of the opinion that the new facility would include a LED curtain and the process that led to this not happening
- What contingency plans are in place for crowd management at major sporting events during the COVID-19 pandemic
- Suicide rates of veterans and the effectiveness of the measures that are in place to minimise this
- The process through which funding allocations have been granted through the Regional Sports Infrastructure Fund
- The role of Multicultural NSW in helping minimise racist attacks on ethnic people during the COVID-19 pandemic
- Take up rates of the cash vouchers provided by the Active Kids program and where unspent money is being reallocated.

## Appendix 1 Witnesses at hearings

### Police and Emergency Services – Thursday 29 August 2019

Name	Position and Organisation
The Hon David Elliot MP	Minister for Police and Emergency Services
Mr Michael Coutts-Trotter	Secretary, Department of Communities and Justice
Ms Libby Stratford	Chief Financial Officer, Department of Communities and Justice
Mr Paul Vevers	Deputy Secretary, Department of Communities and Justice
Mr Feargus O'Connor	Executive Director of the Office for Emergency Management, Department of Communities and Justice
Commissioner Michael Fuller APM	Commissioner of the NSW Police Force, New South Wales Police Force
Commissioner Paul Baxter	Commissioner of Fire and Rescue NSW, Department of Communities and Justice
Commissioner Shane Fitzsimmons	Commissioner of NSW Rural Fire Service, Department of Communities and Justice
Acting Commissioner Kyle Stewart	A/Commissioner of the State Emergency Service, Department of Communities and Justice

### Attorney General and Prevention of Domestic Violence – Monday 2 September 2019

Name	Position and Organisation
The Hon Mark Speakman SC MP	Attorney General and Minister for Prevention of Domestic Violence
Mr Michael Coutts-Trotter	Secretary, Department of Communities and Justice
Ms Simone Walker	Deputy Secretary, Strategy Policy and Commissioning, Department of Communities and Justice
Ms Libby Stratford	Chief Financial Officer, Department of Communities and Justice

Ms Catherine D'Elia	Deputy Secretary, Courts, Tribunals and Service Delivery, Department of Communities and Justice
Ms Kathrina Lo	Deputy Secretary, Law Reform and Legal Services, Department of Communities and Justice
Mr Brendan Thomas	Chief Executive Officer, Legal Aid NSW

### **Families, Communities and Disability Services – Wednesday 4 September 2019**

<b>Name</b>	<b>Position and Organisation</b>
The Hon Gareth Ward MP	Minister for Families, Communities and Disability Services
Mr Michael Coutts-Trotter	Secretary, Department of Communities and Justice
Ms Simone Walker	Deputy Secretary, Strategy Policy and Commissioning, Department of Communities and Justice
Ms Simone Czech	A/Deputy Secretary, Child Protection and Permanency, District and Youth Justice Services, Department of Communities and Justice
Mr Paul Vevers	Deputy Secretary, Housing, Disability and District Services and Emergency Management, Department of Communities and Justice
Mr Gary Groves	Executive Director, Stronger Communities Investment Unit -Their Futures Matter, Department of Communities and Justice

### **Counter Terrorism and Corrections – Monday 9 September 2019**

<b>Name</b>	<b>Position and Organisation</b>
The Hon Anthony Roberts MP	Minister for Counter Terrorism and Corrections
Mr Michael Coutts-Trotter	Secretary, Department of Communities and Justice
Mr Peter Severin	Commissioner, Department of Communities and Justice
Ms Simone Walker	Deputy Secretary, Strategy, Policy and Commissioning, Department of Communities and Justice
Ms Libby Stratford	Chief Financial Officer, Department of Communities and Justice

Hon James Wood AO QC

Chairperson, NSW Sentencing Council, and Chairperson,  
State Parole Authority**Sport, Multiculturalism, Seniors and Veterans – Thursday 12 September 2019**

<b>Name</b>	<b>Position and Organisation</b>
The Hon John Sidoti MP	Minister for Sport, Multiculturalism, Seniors and Veterans
Mr Michael Coutts-Trotter	Secretary, Department of Communities and Justice
Ms Karen Jones	A/Chief Executive Officer, Office of Sport
Mr Joseph La Posta	Chief Executive Officer, Multicultural NSW
Ms Caroline Mackaness	Director, Office for Veterans Affairs
Ms Kerrie Mather	Chief Executive Officer, Sydney Cricket and Sports Ground Trust
Mr Simon Draper	Chief Executive Officer, Infrastructure NSW
Mr Paul Doorn	Chief Executive Officer, Venues NSW

**Counter Terrorism and Corrections – Wednesday 4 March 2020 (further hearing)**

<b>Name</b>	<b>Position and Organisation</b>
The Hon Anthony Roberts MP	Minister for Counter Terrorism and Corrections
Mr Peter Severin	Commissioner, Corrective Services NSW, Department of Communities and Justice
Mr Michael Coutts-Trotter	Secretary, Department of Communities and Justice
Ms Simone Walker	Deputy Secretary, Strategy, Policy and Commissioning, Department of Communities and Justice

## **Sport, Multiculturalism, Seniors and Veterans – Friday 6 March 2020 (further hearing)**

<b>Name</b>	<b>Position and Organisation</b>
The Hon Dr Geoff Lee MP	A/Minister for Sport, Multiculturalism, Seniors and Veterans
Ms Karen Jones	Chief Executive Officer, Office of Sport
Mr Simon Draper	Chief Executive Officer, Infrastructure NSW
Mr Joseph La Posta	Chief Executive Officer, Multicultural NSW
Mr Michael Coutts-Trotter	Secretary, Department of Communities and Justice
Ms Caroline Mackaness	Director, Office for Veterans Affairs
Ms Kerrie Mather	Chief Executive Officer, SCG Trust
Mr Joe Achmar	A/Chief Executive Officer, Venues NSW
Ms Catherine D'Elia	Deputy Secretary of Courts, Tribunals and Service Delivery, Department of Communities and Justice

## **Police and Emergency Services – Tuesday 10 March 2020 (further hearing)**

<b>Name</b>	<b>Position and Organisation</b>
The Hon David Elliot MP	Minister for Police and Emergency Services
Mr Michael Coutts-Trotter	Secretary, Department of Communities and Justice
Commissioner Michael Fuller APM	Commissioner of NSW Police Force
Deputy Commissioner Gary Worboys APM	Regional NSW Field Operations, NSW Police Force
Deputy Commissioner Jeffrey Loy APM	Metropolitan Field Operations, NSW Police Force
Assistant Commissioner Scott Cook	Police Prosecutions and Licensing Enforcement Command, NSW Police Force
Assistant Commissioner Mark Jones APM	Commander, North West Metropolitan Region Command, NSW Police Force
Superintendent Anthony Bell	Commander, NSW Firearms Registry, NSW Police Force
Commissioner Paul Baxter	Commissioner of Fire and Rescue NSW

Commissioner Carlene York	Commissioner of NSW State Emergency Service
Commissioner Shane Fitzsimmons	Commissioner of NSW Rural Fire Service
Mr Paul Vevers	Deputy Secretary, Housing, Disability and District Services and Emergency Management, Department of Communities and Justice
Mr Samuel Toohey	Director Emergency Management Policy and Coordination, Department of Communities and Justice
Ms Marg Prendergast	Executive Director, Disaster Recovery, Department of Communities and Justice

### **Attorney General and Prevention of Domestic Violence – Friday 13 March 2020 (further hearing)**

<b>Name</b>	<b>Position and Organisation</b>
The Hon Mark Speakman SC MP	Attorney General and Minister for Prevention of Domestic Violence
Mr Michael Coutts-Trotter	Secretary, Department of Communities and Justice
Ms Catherine D'Elia	Deputy Secretary, Courts, Tribunals and Service Delivery, Department of Communities and Justice
Ms Kathrina Lo	Deputy Secretary, Law Reform and Legal Services, Department of Communities and Justice
Ms Simone Walker	Deputy Secretary, Strategy, Policy and Commissioning, Department of Communities and Justice
Mr Brendan Thomas	Chief Executive Officer, Legal Aid NSW
Ms Natasha Mann	Executive Director, Justice Strategy and Programs, Department of Communities and Justice

### **Families, Communities and Disability Services – Tuesday 17 March 2020 (further hearing)**

<b>Name</b>	<b>Position and Organisation</b>
The Hon Gareth Ward MP	Minister for Families, Communities and Disability Services
Mr Michael Coutts-Trotter	Secretary, Department of Communities and Justice

Ms Simone Czech	Deputy Secretary, Child Protection and Permanency, District and Youth Justice Services, Department of Communities and Justice
Mr Paul Vevers	Deputy Secretary, Housing, Disability and District Services and Emergency Management, Department of Communities and Justice
Ms Simone Walker	Deputy Secretary, Strategy, Policy and Commissioning, Department of Communities and Justice
Ms Pamela Brunner	Executive Director, Disability Services, Department of Communities and Justice

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## Appendix 2 Minutes

### Minutes no. 2

Wednesday 19 June 2019

Portfolio Committee 5 – Legal Affairs

Room 1254, Parliament House, Sydney at 9.36 am

#### 1. Members present

Mr Borsak, *Chair* (from item 5 onwards)

Mr Shoebridge, *Deputy Chair*

Mr Blair

Ms Jackson

Mrs Maclaren-Jones

Mr Moselmane

Mrs Ward

#### 2. Absence of the Chair

In the absence of the Chair, the Deputy Chair took the Chair.

#### 3. Draft minutes

Resolved, on motion of Mr Moselmane: That draft minutes no. 1 be confirmed.

#### 4. \*\*\*

#### 5. Inquiry into Budget Estimates 2019-2020 – procedural resolutions

The committee noted the Budget Estimates timetable for 2019-2020 agreed to by the House for Portfolio Committee No. 5 hearings:

Date	Time	Portfolio
Thursday 29 August 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Police and Emergency Services (Elliott)
Monday 2 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Attorney General and Prevention of Domestic Violence (Speakman)
Wednesday 4 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Families, Communities and Disability Services (Ward)
Monday 9 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Counter Terrorism and Corrections (Roberts)
Thursday 12 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Sport, Multiculturalism, Seniors and Veterans (Sidoti)

The Chair joined the meeting

Resolved, on motion of Ms Jackson: That hearings and sessions be conducted according to the resolution of the House for the budget estimates.

### 5.1 Order for examination of witnesses and portfolios

The committee noted that it has been common practice that the ministers named in the budget estimates resolution would nominate witnesses for the hearings, and that subsequently members of the committee would be in a position to request additional witnesses.

Resolved, on motion of Mr Shoebridge: That the secretariat write to the ministers named in the budget estimates resolution to request that they nominate witnesses to appear at each estimates hearing, for the committee's consideration.

Resolved, on motion of Mr Shoebridge: That consideration of the order for examination of portfolios be postponed until a future meeting following receipt of proposed witness lists.

Resolved, on motion of Mr Moselmane: That the committee consider whether to invite parliamentary secretaries to appear at the budget estimates hearings at a future meeting.

## 6. Adjournment

The committee adjourned at 9.51 am, *sine die*.

Stephen Frappell  
**Committee Clerk**

### Minutes no. 3

Thursday 8 August 2019

Portfolio Committee 5 – Legal Affairs

Members Lounge, Parliament House, Sydney, at 6.33 pm

#### 1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Ms Jackson

Mrs Maclaren-Jones

Mrs Ward

#### 2. Apologies

Mr Blair

Mr Moselmane

#### 3. Previous minutes

Resolved, on motion of Mr Shoebridge: That draft minutes no. 2 be confirmed.

#### 4. Correspondence

The committee noted the following items of correspondence:

##### *Received*

- \*\*\*
- 23 July 2019 – Email from Ms Nikita Goonatileke, Senior Departmental Liaison Officer, Office of the Hon Mark Speakman SC MP, Attorney General, Minister for the Prevention of Domestic Violence, to the secretariat, providing a witness list for the Budget Estimates initial hearings.
- 26 July 2019 – Email from Mr Marty Jones, Ministerial Advisor, Office of the Hon Anthony Roberts MP, Minister for Counter Terrorism and Corrections, to the secretariat, providing a witness list for the Budget Estimates initial hearings.
- 26 July 2019 – Email from Mr Edward Strong, Parliamentary Liaison Officer, Office of the Hon David Elliott MP, Minister for Police and Emergency Services, to the secretariat, providing a witness list for the Budget Estimates initial hearings.

- 26 July 2019 – Email from Mr Mitchell Clout, Deputy Chief of Staff and Policy Director, Office of the Hon Gareth Ward MP, Minister for Families, Communities and Disability Services, to the secretariat, providing a witness list for the Budget Estimates initial hearings.
- 26 July 2019 – Email from Ms Nicolle Nasr, Chief of Staff, Office of the Hon John Sidoti MP, Minister for Sport, Multiculturalism, Seniors and Veterans, to the secretariat, providing a witness list for the Budget Estimates initial hearings.
- 5 August 2019 – Email from the Hon Emma Hurst MLC, to the secretariat, requesting to participate in the Attorney General and Prevention of Domestic Violence hearing on 2 September 2019.
- 6 August 2019 – Email from the Hon Mark Pearson MLC, to the secretariat, requesting to participate in the Police and Emergency Services hearing on 29 August 2019.
- 6 August 2019 – Email from Mr David Shoebriidge MLC, to the secretariat, advising he will substitute for Ms Abigail Boyd MLC for the Prevention of Family Violence hearing on 2 September 2019 and for the Disability hearing on 4 September 2019.

#### *Sent*

- 28 June 2019 – Letter from the secretariat to the Hon David Elliott MP, Minister for Police and Emergency Services, inviting the Minister to Budget Estimates initial hearings.
- 28 June 2019 – Letter from the secretariat to the Hon Mark Speakman SC MP, Attorney General and Minister for Prevention of Domestic Violence, inviting the Attorney General to Budget Estimates initial hearings.
- 28 June 2019 – Letter from the secretariat to the Hon Gareth Ward MP, Minister for Families, Communities and Disability Services, inviting the Minister to Budget Estimates initial hearings.
- 28 June 2019 – Letter from the secretariat to the Hon Anthony Roberts MP, Minister for Counter Terrorism and Corrections, inviting the Minister to Budget Estimates initial hearings.
- 28 June 2019 – Letter from the secretariat to the Hon John Sidioti MP, Minister for Sport, Multiculturalism, Seniors and Veterans, inviting the Minister to Budget Estimates initial hearings.

## 5. Inquiry into Budget Estimates 2019-2020 – procedural resolutions

### 5.1 Allocation of question time and government questions

The committee deferred consideration of government questions and the allocation of question time until a future meeting.

### 5.2 Order for examination of portfolios and witnesses

Resolved, on the motion of Mr Shoebriidge: That the witnesses proposed to answer questions relating to the portfolios allocated to the following ministers be invited to appear for the duration of each session:

- Minister Elliott on Thursday 29 August 2019
- Minister Speakman on Monday 2 September 2019
- Minister Ward on Wednesday 4 September 2019
- Minister Roberts on Monday 9 September 2019
- Minister Sidoti on Thursday 12 September 2019.

### 5.3 Additional witness requests

The committee noted each minister's list of proposed witnesses, as per the table below, and that members have until 6.30 pm Friday 9 August 2019 to provide any additional witness requests.

Minister	Portfolio	Witness	Position and Department
Elliott	Police and Emergency Services	Mr Michael Coutts-Trotter	Secretary, Department of Communities and Justice
		Ms Libby Stratford	Chief Financial Officer, Department of Communities and Justice

		Mr Paul Vevers	Deputy Secretary, Department of Communities and Justice
		Mr Feargus O'Connor	Executive Director of the Office for Emergency Management, Department of Communities and Justice
		Commissioner Michael Fuller APM	Commissioner, NSW Police Force
		Commissioner Paul Baxter	Commissioner, Fire and Rescue NSW, Department of Communities and Justice
		Commissioner Shane Fitzsimmons	Commissioner, NSW Rural Fire Service, Department of Communities and Justice
		Mr Rob Rogers	Deputy Commissioner, NSW Rural Fire Service, Department of Communities and Justice
		Acting Commissioner Kyle Stewart	Acting Commissioner of the State Emergency Service, Department of Communities and Justice
Speakman	Attorney General and Prevention of Domestic Violence	Mr Michael Coutts-Trotter	Secretary, Department of Communities and Justice
		Ms Simone Walker	Deputy Secretary, Strategy Policy and Commissioning, Department of Communities and Justice
		Ms Libby Stratford	Chief Financial Officer, Department of Communities and Justice
	Attorney General	Ms Catherine D'Elia	Deputy Secretary, Courts, Tribunals and Service Delivery, Department of Communities and Justice
		Ms Kathrina Lo	Deputy Secretary, Law Reform and Legal Services, Department of Communities and Justice
		Mr Brendan Thomas	Chief Executive Officer, Legal Aid NSW
Ward	Families, Communities and Disability Services	Mr Michael Coutts-Trotter	Secretary, Department of Communities and Justice
		Ms Simone Walker	Deputy Secretary, Strategy Policy and Commissioning, Department of Communities and Justice
		Ms Simone Czech	A/Deputy Secretary, Child Protection and Permanency, District and Youth Justice Services, Department of Communities and Justice
		Mr Paul Vevers	Deputy Secretary, Housing, Disability and District Services and Emergency Management, Department of Communities and Justice
		Mr Gary Groves	Executive Director, Stronger Communities Investment Unit, Department of Communities and Justice

Roberts	Corrections	Mr Peter Severin	Commissioner, Department of Communities and Justice
	Counter Terrorism	Ms Simone Walker	Deputy Secretary - Strategy, Policy and Commissioning, Department of Communities and Justice
	Counter Terrorism and Corrections	Mr Michael Coutts-Trotter	Secretary, Department of Communities and Justice
		Ms Libby Stratford	Chief Financial Officer, Department of Communities and Justice
Sidoti	Sport	Ms Karen Jones	A/Chief Executive Officer, Office of Sport
	Multiculturalism	Mr Joseph La Posta	Chief Executive Officer, Multicultural NSW
	Seniors	Mr Michael Coutts-Trotter	Secretary, Department of Communities and Justice
	Veterans	Ms Caroline Mackaness	Director, Office for Veterans Affairs

Resolved, on the motion of Mr Shoebridge: That the committee invite the following additional witnesses be invited to give evidence at the Families, Communities and Disability Services hearing on 4 September 2019:

- Mr Robert Fitzgerald AM, Ageing and Disability Commissioner, and
- Ms Kathryn McKenzie, Director Disability, Ombudsman NSW.

#### 5.4 Parliamentary secretaries

The committee considered whether parliamentary secretaries be invited to appear at the initial hearings.

## 6. Adjournment

The committee adjourned at 6.44 pm, *sine die*.

Jenelle Moore  
Committee Clerk

### Minutes no. 4

Thursday 29 August 2019

Portfolio Committee No. 5 - Legal Affairs

Macquarie Room, Parliament House, Sydney, at 9.17 am

#### 1. Members present

Mr Borsak, Chair

Mr Shoebridge, Deputy Chair

Ms Cusack (substituting for Mr Blair from 9.30 am until 12.30 pm)

Mr D'Adam (substituting for Mr Moselmane, left at 6.22 pm)

Mr Farlow (substituting for Mr Blair from 2.00 pm until 5.00 pm)

Ms Jackson

Mr Khan (substituting for Mrs Ward)

Mrs Maclaren-Jones (until 5.00 pm)

Mr Pearson (participating from 9.28 am until 12.14 pm)

**2. Previous minutes**

Resolved, on the motion of Mr Shoebridge: That draft minutes no. 3 be confirmed.

**3. Correspondence**

The committee noted the following items of correspondence:

***Received***

- 14 August 2019 – Email from Mr Simon Draper, Chief Executive Officer, Infrastructure NSW, to the secretariat, confirming he will attend the Budget Estimates Sport, Multiculturalism, Seniors and Veterans hearing on 12 September 2019 and requesting that he leave at 5.00 pm that day.
- 20 August 2019 – Email from Ms Nicolle Nasr, Chief of Staff, Office of the Hon John Sidoti MP, Minister for Sport, Multiculturalism, Seniors and Veterans, to the secretariat, confirming certain invited additional witnesses will attend the Budget Estimates Sport, Multiculturalism, Seniors and Veterans hearing on 12 September 2019 and proposing an alternative witness.
- 20 August 2019 – Email from Ms Maria Petrou, Executive Officer, New South Wales Ageing and Disability Commission, to the secretariat, declining the committee's invitation for certain witness to attend the Budget Estimates Families, Communities and Disability Services hearing on 4 September 2019.
- 26 August 2019 – Email from Ms Nicolle Nasr, Chief of Staff, Office of the Hon John Sidoti MP, Minister for Sport, Multiculturalism, Seniors and Veterans, to the secretariat, responding to the committee's request to invite the head of the Veterans Employment Program, advising that Ms Caroline Mackaness, Director, Office for Veteran Affairs is best placed to answer questions on the program.

***Sent***

- 13 August 2019 – Email from the secretariat to Mr Edward Strong, Parliamentary Liaison Officer, Office of the Hon David Elliott MP, Minister for Police and Emergency Services, confirming that the committee has not invited any additional witnesses to the Budget Estimates Police and Emergency Services hearing on 29 August 2019.
- 13 August 2019 – Email from the secretariat to Ms Nikita Goonatilleke, Senior Departmental Liaison Officer, Office of the Hon Mark Speakman SC MP, Attorney General, Minister for the Prevention of Domestic Violence, confirming that the committee has not invited any additional witnesses to the Budget Estimates Attorney General and Prevention of Domestic Violence hearing on 2 September 2019.
- 13 August 2019 – Email from the secretariat to Mr Mitchell Clout, Deputy Chief of Staff and Policy Director, Office of the Hon Gareth Ward MP, Minister for Families, Communities and Disability Services, providing a list of additional witness requests to the Budget Estimates Families, Communities and Disability Services hearing on 4 September 2019.
- 13 August 2019 – Email from the secretariat to Mr Martin Jones, Ministerial Advisor, Office of the Hon Anthony Roberts MP, Minister for Counter Terrorism and Corrections, confirming that the committee has not invited any additional witnesses to the Budget Estimates Counter Terrorism and Corrections hearing on 9 September 2019.
- 13 August 2019 – Email from the secretariat to Ms Nicolle Nasr, Chief of Staff, Office of the Hon John Sidoti MP, Minister for Sport, Multiculturalism, Seniors and Veterans, to the secretariat, providing a list of additional witness requests for the Budget Estimates Sport, Multiculturalism, Seniors and Veterans hearing on 12 September 2019.
- 23 August 2019 – Email from the secretariat to Mr Simon Draper, CEO, Infrastructure NSW, advising that the committee has not objected to his request to leave the Sports, Multiculturalism, Seniors and Veterans hearing at 5.00 pm on 12 September 2019.
- 26 August 2019 – Email from the secretariat to Ms Nicolle Nasr, Chief of Staff, Office of the Hon John Sidoti MP, Minister for Sport, Multiculturalism, Seniors and Veterans, providing a further additional witness request to appear at the Sport, Multiculturalism, Seniors and Veterans hearing on 12 September 2019.

#### 4. Inquiry into Budget Estimates 2019-2020

##### 4.1 Allocation of questioning

Resolved, on the motion of Mrs Maclaren-Jones: That the opposition, crossbench and government be allocated 20 minutes of questioning each and any time remaining be divided between the three groups equally.

##### 4.2 Public hearing: Budget Estimates 2019-2020 – Police and Emergency Services

Witnesses, the public and the media were admitted.

The Honourable David Elliott MP, Minister for Police and Emergency Services, was admitted.

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

The following witnesses were sworn:

- Mr Michael Coutts-Trotter, Secretary, Department of Communities and Justice
- Ms Libby Stratford, Chief Financial Officer, Department of Communities and Justice
- Mr Paul Vevers, Deputy Secretary, Department of Communities and Justice
- Mr Feargus O'Connor, Executive Director of the Office for Emergency Management, Department of Communities and Justice
- Commissioner Michael Fuller APM, Commissioner of the NSW Police Force, New South Wales Police Force
- Commissioner Paul Baxter, Commissioner of Fire and Rescue NSW, Department of Communities and Justice
- Commissioner Shane Fitzsimmons, Commissioner of NSW Rural Fire Service, Department of Communities and Justice
- A/Commissioner Kyle Stewart, Acting Commissioner of the State Emergency Service, Department of Communities and Justice.

The Chair declared the proposed expenditure for the portfolio of Police and Emergency Services open for examination.

The Minister and departmental witnesses were examined by the committee.

Mr Borsak tendered the following document:

- Firearms registry current approved temp structure.

The Minister withdrew at 12.30 pm.

The hearing continued.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 7.05 pm.

The public and media withdrew.

#### 4.3 Tendered documents

Resolved, on the motion of Mr Shoebridge: That the committee accept and publish the following documents tendered during the Police and Emergency Services hearing held on Thursday 29 August 2019:

- Firearms registry current approved temp structure, tendered by Mr Borsak.

#### 4.4 Request for documents

Mr Shoebridge moved: That

1. The committee write to the Minister for Police and Emergency Services to request that he provide the following documents:
  - a. documents provided to the Minister by the Commissioner of Police in answers to questions taken on notice during a hearing held by Portfolio Committee No. 4 for the Budget Estimates in October 2018 and referred to by the Commissioner in the hearing today:
    - i. a report on a review of the structure and performance of the Firearms Registry,
    - ii. a report on an independent review of the 'genuine reason' test applied to applications for suppressor permits,
    - iii. an answer regarding staff reductions at the Firearms Registry,
  - b. 'Lessons learnt' internal report regarding strip searches, November 2018, and
  - c. 'Authorised strength' report by Police Area Command and Police Districts as at today.
2. The documents referred to in this resolution be returned to the committee within 14 days.

Question put.

The committee divided.

Ayes: Mr Borsak, Mr D'Adam, Ms Jackson, Mr Shoebridge.

Noes: Mr Farlow, Mr Khan, Mrs Maclaren-Jones.

Question resolved in the affirmative.

#### 4.5 Supplementary hearings

Resolved, on the motion of Mr Khan: That the committee defer its decision on whether to hold supplementary hearings for the portfolio of Police and Emergency Services until after the return of answers to supplementary questions.

### 5. Adjournment

The committee adjourned at 7.05 pm, until 9.15 am, Monday 2 September 2019, Macquarie Room (*Attorney General and Prevention of Domestic Violence*).

Sam Griffith/Alex Stedman

**Committee Clerks**

#### Minutes no. 5

Monday 2 September 2019

Portfolio Committee No. 5 - Legal Affairs

Macquarie Room, Parliament House, Sydney, at 9.15 am

#### 1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Mr Blair

Ms Boyd (substituting for Mr Shoebridge for parts relating to prevention of family violence)  
 Ms Hurst (participating until 9.56am)  
 Mr Khan (substituting for Mrs Ward)  
 Mr Martin (substituting for Mrs Maclaren-Jones)  
 Mr Searle (substituting for Ms Jackson)  
 Mr Moselmane

## 2. Inquiry into Budget Estimates 2019-2020

### 2.1 Table for media

Resolved, on the motion of Mr Shoebridge: That the secretariat arrange for a table be set up specifically for media to sit during all of the committee's budget estimate hearings.

### 2.2 Government questions and the allocation of questioning

Resolved on the motion of Mr Searle: That the portfolios of Attorney General and Prevention of Domestic Violence be examined as follows:

- (a) from 9.30 am to 11.30 am, with no government questions, and the opposition and cross bench allocated 20 minutes of questioning each and any time remaining divided evenly
- (b) from 2.00 pm to 5.00 pm, with no government questions, and the opposition and cross bench allocated 20 minutes of questioning each and any time remaining divided evenly
- (c) 6.00 pm to 7.00 pm, with the opposition, crossbench and government allocated 20 minutes of questioning each, such that government questions take place between 6.40 pm and 7.00 pm.

### 2.3 Public hearing: Budget Estimates 2019-2020 – Attorney General and Prevention of Domestic Violence

Witnesses, the public and the media were admitted.

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

The Chair also reminded the following witnesses that they did not need to be sworn, as they had been sworn at another Budget Estimates hearing for the same committee:

- Mr Michael Coutts-Trotter, Secretary, Department of Communities and Justice
- Ms Libby Stratford, Chief Financial Officer, Department of Communities and Justice.

The Hon Mark Speakman SC MP, Attorney General, was admitted.

The following witnesses were sworn:

- Ms Catherine D'Elia, Deputy Secretary, Courts, Tribunals and Service Delivery, Department of Communities and Justice
- Ms Kathrina Lo, Deputy Secretary, Law Reform and Legal Services, Department of Communities and Justice
- Ms Simone Walker, Deputy Secretary, Strategy, Policy and Commissioning, Department of Communities and Justice
- Mr Brendan Thomas, Chief Executive Officer, Legal Aid NSW

The Chair declared the proposed expenditure for the portfolios of Attorney General and Prevention of Domestic Violence open for examination.

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

The Minister withdrew at 11.30 am.

The public hearing continued

Ms Boyd left at 3.28 pm.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.48 pm.

Mr Shoebridge, Mr Khan, Mr Martin left at 4.58 pm.

#### **2.4 Hearing arrangements**

Resolved, on the motion of Mr Shoebridge: That

- (a) the earlier resolution 3.2 (c) concerning the timings of the public hearing from 6 pm to 7 pm be rescinded
- (b) as members have no further questions for witnesses, witnesses be advised that they will not be required to attend the hearing scheduled at 6.00 pm today.

#### **2.5 Request for documents**

Resolved, on the motion of Mr Searle: That

1. That the committee write to the Secretary, Department of Communities and Justice to request that he provide the following document: 'Review into concerns about bullying and harassment in Victims Services'.
2. That the requested document returned in response to this request be redacted to remove any complainant names, position details or any other identifying information.
3. That the requested document be returned to the committee within 14 days.

### **3. Adjournment**

The committee adjourned at 6.00 pm, until 9.15 am, Wednesday 4 September 2019, Macquarie Room (*Families, Communities and Disability Services*).

Alex Stedman

**Committee Clerk**

### **Minutes no. 6**

Wednesday 4 September 2019

Portfolio Committee No. 5 - Legal Affairs

Macquarie Room, Parliament House, Sydney, at 9.15 am

#### **1. Members present**

Mr Borsak, *Chair* (from 9.15am to 3.00 pm and from 3.30 pm)

Mr Shoebridge, *Deputy Chair* (from 9.25 am to 10.55 am, and from 2.00 pm to 3.32 pm)

Mr Amato (substituting for Mr Blair, from 9.15 am to 11.30 am)

Ms Boyd (substituting for Mr Shoebridge, from 9.15 am to 9.25 am; 10.55 am – 11.30 am; and from 3.30 pm)

Ms Jackson

Mr Khan (substituting for Mr Blair, from 2.00 pm)

Mrs Maclaren-Jones

Ms Sharpe (substituting for Mr Moselmane)  
Mrs Ward

## 2. Correspondence

The committee noted the following items of correspondence:

### *Sent*

- 30 August 2019 – Letter from the Chair to the Hon David Elliott MP, Minister for Police and Emergency Services, requesting documents referred to in the Budget Estimates hearing on 29 August 2019.
- 3 September 2019 – Letter from the Chair to Mr Michael Coutts-Trotter, Secretary, Department of Family and Community Services and Justice, requesting the document: ‘Review into concerns about bullying and harassment in Victims Services’, to be returned to the committee with 14 days.

## 3. Inquiry into Budget Estimates 2019-2020

### 3.1 Government questions and the allocation of questioning

Resolved on the motion of Ms Maclaren-Jones: That the portfolios of Families, Communities and Disability Services be examined as follows:

- (a) from 9.30 am to 11.30 am, with no government questions, and the opposition and cross bench allocated 20 minutes of questioning each and any time remaining divided evenly
- (b) from 2.00 pm to 5.00pm, with no government questions, and the opposition and cross bench allocated 20 minutes of questioning each and any time remaining divided evenly
- (c) 6.00 pm to 7.00 pm, with the opposition, crossbench and government allocated 20 minutes of questioning each, such that government questions take place between 6.40 pm and 7.00 pm.

### 3.2 Public hearing: Budget Estimates 2019-2020 – Families, Communities and Disability Services

Witnesses, the public and the media were admitted.

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

The Chair also reminded the following witnesses that they did not need to be sworn, as they had been sworn at another Budget Estimates hearing for the same committee:

- Mr Michael Coutts-Trotter, Secretary, Department of Communities and Justice
- Mr Paul Vevers, Deputy Secretary, Housing, Disability and District Services and Emergency Management, Department of Communities and Justice
- Ms Simone Walker, Deputy Secretary, Strategy, Policy and Commissioning, Department of Communities and Justice.

The Hon Gareth Ward MP, Minister for Families, Communities and Disability Services was admitted.

The following witnesses were sworn:

- Ms Simone Czech, A/Deputy Secretary, Child Protection and Permanency, District and Youth Justice Services, Department of Communities and Justice
- Mr Gary Groves, Executive Director, Stronger Communities Investment Unit, Department of Communities and Justice.

The Chair declared the proposed expenditure for the portfolio of Families, Communities and Disability Services open for examination.

The Minister and departmental witnesses were examined by the committee.

The Minister withdrew at 11.30 am.

The public hearing continued.

The evidence concluded and the witnesses withdrew.

The Chair left at 3.00 pm.

In the absence of the chair, the Deputy Chair took the chair.

The Chair returned at 3.30 pm.

The public hearing concluded at 5.01 pm.

The public and media withdrew.

### **3.3 Hearing arrangements**

Resolved, on the motion of Mr Khan: That as members have no further questions for witnesses, witnesses be advised that they will not be required to attend at 6.00 pm.

## **4. Adjournment**

The committee adjourned at 6.00 pm, until 9.15 am, Monday 9 September 2019, Jubilee Room (*Counter Terrorism and Corrections*).

John Young/Rebecca Main

**Committee Clerk**

### **Minutes no. 7**

Monday 9 September 2019

Portfolio Committee No. 5 - Legal Affairs

Jubilee Room, Parliament House, Sydney, at 9.17 am

## **1. Members present**

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Mr Amato (*substituted for Mrs Ward*) (until 3.35 pm)

Mr Blair

Ms Jackson

Mrs Maclaren-Jones

Mr Moselmane

Mrs Ward (from 4.07 pm)

## **2. Correspondence**

The committee noted the following items of correspondence:

### ***Received:***

- 9 September 2019 – Email from Mr Chris Spence, Office of the Hon Anthony Roberts MP, Minister for Counter Terrorism and Corrections, to the secretariat advising that the Hon James Wood AO QC,

Chairperson, NSW Sentencing Council, and Chairperson, State Parole Authority, will attend the Budget Estimates hearing for Counter Terrorism and Corrections.

**Sent:**

- 3 September 2019 – Email from the secretariat to Mr Edward Strong and Ms Tanya Raffoul, Office of the Hon David Elliott MP, Minister for Police and Emergency Service, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions
- 6 September 2019 – Email from the secretariat to Mr Chris Spence, Office of the Hon Anthony Roberts MP, Minister for Counter Terrorism and Corrections, requesting that Justice James Wood, Chairman, NSW Sentencing Council attend the Budget Estimates hearing for Counter Terrorism and Corrections.

### 3. Inquiry into Budget Estimates 2019-2020

#### 3.1 Government questions and the allocation of questioning

Resolved on the motion of Mr Shoebridge: That the portfolios of Counter Terrorism and Corrections be examined as follows:

- from 9.30 am to 11.30 am, with no government questions, and the opposition and cross bench allocated 20 minutes of questioning each, and any time remaining divided evenly
- from 2.00 pm to 5.00 pm, with no government questions, and the opposition and cross bench allocated 20 minutes of questioning each, and any time remaining divided evenly
- 6.00 pm to 7.00, with the opposition, crossbench and government allocated 20 minutes of questioning each, such that government questions take place between 6.40 pm and 7.00 pm.

#### 3.2 Public hearing: Budget Estimates 2019-2020 – Counter Terrorism and Corrections

Witnesses, the public and the media were admitted.

The Hon Anthony Roberts MP, Minister for Counter Terrorism and Corrections was admitted.

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

The Chair also reminded the following witnesses, that they did not need to be sworn, as they had been sworn at another Budget Estimates hearing for the same committee:

- Mr Michael Coutts-Trotter, Secretary, Department of Communities and Justice
- Ms Simone Walker, Deputy Secretary, Strategy, Policy and Commissioning, Department of Communities and Justice
- Ms Libby Stratford, Chief Financial Officer, Department of Communities and Justice.

The following witness was sworn:

- Mr Peter Severin, Commissioner, Department of Communities and Justice

The Chair declared the proposed expenditure for the portfolio of Counter Terrorism and Corrections open for examination.

The Minister and departmental witnesses were examined by the committee.

The Minister withdrew at 11.35 am.

The public hearing continued.

The following witness was sworn:

- The Hon James Wood AO QC, Chairperson, NSW Sentencing Council and Chairperson, State Parole Authority

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 5.01 pm.

The public and media withdrew.

Resolved, on the motion of Mr Shoebridge: That as members have no further questions for witnesses, witnesses be advised that they will not be required to attend the hearing scheduled to commence at 6.00 pm today.

### **3.3 Supplementary hearings**

Resolved, on the motion of Mr Shoebridge: That the committee defer its decision on whether to hold supplementary hearings for the portfolio of Counter Terrorism and Corrections, until after the return of answers to supplementary questions.

## **4. Adjournment**

The committee adjourned at 6.02 pm, until 9.15 am, Thursday 12 September 2019, Macquarie Room (*Sport, Multiculturalism, Seniors and Veterans*).

Emma Rogerson/John Young

**Committee Clerks**

## **Minutes no. 8**

Thursday 12 September 2019

Portfolio Committee No. 5 - Legal Affairs

Macquarie Room, Parliament House, Sydney, at 9.17 am

### **1. Members present**

Mr Borsak, Chair

Mr Shoebridge, Deputy Chair (from 9.17 am until 10.58 am, from 11.30 am until 3.07 pm, from 4.51 pm until 5.04 pm)

Mr Blair

Ms Jackson (from 2.00 pm until 5.04 pm)

Mr Martin (substituting for Mrs Maclaren-Jones until 5.04 pm)

Mr Moselmane (from 2.00 pm until 5.04 pm)

Mr Secord (substituting for Mr Moselmane from 9.15 am until 11.41 am)

Ms Sharpe (substituting for Ms Jackson from 9.15 am until 11.41 am, substituting for Ms Jackson from 6 pm)

Mrs Ward (until 5.04 pm)

### **2. Correspondence**

The committee noted the following items of correspondence:

#### ***Received***

- 5 September 2019 – Letter from Commissioner Michael Fuller, Commissioner of Police to the secretariat, correcting evidence he provided to the committee at the Budget Estimates hearing for Police and Emergency Services on 29 August 2019

- 11 September 2019 – Letter from Ms Catherine D'Elia, Deputy Secretary, Courts, Tribunals and Service Delivery, Department of Communities and Justice, to Chair, correcting evidence she provided to the committee at the Budget Estimates hearing for Attorney General and Prevention of Domestic Violence on 2 September 2019.

**Sent**

- 5 September 2019 – Email from the secretariat to Mr Jacob Masina and Ms Astrid Von Hackewitz, Office of the Hon Mark Speakman SC MP, Attorney General and Minister for Prevention of Domestic Violence, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions
- 9 September 2019 – Email from the secretariat to Mr Henry Streamer, Office of the Hon Gareth Ward MP, Minister for Families, Communities and Disability Services, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions.

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

- the publication of correspondence from Commissioner Michael Fuller, Commissioner of Police to the secretariat, correcting evidence he provided to the committee at the Budget Estimates hearing for Police and Emergency Services on 29 August 2019
- the addition of a footnote to the evidence of Commissioner Michael Fuller reflecting his correction of evidence
- the publication of correspondence from Ms Catherine D'Elia, Deputy Secretary, Courts, Tribunals and Service Delivery, Department of Communities and Justice, to Chair, correcting evidence she provided to the committee at the Budget Estimates hearing for Attorney General and Prevention of Domestic Violence on 2 September 2019
- the addition of a footnote to the evidence of Ms Catherine D'Elia reflecting her correction of evidence.

### 3. Inquiry into Budget Estimates 2019-2020

#### 3.1 Allocation of questioning

Resolved, on the motion of Mr Blair: That the portfolio of Sport, Multiculturalism, Seniors and Veterans be examined as follows:

- from 9.30 am to 11.30 am, with no government questions, and the opposition and cross bench allocated 20 minutes of questioning each and any time remaining divided evenly
- from 2.00 pm to 5.00 pm, with no government questions, and the opposition and cross bench allocated 20 minutes of questioning each and any time remaining divided evenly
- 6.00 pm to 7.00 pm, with the opposition, crossbench and government allocated 20 minutes of questioning each, such that government questions take place between 6.40 pm and 7.00 pm.

#### 3.2 Public hearing: Budget Estimates 2019-2020 – Sport, Multiculturalism, Seniors and Veterans

Witnesses, the public and the media were admitted.

The Hon John Sidoti MP, Minister for Sport, Multiculturalism, Seniors and Verterans was admitted.

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

The Chair also reminded Mr Michael Coutts-Trotter, Secretary of the Department of Communities and Justice, that he did not need to be sworn, as he had been sworn at another Budget Estimates hearing for the same committee.

The following witnesses were sworn:

- Ms Karen Jones, A/Chief Executive Officer, Office of Sport
- Mr Joseph La Posta, Chief Executive Officer, Multicultural NSW
- Ms Caroline Mackaness, Director, Office for Veterans Affairs
- Ms Kerrie Mather, Chief Executive Officer, Sydney Cricket and Sports Ground Trust (SCGT)
- Mr Simon Draper, Chief Executive Officer, Infrastructure NSW
- Mr Paul Doorn, Chief Executive Officer, Venues NSW

The Chair declared the proposed expenditure for the portfolio of Sport, Multiculturalism, Seniors and Veterans open for examination.

The Minister and departmental witnesses were examined by the committee.

Mr Shoebridge tendered the following document:

- Map of potential Sydney West Metro station sites based on geotechnical activity.

Ms Sharpe tendered the following documents:

- Copies of the Hon John Sidoti's pecuniary interest disclosures for the following periods: 30 June 2011-30 June 2012, 1 July 2012-30 June 2013, 1 July 2013-30 June 2014, 1 July 2014-30 June 2015, 1 July 2015-30 June 2016, 1 July 2016-30 June 2017, and 1 July 2017-30 June 2018.

The Minister withdrew at 11.32 am.

The public hearing continued.

The evidence concluded and the witnesses withdrew.

The public and the media withdrew.

### **3.3 Tendered documents**

Resolved, on the motion of Mr Shoebridge: That the committee accept and publish the following document tendered during the Sport, Multiculturalism, Seniors and Veterans hearing held on Thursday 12 September 2019, subject to the removal of the black dot referred to in evidence:

- Map of potential Sydney West Metro station sites based on geotechnical activity, tendered by Mr Shoebridge.

Resolved, on the motion of Mr Shoebridge: That the committee accept the following documents tendered during the Sport, Multiculturalism, Seniors and Veterans hearing held on Thursday 12 September 2019:

- Copies of the Hon John Sidoti's pecuniary interest disclosures for the following periods: 30 June 2011-30 June 2012, 1 July 2012-30 June 2013, 1 July 2013-30 June 2014, 1 July 2014-30 June 2015, 1 July 2015-30 June 2016, 1 July 2016-30 June 2017, and 1 July 2017-30 June 2018.

### **3.4 Public hearing: Budget Estimates 2019-2020 – Sport, Multiculturalism, Seniors and Veterans**

Witnesses, the public and the media were admitted.

The public hearing continued.

The public hearing concluded at 5 pm.

The public and media withdrew.

**3.5 Hearing arrangements**

Resolved, on the motion of Mr Blair: That

- (a) the earlier resolution 3.2 (c) concerning the timings of the public hearing from 6 pm to 7 pm be rescinded
- (b) as members have no further questions for witnesses, witnesses be advised that they will not be required to attend the hearing scheduled at 6.00 pm today.

**3.6 Referral of transcript to ICAC**

Resolved, on the motion of Mr Shoebridge: That the Chair refer the transcript of evidence relating to Minister John Sidoti's Budget Estimates hearing on 12 September 2019 to the Independent Commission Against Corruption for investigation, with particular reference to comments made regarding interests held by the Minister in properties located at Rouse Hill and Five Dock.

Resolved, on the motion of Mr Shoebridge: That the resolution regarding the referral of the transcript to ICAC be published on the committee's website.

**3.7 Supplementary hearings**

Resolved, on the motion of Mr Blair: That the committee defer its decision on whether to hold supplementary hearings for the portfolio of Sport, Multiculturalism, Seniors and Veterans, until after the return of answers to supplementary questions.

**4. Adjournment**

The committee adjourned at 6.01 pm (*sine die*).

Merrin Thompson and Alex Stedman  
Committee Clerks

**Minutes no. 9**

Thursday 19 September 2019  
Portfolio Committee No. 5 - Legal Affairs  
Room 1136, Parliament House, Sydney, at 9.03 am

**1. Members present**

Mr Borsak, *Chair*  
Mr Blair  
Ms Jackson  
Mrs Maclaren-Jones  
Mr Moselmane  
Mrs Ward

**2. Correspondence**

The Committee noted the following items of correspondence:

***Received***

- 13 September 2019 – Letter from Ms Tanya Raffoul, Chief of Staff, Minister for Police and Emergency Services to the Chair in response to the committee's request for certain documents the subject of questions during the Police and Emergency Services Budget Estimates hearing held on 29 August 2019.
- 18 September 2019 – Email from Alex Sprouster, Executive Officer, attaching a letter from Mr Michael Coutts-Trotter, Secretary, Department of Communities and Justice to the Chair in response to the committee's request for a document entitled 'Review into concerns about bullying and harassment in Victims Services'.

### 3. Inquiry into Budget Estimates 2019-2020

#### 3.1 Response to requests for documents.

The committee considered correspondence received from:

- Ms Tanya Raffoul, Chief of Staff, Minister for Police and Emergency Services
- Mr Michael Coutts-Trotter, Secretary, Department of Communities and Justice.

The committee deliberated.

Mr Moselmane moved: That the committee write to the Minister for Police and Emergency Services and the Secretary of the Department of Communities and Justice to request that the documents originally requested be provided within 14 days, noting the power of committees to order documents.

Question put.

The committee divided.

Ayes: Mr Borsak, Ms Jackson, Mr Moselmane.

Noes: Mr Blair, Mrs Maclaren-Jones, Mrs Ward.

As there was an equality of vote, the Chair used his casting vote.

Question resolved in the affirmative.

#### 3.2 Tendered documents

Resolved, on the motion of Mrs Maclaren-Jones: That the committee keep confidential the unredacted copy of a map of potential Sydney West Metro station sites based on geotechnical activity, tabled during the Sport, Multiculturalism, Seniors and Veterans hearing on Thursday 12 September 2019.

### 4. Adjournment

The committee adjourned at 9.06 am, *sine die*.

Jenelle Moore  
Clerk to the Committee

#### Minutes no. 10

Thursday 17 October 2019

Portfolio Committee No. 5 - Legal Affairs

Room 1136, Parliament House, Sydney, at 9.03 am

#### 1. Members present

Mr Borsak, *Chair*  
Ms Jackson  
Mr Khan  
Mrs Maclaren-Jones  
Mr Moselmane  
Mrs Ward

#### 2. Previous minutes

Resolved, on the motion of Mrs Maclaren-Jones: That draft minutes nos 4, 5, 6, 7, 8, and 9 be confirmed.

### 3. Correspondence

The committee noted the following items of correspondence:

***Received:***

- 23 September 2019 – Email from Ms Lyvia Devine, Executive Officer, Office of the Commissioner, NSW Police, to the secretariat, advising that the Police Commissioner is only available on Monday 28 October 2019 during the week of supplementary hearings.
- 24 September 2019 – Letter from the Hon David Elliott MP, Minister for Police and Emergency Services, to the secretariat, requesting that the footnote on page 10 of the transcript clarifying Police Commissioner Michael Fuller's evidence be amended to note that the Commissioner's comment be disregarded from his evidence.
- 25 September 2019 – Letter from Mr Peter Severin, Commissioner, Department of Communities and Justice, to the Chair, providing clarification to his evidence during the Counter Terrorism and Corrections hearing on Monday 9 September 2019.
- 27 September 2019 - Letter from Ms Tanya Raffoul, Chief of Staff, Office of the Hon David Elliott MP, Minister for Police and Emergency Services, to the Chair, responding to reiterated request for documents.
- 1 October 2019 – Email from Mr James Malin, Policy Advisor, Office of the Hon Gareth Ward MP, Minister for Families, Communities and Disability Services, to the secretariat, providing an updated version of answers to supplementary questions.
- 2 October 2019 – Letter from the Hon Peter Hall QC, Chief Commissioner, Independent Commission Against Corruption, to the Chair, advising that the commission is conducting a preliminary investigation in relation to the Hon John Sidoti MP, Minister for Sport, Multiculturalism, Seniors and Veterans.
- 9 October 2019 – Letter from Mr Michael Coutts-Trotter, Secretary, Department of Communities and Justice, to the Chair, responding to reiterated request for documents.

***Sent:***

- 12 September 2019 – Email from the secretariat to Mr Chris Spence, Office of the Hon Anthony Roberts MP, Minister for Corrections and Counter Terrorism, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions.
- 17 September 2019 – Email from the secretariat to Ms Nicolle Nasr, Office of the Hon John Sidoti MP, Minister for Sport, Multiculturalism, Seniors and Veterans, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions.

### 4. Inquiry into Budget Estimates 2019-2020

#### 4.1 Answers to questions on notice and supplementary questions

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

- answers to questions on notice and supplementary questions from Hon David Elliott MP, Minister for Police and Emergency Services, received 24 September 2019.
- answers to questions on notice and supplementary questions from Hon Mark Speakman SC MP, Attorney General and Minister for the Prevention of Domestic Violence, received 26 September 2019.
- answers to questions on notice and supplementary questions from Mr Robert Fitzgerald AM, Ageing and Disability Commissioner, received 27 September 2019
- answers to questions on notice and supplementary questions from Hon Gareth Ward MP, Minister for Families, Communities and Disability Services, received 30 September 2019
- answers to questions on notice and supplementary questions from Hon Anthony Roberts MP, Minister for Counter Terrorism and Corrections, received 3 October 2019.
- answers to questions on notice and supplementary questions from Hon Geoff Lee MP, Acting Minister for Sport, Multiculturalism, Seniors and Veterans, received 8 October 2019.

The Chair noted that during the Budget Estimates hearing on 29 August 2019, Commissioner Michael Fuller of the NSW Police Force had made an undertaking to personally inquire into matters pertaining to licence suspensions and firearms seized for non-compliance with the NSW Firearm Registry's *Reduce Your Risk* guide raised by the Chair. The Chair further noted that he had subsequently received correspondence from the Acting Manager, Secretariat, Office of the Commissioner of the Police advising that "the matter has been referred to the relevant command within the NSW Police Force for review" and had received no further contact from the Commissioner.

Resolved, on the motion of Mr Moselmane: That the committee authorise the Chair to write to Commissioner Michael Fuller, Police Commissioner, to request that he answer the Chair's question regarding licences suspended and firearms seized for non-compliance with the *Reduce Your Risk* guide and prioritise the matter for his personal attention, per the undertaking during the hearing on 29 August 2019.

#### **4.2 Request for documents**

The committee considered:

- correspondence from Ms Tanya Raffoul, Chief of Staff, Office of the Hon David Elliott MP, Minister for Police and Emergency Services, again declining to provide a number of documents in relation to the Firearms registry, the *Lessons learnt* internal report on strip searches, and the *Authorised strength* report response to the second request from the committee
- correspondence from Mr Michael Coutts-Trotter, Secretary, Department of Communities and Justice, again declining to provide the *Review into concerns about bullying and harassment in Victims Services* in response to a second request from the committee.

The Chair indicated his intention to pursue the documents through the House via the procedure set out under standing order 52.

#### **4.3 Clarifications to evidence**

Resolved, on the motion of Mr Khan:

- That the committee authorise the publication of the following correspondence:
  - The Hon David Elliott MP, Minister for Police and Emergency Services, dated 24 September 2019, requesting that the footnote on page 10 of the transcript clarifying Police Commissioner Michael Fuller's evidence be amended to note that the Commissioner's comment be disregarded from his evidence on Thursday 29 August 2019.
  - Mr Peter Severin, Commissioner, Department of Communities and Justice, providing additional information and correcting errors in evidence provided to the committee on 9 September 2019.
- That the committee authorise the amendment of a footnote on page 10 of the transcript for the Police and Emergency Services hearing on Thursday 29 August 2019 noting that the Commissioner has requested that the comment be disregarded
- That the committee authorise the addition of a footnote to the evidence of Mr Peter Severin, 9 September 2019, reflecting his clarification of evidence.

#### **4.4 Transcript corrections**

Resolved, on the motion of Mr Khan:

- That the committee authorise the publication of transcript correction to replace the words 'cannabis warnings' with 'cannabis cautions' made by the Hon David Elliott MP, Minister for Police and Emergency Services for the transcript on 29 August 2019.
- That the committee authorise the addition of footnotes to the evidence of the Hon David Elliott's transcript of evidence for the Police and Emergency Services hearing on 29 August 2019 to reflect three additional requests for transcript corrections.

#### 4.5 Supplementary hearings

Ms Jackson moved: That the committee hold supplementary hearings for the following portfolios:

- Police and Emergency Services (Elliott)
- Attorney General and Prevention of Domestic Violence (Speakman)
- Families, Communities and Disability and Services (Ward)
- Counter Terrorism and Corrections (Roberts)
- Sport, Multiculturalism, Seniors and Veterans (Lee, acting Minister).

Question put.

The committee divided.

Ayes: Ms Jackson, Mr Moselmane.

Noes: Mr Borsak, Mr Khan, Mrs Maclaren-Jones, Mrs Ward.

Question resolved in the negative.

5. \*\*\*

#### 6. Adjournment

The committee adjourned at 9.23 am, *sine die*.

Jenelle Moore

**Clerk to the Committee**

#### Minutes no. 13

Wednesday 5 February 2020

Portfolio Committee No. 5 - Legal Affairs

Room 1136, Parliament House, Sydney, at 2.32 pm

#### 1. Members present

Mr Borsak, *Chair*

Mr Shoebriidge, *Deputy Chair (via teleconference)*

Mr Farraway

Mr Farlow (substituting for Mrs Maclaren-Jones)

Ms Jackson

Mr Moselmane

Mrs Ward

#### 2. Previous minutes

Resolved, on the motion of Mr Moselmane: That draft minutes no. 12 be confirmed.

#### 3. Correspondence

The Committee noted the following items of correspondence:

##### **Received:**

- 25 November 2019 – Letter from Mr Mark Taylor MP, Parliamentary Secretary for Police and Justice, to the Chair, responding to a letter from the chair to Commissioner Michael Fuller, Police Commissioner, requesting an answer to a question on licences and firearms relating to a question asked in Budget Estimates.

**Sent:**

- 21 October 2019 – Email from the secretariat to Mr Chris Spence, Office of the Hon Anthony Roberts MP, Minister for Counter Terrorism and Corrections, advising that Portfolio Committee No. 5 resolved not to hold supplementary hearings for the portfolio of Counter Terrorism and Corrections
- 21 October 2019 – Email from the secretariat to the Office of the Hon Gareth Ward MP, Minister for Families, advising that Portfolio Committee No. 5 resolved not to hold supplementary hearings for the portfolios of Families, Communities and Disability Services
- 21 October 2019 – Email from the secretariat to Mr Jacob Masina and Ms Astrid von Hackewitz, Office of the Hon Mark Speakman SC MP, Attorney General and Minister for Prevention of Domestic Violence, advising that Portfolio Committee No. 5 resolved not to hold supplementary hearings for the portfolios of Attorney General and Prevention of Domestic Violence
- 21 October 2019 – Email from the secretariat to Ms Tanya Raffoul and Mr Edward Strong, Office of the Hon David Elliott MP, Minister for Police and Emergency Services, advising that Portfolio Committee No. 5 resolved not to hold supplementary hearings for the portfolio of Police and Emergency Services
- 21 October 2019 – Email from the secretariat to Mr Mitchell Potts, Office of the Hon Geoff Lee MP, Acting Minister for Sport, Multiculturalism, Seniors and Veterans, advising that Portfolio Committee No. 5 resolved not to hold supplementary hearings for the portfolios of Sport, Multiculturalism, Seniors and Veterans
- 22 October 2019 – Letter from the chair to Commissioner Michael Fuller, Police Commissioner, requesting an answer to a question on licences and firearms relating to a question asked in Budget Estimates.

#### 4. Inquiry into Budget Estimates 2019-2020 – procedural resolutions – further hearings

The 2019-2020 Budget Estimates timetable for further hearings was agreed to by the House. Below is a table of Portfolio Committee No. 5 hearings:

Date	Portfolio
Wednesday 4 March 2020	Counter Terrorism and Corrections (Roberts)
Friday 6 March 2020	Sport, Multiculturalism, Seniors and Veterans (Lee)
Tuesday 10 March 2020	Police and Emergency Services (Elliott)
Friday 13 March 2020	Attorney General and Prevention of Domestic Violence (Speakman)
Tuesday 17 March 2020	Families, Communities and Disability Services (Ward)

##### 4.1 Total hearing time

Resolved, on the motion of Mr Shoebridge: That

- all portfolios under the same Minister be examined concurrently on the nominated hearing day from 9.30 am to 12.00 pm and from 2.00 pm to 5.30 pm, with the first two hours of the morning session and the first three hours of the afternoon session reserved for questioning by the Opposition and cross bench equally, and the last half an hour of each session be reserved for questions by the government members, if desired, and
- ministers be invited to attend the morning session of the hearing, that the Committee reserves the right to invite the minister back for the afternoon session, and that the Committee will advise the minister by 12.00 pm if this is required.

#### 4.2 Allocation of question time

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

#### 4.3 Witness requests

Resolved, on the motion of Mr Shoebridge: That:

- committee members email the Secretariat the list of witnesses requested by midday Thursday 6 February 2020
- in the witness invitation to Minister David Elliott MP, Minister for Police and Emergency Services, the Committee seek clarification as to what roles and responsibilities, if any, have been transferred to the Deputy Premier, Hon John Barilaro, in relation to fighting bushfires, and,
- in the witness invitation to Minister David Elliott MP, Minister for Police and Emergency Services, the Committee seek advice on, under current state bushfires situation, whether the Commissioner for Rural Fire Service and the Commissioner of the NSW State Emergency Service are able to attend the hearing on Tuesday 10 March 2020.

#### 5. Adjournment

The committee adjourned at 2.55 pm, until Wednesday 4 March 2020, Macquarie Room, Parliament House (Counter Terrorism and Corrections hearing).

Stewart Smith

**Clerk to the Committee**

#### Minutes no. 14

Wednesday 4 March 2020

Portfolio Committee No. 5 - Legal Affairs

Jubilee Room, Parliament House, Sydney, at 9.15 am

#### 1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair (from 9.20 am to 10.58 am, and from 11.15 am)*

Mr Farraway

Ms Jackson

Mrs Maclaren-Jones

Mr Moselmane

Ms Sharpe (*participating from 2.01 pm to 2.52 pm*)

Mrs Ward

#### 2. Previous minutes

Resolved, on the motion of Mr Moselmane: That draft minutes no. 13 be confirmed.

#### 3. Correspondence

The committee noted the following items of correspondence:

##### **Received**

- 12 February 2020 - Email from Ms Astrid Pedersen, Office of Hon Mark Speakman SC MP, Attorney General and Minister for the Prevention of Domestic Violence to secretariat, confirming witness attendance for the PC 5 Attorney General and Prevention of Domestic Violence hearing
- 13 February 2020 - Email from Ms Astrid Pedersen, Office of Hon Mark Speakman SC MP, Attorney General and Minister for the Prevention of Domestic Violence to secretariat, noting that Ms Libby

Stratford CFO, may not attend as the CEO will be in attendance for the PC5 Attorney General and Prevention of Domestic Violence hearing.

- 14 February 2020 - Email from Mr Mitchell Clout, Office of Hon Gareth Ward MP, Minister for Families, Communities and Disability Services to secretariat, confirming witness attendance for the PC 5 Families, Communities and Disability Services hearing
- 14 February 2020 - Email from Ms Nicolle Nasr, Office of Hon Dr Geoff Lee MP, Acting Minister for Sport, Multiculturalism, Seniors and Veterans to secretariat, confirming witness attendance for the PC 5 Sport, Multiculturalism, Seniors and Veterans hearing
- 14 February 2020 - Email from Ms Sarah Carroll, Office of Hon Anthony Roberts MP, Minister for Counter Terrorism and Corrections to secretariat, confirming witness attendance for the PC5 Counter Terrorism and Corrections hearing
- 14 February 2020 - Email from Mr Dom Bondar, Office of Hon David Elliott, Minister for Police and Minister for Emergency Services to secretariat, confirming witness attendance for the PC5 Police and Emergency Services hearing
- 17 February 2020 - Email from Paola Sagredo, Office of the Children's Guardian to Secretariat, confirming Children's Guardian attendance for the PC5 Families, Communities and Disability Services hearing
- 19 February 2020 - Email from Ms Astrid Pedersen, Office of Hon Mark Speakman SC MP, Attorney General and Minister for the Prevention of Domestic Violence to secretariat, confirming that Ms Libby Stratford is not included on the witness list for the PC5 Attorney General and Prevention of Domestic Violence hearing
- 20 February 2020 - Email from Mr Dom Bondar, Office of Hon David Elliott MP, Minister for Police and Emergency Services, Additional witness request and witness unavailability, Police and Emergency Services hearing
- 20 February 2020 - Email from Mr Row Dench, A/Manager Budget Estimates, Department of Communities and Justice, to secretariat, advising of Mr Gary Groves appearing at the Families, Communities and Disability Services hearing
- 20 February 2020 - Email from Ms Nicolle Nasr, Office of Hon Dr Geoff Lee MP, A/Minister for Sport, Multiculturalism, Seniors and Veterans, additional witnesses for the Sport, Multiculturalism, Seniors and Veterans hearing
- 20 February 2020 - Email from Ms Nicolle Nasr, Office of Hon Dr Geoff Lee MP, A/Minister for Sport, Multiculturalism, Seniors and Veterans, Ms Catherine D'Elia confirmed witness for the Sport, Multiculturalism, Seniors and Veterans hearing
- 20 February 2020 - Email from Adelaide Cuneo, Office of Hon Gareth Ward MP, Minister for Families, Communities and Disability Service, additional witness request for Ms Pamela Brunner confirmed for PC5 hearing
- 20 February 2020 - Letter from Hon Jon Barilaro MP, Deputy Premier, to Portfolio Committee 5 advising that he is unable to appear at the Police and Emergency Services hearing on 10 March
- 25 February 2020 - Email from Mr Dom Bondar, Office of Hon David Elliott MP to secretariat, advising Ms Libby Stratford is unable to appear at the PC5 Police and Emergency Services hearing on Tuesday 10 March 2020.

### ***Sent***

- 11 February 2020 - Email from the secretariat to Hon Mark Speakman SC MP, Attorney General, Minister for the prevention of Domestic Violence, witness invitation for Budget Estimates Further Hearing
- 11 February 2020 - Email from the secretariat to Hon Gareth Ward MP, Minister for Families, Communities and Disabilities, witness invitation for Budget Estimates Further Hearing
- 11 February 2020 - Email from the secretariat to Hon Geoff Lee MP, A/Minister for Sport, Multiculturalism, Seniors and Veterans, witness invitation for Budget Estimates Further Hearing
- 11 February 2020 - Email from the secretariat to Hon David Elliott MP, Minister for Police and Emergency Services, witness invitation for Budget Estimates Further Hearing

- 12 February 2020 - Email from the secretariat to Hon Anthony Roberts MP, Minister for Counter Terrorism and Corrections, witness invitation for Budget Estimates Further Hearing
- 13 February 2020 — Email from the secretariat to Ms Janet Schorer PSM, NSW Children's Guardian, inviting the Guardian to a Budget Estimates further hearing
- 18 February 2020 - Email from secretariat to Hon David Elliott MP, Minister for Police and Emergency Services, Additional witness request, Police and Emergency Services hearing
- 18 February 2020 - Email from Secretariat to Hon Gareth Ward MP, Minister for Families, Communities and Disability Service, additional witness request, Families, Communities and Disability Service hearing
- 18 February 2020 - Email from secretariat to Hon Dr Geoff Lee MP, Minister for Sport, Multiculturalism, Seniors and Veterans, additional witness request, Sport, Multiculturalism, Seniors and Veterans hearing
- 20 February 2020 - Email from secretariat to Hon Dr Geoff Lee MP, Minister for Sport, Multiculturalism, Seniors and Veterans, additional witness request for Ms Catherine D'Elia - Sport, Multiculturalism, Seniors and Veterans hearing
- 20 February 2020 - Email from Secretariat to Hon Gareth Ward MP, Minister for Families, Communities and Disability Service, additional witness request for Ms Pamela Brunner, Families, Communities and Disability Service hearing.

#### 4. Inquiry into Budget Estimates 2019-2020 – further hearings

##### 4.1 Witnesses for the portfolio of Police and Emergency Services

The committee noted the correspondence dated 14 February 2020 from the Hon David Elliott MP, Minister for Police and Emergency Services, advising that the NSW Police Commissioner, Mr Michael Fuller APM, will appear and answers questions on behalf of the individuals requested by the committee.

Resolved, on the motion of Ms Jackson: That the committee requests again that the following individuals appear at the Police and Emergency Services hearing on 10 March 2020 and a response be provided to the committee by 12.00 pm 4 March 2020:

- Deputy Commissioner Gary Worboys APM, Regional NSW Field Operations - NSW Police Force
- Deputy Commissioner Jeffrey Loy APM, Metropolitan Field Operations - NSW Police Force
- Assistant Commissioner, Mark Jones APM, Commander, North West Metropolitan Region Command - NSW Police Force
- Assistant Commissioner Scott Cook APM, Police Prosecutions and Licensing Enforcement Command - NSW Police Force
- Superintendent Anthony (Tony) Bell, Commander, Firearms Registry - NSW Police Force.

##### 4.2 Supplementary questions

Resolved, on the motion of Mr Moselmann: That further to the resolution of the House, members may lodge supplementary questions with the committee clerk by 5.00 pm within two days, except Saturday and Sunday, of the day of receipt of the transcript of a hearing.

##### 4.3 Order for examination of portfolios

Resolved, on the motion of Mr Shoebridge: That the portfolios of Counter Terrorism and Corrections are to be examined concurrently from 9.30 am to 12.00 pm, with the first two hours reserved for questioning by the Opposition crossbench equally, and from 1.40 pm to 5.10 pm, with the first three hours of the afternoon session reserved for questioning by the Opposition and cross bench and the last half an hour of each session reserved for Government questions.

The committee noted that it had previously resolved that the minister was to be invited to attend the morning session of the hearing, that the committee reserved the right to invite the minister back for the afternoon session, and that the committee will advise the minister by 12.00 pm if this is required.

#### 4.4 Public hearing: Counter Terrorism and Corrections

Witnesses, the public and the media were admitted.

The Hon Anthony Roberts MP, Minister for Counter Terrorism and Corrections, was admitted.

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

The Chair also reminded the following witnesses that they did not need to be sworn, as they had been sworn at another Budget Estimates hearing for the same committee:

- Mr Peter Severin, Commissioner, Department of Communities and Justice
- Mr Michael Coutts-Trotter, Secretary, Department of Communities and Justice
- Ms Simone Walker, Deputy Secretary, Strategy Policy and Commissioning, Department of Communities and Justice.

The Chair declared the proposed expenditure for the portfolios of Counter Terrorism and Corrections open for examination.

The Minister and departmental witnesses were examined by the committee.

The Minister was excused to partake in a division in the Legislative Assembly at 10.47 am.

The Minister re-joined the meeting at 10.55 am.

The Minister withdrew at 12.08 pm.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.13 pm.

The public and media withdrew.

#### 5. Adjournment

The committee adjourned at 4.135 pm, until 9.15 am, Friday 6 March 2020, Macquarie Room, Budget Estimates hearing (*Sport, Multiculturalism, Seniors and Veterans*).

Sarah Dunn/Stewart Smith

**Committee Clerk**

#### Minutes no. 15

Friday 6 March 2020

Portfolio Committee No. 5 - Legal Affairs

Macquarie Room, Parliament House, Sydney, at 9.18 am

#### 1. Members present

Mr Shoebridge, *A/Chair*

Mr Moselmane, *A/Deputy Chair*

Mr Farraway

Ms Jackson

Mr Khan (*substituting for Mrs Ward, until 1.50 pm*)

Mr Martin (*substituting for Mrs Maclaren-Jones*)

**2. Apologies**

Mr Borsak

**3. Election of Deputy Chair**

The Acting Chair called for nominations for a member to act as Deputy Chair for the purposes of this meeting only.

Ms Jackson moved: That Mr Moselmane be elected as Acting Deputy Chair of the committee.

There being no further nomination, the Acting Chair declared Mr Moselmane elected Acting Deputy Chair for the purposes of this meeting only.

**4. Inquiry into Budget Estimates 2019-2020 – further hearings****4.1 Order for examination of portfolios**

The committee noted that it had previously resolved that:

- the portfolios of Sport, Multiculturalism, Seniors and Veterans were to be examined concurrently from 9.30 am to 12.00 pm, with the first two hours reserved for questioning by the Opposition and cross bench equally, and from 2.00 pm to 5.30 pm, with the first three hours of the afternoon session reserved for questioning by the Opposition and cross bench and the last half an hour of each session reserved for Government questions
- the minister was to be invited to attend the morning session of the hearing, that the committee reserved the right to invite the minister back for the afternoon session, and that the committee will advise the minister by 12.00 pm if this is required.

Mr Farraway moved: That the previous resolution of the committee be amended to:

- the portfolios of Sport, Multiculturalism, Seniors and Veterans were to be examined concurrently from 9.30 am to 12.00 pm, with the first two hours reserved for questioning by the Opposition and cross bench equally, and from 1.00 pm to 4.30 pm, with the first three hours of the afternoon session reserved for questioning by the Opposition and cross bench and the last half an hour of each session reserved for Government questions
- the minister was to be invited to attend the morning session of the hearing, that the committee reserved the right to invite the minister back for the afternoon session, and that the committee will advise the minister by 12.00 pm if this is required.

Ms Jackson moved: that the committee continue to examine the Minister until 12.00pm and the afternoon session be conducted from 1.00 pm to 4.00 pm.

**4.2 Public hearing: Sport, Multiculturalism, Seniors and Veterans**

Witnesses, the public and the media were admitted.

The Hon Dr Geoff Lee MP, A/Minister for Sport, Multiculturalism, Seniors and Veterans, was admitted.

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

The Chair also reminded the following witnesses that they did not need to be sworn, as they had been sworn at another Budget Estimates hearing for the same committee:

- Ms Karen Jones, Chief Executive Officer, Office of Sport
- Mr Simon Draper, Chief Executive Officer, Infrastructure NSW
- Mr Joseph La Posta, Chief Executive Officer, Multicultural NSW

- Mr Michael Coutts-Trotter, Secretary, Department of Communities and Justice
- Ms Caroline Mackaness, Director, Office for Veterans Affairs
- Ms Kerrie Mather, Chief Executive Officer, SCG Trust
- Ms Catherine D'Elia, Deputy Secretary of Courts, Tribunals and Service Delivery, Department of Communities and Justice.

The following witness was sworn:

- Mr Joe Achmar, A/Chief Executive Officer, Venues NSW.

The Chair declared the proposed expenditure for the portfolios of Sport, Multiculturalism, Seniors and Veterans open for examination.

The A/Minister and departmental witnesses were examined by the committee.

Ms Jackson tendered the following documents:

- Email from Mr Matt Miller, Chief Executive, Office of Sport to Ms Anne Gripper and Ms Lauren Rech, relating to the Western Sydney Funding Agreement, dated 20 February 2019
- Briefing for Minister Ayres from the Office of Sport, relating to the Western Sydney Community and Conference Centre
- List of applicants applying for the Regional Sports Infrastructure Fund, including approved applicants to date, approved amount and dates announced.

Mr Shoebridge tendered the following document:

- Email from Ms Anne Gripper, Executive Director, Office of Sport to Ms Sharon Power – Penrith Panthers Community and Convention Centre, dated 24 May 2018.

The Minister withdrew at 12.00 pm.

Ms D'Elia and Ms Mackaness withdrew at 2.00 pm.

Mr La Posta withdrew at 2.17 pm.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 3.11 pm.

The public and media withdrew.

#### **4.3 Tendered documents**

Resolved, on the motion of Ms Jackson: That the committee accept and publish the following documents tendered during the Sport, Multiculturalism, Seniors and Veterans hearing held on Friday 6 March 2020:

- Email from Mr Matt Miller, Chief Executive, Office of Sport to Ms Anne Gripper and Ms Lauren Rech, relating to the Western Sydney Funding Agreement, dated 20 February 2019, tendered by Ms Jackson
- Briefing for Minister Ayres from the Office of Sport, relating to the Western Sydney Community and Conference Centre, tendered by Ms Jackson
- List of applicants applying for the Regional Sports Infrastructure Fund, including approved applicants to date, approved amount and dates announced, tendered by Ms Jackson
- Email from Ms Anne Gripper, Executive Director, Office of Sport to Ms Sharon Power – Penrith Panthers Community and Convention Centre, dated 24 May 2018, tendered by Mr Shoebridge.

**5. Adjournment**

The committee adjourned at 3.12 pm, until 9.15 am, Tuesday 10 March 2020, Macquarie Room, Budget Estimates hearing (*Police and Emergency Services*).

Stephen Frappell/Alex Stedman

**Committee Clerks**

**Minutes no. 16**

Tuesday 10 March 2020

Portfolio Committee No. 5 - Legal Affairs

Macquarie Room, Parliament House, Sydney, at 9.17 am

**1. Members present**

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Mr D'Adam (*substituting for Mr Moselmane*)

Mr Fang (*substituting for Mrs Ward*)

Mr Farraway

Ms Jackson (*from 9.30 am*)

Mrs Maclaren-Jones

Mr Buttigieg (*participating*)

**2. \*\*\*****3. Inquiry into Budget Estimates 2019-2020 – further hearings****3.1 Order for examination of portfolios**

The committee noted that it had previously resolved that:

- the portfolios of Police and Emergency Services were to be examined concurrently from 9.30 am to 12.00 pm, with the first two hours reserved for questioning by the Opposition and cross bench equally, and from 2.00 pm to 5.30 pm, with the first three hours of the afternoon session reserved for questioning by the Opposition and cross bench and the last half an hour of each session reserved for Government questions.
- the minister was to be invited to attend the morning session of the hearing, that the committee reserved the right to invite the minister back for the afternoon session, and that the committee will advise the minister by 12.00 pm if this is required.

**3.2 Public hearing: Police and Emergency Services**

Witnesses, the public and the media were admitted.

The Hon David Elliott MP, Minister for Police and Emergency Services, was admitted.

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

The Chair also reminded the following witnesses that they did not need to be sworn, as they had been sworn at another Budget Estimates hearing for the same committee:

- Mr Michael Coutts-Trotter, Secretary, Department of Communities and Justice
- Commissioner Michael Fuller, NSW Police Force
- Commissioner Paul Baxter, NSW Fire and Rescue

- Commissioner Shane Fitzsimmons, NSW Rural Fire Service
- Mr Paul Vevers, Deputy Secretary, Housing, Disability and District Services and Emergency Management, Department of Communities and Justice.

The following witnesses were sworn:

- Commissioner Carlene York, NSW State Emergency Service
- Mr Samuel Toohey, Director Emergency Management Policy and Coordination, Department of Communities and Justice
- Ms Marg Prendergast, Executive Director, Disaster Recovery, Department of Communities and Justice
- Superintendent Anthony Bell, Commander, NSW Firearms Registry
- Assistant Commissioner Scott Cook, Police Prosecutions and Licensing Enforcement Command
- Deputy Commissioner Gary Worboys APM, Regional NSW Field Operations - NSW Police Force
- Deputy Commissioner Jeffrey Loy APM, Metropolitan Field Operations - NSW Police Force
- Assistant Commissioner Mark Jones APM, Commander, North West Metropolitan Region Command - NSW Police Force.

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

The Minister and departmental witnesses were examined by the committee.

Mr Borsak tendered the following documents:

- Three photographs of the Minister for Police and Emergency Services at the Mark Simmons Firing Range.

Commissioner Fuller tendered the following document:

- Printout of NSW Firearms Registry Performance Measures - dashboard.

Mr D'Adam tabled the following document:

- Photographs of Kurah Police Station upgrade.

Resolved, on the motion of Mr Shoebridge: that Opposition and Crossbench questioning with the Minister continue until 12.30 pm.

The Minister withdrew at 12.32 pm.

Mr Shoebridge tendered the following documents:

- Email to NSW Police Force regarding vacant positions at the Firearms Registry, dated 8 August 2019
- Letter from the Minister for Police and Emergency Services to Mr David Blunt, Clerk of the Parliaments and Clerk of the Legislative Council, correcting answers to Legislative Council Question on Notice No. 333 asked on 24 October 2019.

Mr Borsak tendered the following document:

- Document entitled "Domestic Violence Safety Assessment Tool".

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.30 pm.

The public and media withdrew.

### 3.3 Tended documents

Resolved, on the motion of Ms Jackson: That the committee accept and publish the following documents tendered during the Police and Emergency Services hearing held on Tuesday 10 March 2020:

- Three photographs of the Minister for Police and Emergency Services at the Mark Simmons Firing Range, tendered by Mr Borsak
- Printout NSW Firearms Registry Performance Measures - dashboard, tendered by Commissioner Fuller
- Photographs of Kurah Police Station upgrade, tendered by Mr D'Adam
- Email to NSW Police Force regarding vacant positions at the Firearms Registry, dated 8 August 2019, tendered by Mr Shoebridge
- Letter from Minister for Police and Emergency Services to Mr David Blunt, Clerk of the Parliaments and Clerk of the Legislative Council, correcting answers to Legislative Council Question on Notice No. 333 asked on 24 October 2019, tendered by Mr Shoebridge
- Document entitled "Domestic Violence Safety Assessment Tool", tendered by Mr Borsak.

## 4. Adjournment

The committee adjourned at 4.33 pm, until 9.15 am, Friday 13 March 2020, Jubilee Room, Budget Estimates hearing (*Attorney General and Prevention of Domestic Violence*).

Sharon Ohnesorge/Jenelle Moore  
**Committee Clerk**

### Minutes no. 17

Friday 13 March 2020  
 Portfolio Committee No. 5 - Legal Affairs  
 Jubilee Room, Parliament House, Sydney, at 9.21 am

## 1. Members present

Mr Borsak, *Chair*  
 Mr Shoebridge, *Deputy Chair (until 10.13 am, from 11.03 am)*  
 Mr Farlow (*substituting for Mrs Ward*)  
 Ms Jackson  
 Mr Khan (*substituting for Mr Farraway*)  
 Mrs Maclaren-Jones (*until 9.49 am*)  
 Mr Moselmane  
 Ms Boyd (*participating from 9.43 am until 10.55am*)

## 2. Inquiry into Budget Estimates 2019-2020 – further hearings

### 2.1 Order for examination of portfolios

Resolved, on the motion of Mr Khan: That the portfolios of Attorney General and Prevention of Domestic Violence be examined concurrently from 9.30 am to 12.00 pm, and from 1.30 pm to 5.00 pm, with no Government questions.

### 2.2 Public hearing: Attorney General and Prevention of Domestic Violence

Witnesses, the public and the media were admitted.

The Hon Mark Speakman SC MP, Attorney General and Minister for Prevention of Domestic Violence, was admitted.

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

The Chair also reminded the following witnesses that they did not need to be sworn, as they had been sworn at another Budget Estimates hearing for the same committee:

- Mr Michael Coutts-Trotter, Secretary, Department of Communities and Justice
- Ms Catherine D'Elia, Deputy Secretary, Courts, Tribunals and Service Delivery, Department of Communities and Justice
- Ms Kathrina Lo, Deputy Secretary, Law Reform and Legal Services, Department of Communities and Justice
- Ms Simone Walker, Deputy Secretary, Strategy Policy and Commissioning, Department of Communities and Justice
- Mr Brendan Thomas, Chief Executive Officer, Legal Aid NSW.

The following witness was sworn:

- Ms Natasha Mann, Executive Director, Justice Strategy and Programs, Department of Communities and Justice.

The Chair declared the proposed expenditure for the portfolios of Attorney General and Prevention of Domestic Violence open for examination.

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

The Attorney General withdrew at 12.02 pm.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 2.43 pm.

The public and media withdrew.

### **3. Adjournment**

The committee adjourned at 2.44 pm, until 9.15 am, Tuesday 17 March 2020, Macquarie Room, Budget Estimates hearing (*Families, Communities and Disability Services*).

Alex Stedman/Stewart Smith

**Committee Clerk**

### **Minutes no. 18**

Tuesday 17 March 2020

Portfolio Committee No. 5 - Legal Affairs

Macquarie Room, Parliament House, Sydney, at 9.19 am

### **1. Members present**

Mr Borsak, *Chair (until 1.28 pm)*

Mr Shoebridge, *Deputy Chair*

Mr Farraway *(until 1.23 pm)*

Ms Jackson

Mr Martin *(substituting for Mrs Maclaren-Jones)*

Ms Sharpe *(substituting for Mr Moselmane)*

Mrs Ward

Ms Boyd *(participating from 9.31 am to 11.21 am)*

## 2. Correspondence

The committee noted the following items of correspondence:

### ***Received:***

- 3 March 2020 — Email from Mr Dom Bondar, Office of Hon David Elliott, Minister for Police and Emergency Services to secretariat, confirming the attendance of Mr Shane Fitzsimmons, Commissioner, NSW Rural Fire Service for the Police and Emergency Services hearing
- 4 March 2020 — Email from Mr Dom Bondar, Office of Hon David Elliott MP, Minister for Police and Emergency Services to secretariat, confirming attendance of five additional witnesses for the Police and Emergency Services hearing
- 5 March 2020 — Email from Mr Dom Bondar, Office of Hon David Elliott MP, Minister for Police and Emergency Services to secretariat, advising that Mr Rob Rogers will not be attending the Police and Emergency Services hearing.
- 16 March 2020 — Email from the Office of Mr Gareth Ward, MP, Minister for Families, Communities and Disability Services, to the Chair, requesting that the Minister attend the budget estimates hearing for Families, Communities and Disability Services via teleconference.
- 17 March 2020 — Email from the Office of the Children's Guardian, to the secretariat, advising that Ms Janet Schorer, NSW Children' Guardian was unable to attend the budget estimates hearing for Families, Communities and Disability Services, due to illness.

### ***Sent:***

- 3 March 2020 — Email from secretariat to Hon David Elliott MP, Minister for Police and Emergency Services, requesting Superintendent Bell and Assistant Commissioner Cook to attend the Police and Emergency Services hearing
- 4 March 2020 — Email from secretariat to Hon David Elliott MP, Minister for Police and Emergency Services, requesting for five witness for the Police and Emergency Services hearing
- 11 March 2020 — Email from secretariat to Mr Chris Spence, Office of Hon Anthony Roberts MP, Minister for Counter Terrorism and Corrections, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions.

## 3. Inquiry into Budget Estimates 2019-2020 – further hearings

### **3.1 Order for examination of portfolios**

Resolved, on the motion of Ms Sharpe: That the committee examine the portfolios of Families, Communities and Disability Services concurrently:

- from 9.30 am to 12.30 pm, with the first two and a half hours reserved for questioning by the Opposition and cross bench and the last half an hour reserved for Government questions, and
- from 1.00 pm to 4.30 pm, with the first three hours of the afternoon session reserved for questioning by the Opposition and cross bench and the last half an hour reserved for Government questions.

### **3.2 Public hearing: Families, Communities and Disability Services**

Witnesses, the public and the media were admitted.

The Hon Gareth Ward MP, Minister for Families, Communities and Disability Services, was admitted via teleconference.

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

Ms Boyd joined the meeting.

The Chair also reminded the following witnesses that they did not need to be sworn, as they had been sworn at another Budget Estimates hearing for the same committee:

- Mr Michael Coutts-Trotter, Secretary, Department of Communities and Justice

- Ms Simone Czech, Deputy Secretary, Child Protection and Permanency, District and Youth Justice Services, Department of Communities and Justice
- Mr Paul Vevers, Deputy Secretary, Housing, Disability and District Services and Emergency Management, Department of Communities and Justice
- Ms Simone Walker, Deputy Secretary, Strategy Policy and Commissioning, Department of Communities and Justice.

The following witness was sworn:

- Ms Pamela Brunner, Executive Director, Disability Services, Department of Communities and Justice.

The Chair declared the proposed expenditure for the portfolios of Families, Communities and Disability Services open for examination.

The Minister and departmental witnesses were examined by the committee.

Mr Paul Vevers tendered the following document:

- Pro forma advice from the Department of Communities and Justice to public housing residents regarding the COVID-19 outbreak.

Ms Boyd left the meeting.

The Minister withdrew at 12.05 pm.

Mr Coutts-Trotter tendered the following documents:

- Document containing advice on 'Restoration' for families
- Document containing advice on 'Restoration assessment and planning'
- Document titled 'New South Wales Family and Community Services SDM Restoration Assessment'.

Mr Borsak left the meeting.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 1.50 pm.

The public and media withdrew.

### **3.3 Tendered documents**

Resolved, on the motion of Ms Jackson: That the committee accept and publish the following documents tendered during the Families, Communities and Disability Services hearing held on Tuesday 17 March 2020:

- Pro forma advice from the Department of Communities and Justice to public housing residents regarding the COVID-19 outbreak, tendered by Mr Vevers
- Document containing advice on 'Restoration' for families, tendered by Mr Coutts-Trotter.
- Document containing advice on 'Restoration assessment and planning', tendered by Mr Coutts-Trotter.
- Document titled 'New South Wales Family and Community Services SDM Restoration Assessment', tendered by Mr Coutts-Trotter.

## **4. Adjournment**

The committee adjourned at 1.52 pm, *sine die*.

Allison Stowe/Shu-fang Wei

**Committee Clerk**

**Draft minutes no. 20**

Tuesday 12 May 2020

Portfolio Committee No. 5 - Legal Affairs

via Webex, at 9.47 am

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

Mr Farraway

Ms Jackson

Mrs Maclaren-Jones

Mr Moselmane (*from 9.49 am*)

Mrs Ward

**2. Apologies****3. Previous minutes**

Resolved, on the motion of Mr Shoebridge: That draft minutes nos 14, 15, 16, 17 and 19 be confirmed.

**4. Correspondence**

Committee noted the following items of correspondence:

***Received:***

- 3 March 2020 - Email from Mr Dom Bondar, Policy and Parliamentary Advisor, Office of the Hon David Elliott, Minister for Police and Minister for Emergency Services to secretariat, confirming attendance of Mr Shane Fitzsimmons, Commissioner, NSW Rural Fire Service for the Police and Emergency Services hearing
- 4 March 2020 - Email from Mr Dom Bondar, Office of Hon David Elliott MP, Minister for Police and Emergency Services to secretariat, confirming attendance of five requested witnesses for the Police and Emergency Services hearing
- 5 March 2020 - Email from Mr Dom Bondar, Office of Hon David Elliott MP, Minister for Police and Emergency Services to secretariat, advising that Mr Rob Rogers, Deputy Commissioner, NSW Rural Fire Service, will no longer be available to attend the Police and Emergency Services hearing
- 16 March 2020 - Email from Ms Adelaide Cuneo, Parliamentary Liaison Officer, Office of the Hon Gareth Ward MP, Minister for Families and Communities and Minister for Disability Services to secretariat, advising the Minister's appearance via teleconference
- 17 March 2020 - Email from Mr Bryan Giesler, Manager, Business Services, Office of the Children's Guardian to secretariat, advising that Ms Janet Schorer, NSW Children's Guardian, is unwell and will not be appearing at the Families, Communities and Disability Services hearing
- 23 March 2020 - Email from Mr Dom Bondar, Policy and Parliamentary Advisor, Office of the Hon David Elliott MP, Minister for Police and Minister for Emergency Services to secretariat, requesting for an extension to provide post hearing responses
- 25 March 2020 - Letter from Mr Peter Severin, Commissioner, Department of Communities and Justice to Chair, clarifying evidence given during Counter Terrorism and Corrections hearing
- 6 April 2020 - Email from Ms Maria Petrou, Executive Officer, NSW Ageing and Disability Commissioner to secretariat, advising that they will provide information in relation to questions on notice and supplementary questions directed at the Minister for Sport, Multiculturalism, Seniors and Veterans as part of the Budget Estimates further hearing
- 9 April 2020 - Correspondence from Mr Robert Fitzgerald AM, Ageing and Disability Commissioner to secretariat, providing information relating to questions on notice and supplementary questions directed at Minister for Sport, Multiculturalism, Seniors and Veterans during the course of Budget Estimates further hearing process

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***Sent:***

- 11 March 2020 - Email from secretariat to Mr Chris Spence, Chief of Staff, Office of the Hon Anthony Roberts MP, Minister for Counter Terrorism and Minister for Corrections, attaching transcript of evidence with questions on notice highlighted and supplementary questions
- 13 March 2020 - Email from secretariat to Ms Nicolle Nasr, Chief of Staff, Office of the Minister for Sport, Multiculturalism, Seniors and Veterans, attaching transcript of evidence with questions on notice highlighted and supplementary questions
- 18 March 2020 - Email from secretariat to Mr Dom Bondar, Policy and Parliamentary Advisor, Office of the Hon David Elliott MP, Minister for Police and Minister for Emergency Services, attaching transcript of evidence with questions on notice highlighted and supplementary questions
- 20 March 2020 - Email from secretariat to Ms Astrid Pedersen, Parliamentary Liaison Officer, Office of the Hon Mark Speakman SC MP, Attorney General and Minister for the Prevention of Domestic Violence, attaching transcript of evidence with questions on notice highlighted and supplementary questions
- 23 March 2020 - Email from secretariat to Ms Adelaide Cuneo, Parliamentary Liaison Officer, Office of the Hon Gareth Ward MP, Minister for Families and Communities and Minister for Disability Services, attaching transcript of evidence with questions on notice highlighted and supplementary questions.

Resolved, on the motion of Mr Shoebridge: That the committee publish correspondence from Mr Robert Fitzgerald AM, Ageing and Disability Commissioner, dated 9 April 2020, providing responses to questions on notice and supplementary questions directed at Minister for Sport, Multiculturalism, Seniors and Veterans during the Budget Estimates further hearing.

## **5. Inquiry into Budget Estimates 2019-2020**

### **5.1 Answers to questions on notice and supplementary questions**

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

- answers to questions on notice and supplementary questions from the Hon Anthony Roberts MP, Minister for Counter Terrorism and Corrections, received 2 April 2020
- answers to questions on notice and supplementary questions from the Hon Geoff Lee MP, Acting Minister for Sport, Multiculturalism, Seniors and Veterans, received 6 April 2020
- answers to questions on notice from the Hon Mark Speakman SC MP, Attorney General and Minister for Prevention of Domestic Violence, received 10 April 2020
- answers to questions on notice and supplementary questions from the Hon Gareth Ward MP, Minister for Families, Communities and Disability Services, received 13 April 2020
- answers to questions on notice and supplementary questions from the Hon David Elliott MP, Minister for Police and Emergency Services, received 22 April 2020.

### **5.2 Extension for the return of post-hearing responses**

Mr Moselmane joined the meeting at 9.49 am.

Resolved, on the motion of Mrs Ward: That the committee grant a two week extension to the due date for the return of answers to questions on notice and supplementary questions for witnesses appearing at the hearing for the portfolios of Police and Emergency Services to Wednesday 22 April 2020.

### **5.3 Publication of correspondence clarifying evidence**

Resolved, on the motion of Mr Moslemane: That the committee publish the following correspondence clarifying evidence given during the Budget Estimates further hearing:

- Correspondence from Mr Peter Severin, Commissioner, Department of Communities and Justice to Chair, received on 25 March 2020.

#### 5.4 Consideration of Chair's draft report

The Chair submitted his draft report entitled *Budget Estimates 2019-2020*, which, having been previously circulated, was taken as being read.

Resolved, on the motion of Mrs Ward: That the Secretariat correct the postnominals of the Attorney General and Minister for the Prevention of Domestic Violence throughout the report, by inserting 'SC' before 'MP'.

Resolved, on the motion of Mr Shoebridge: That:

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

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

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

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

That the report be tabled on Wednesday 20 May 2020.

#### 6. Adjournment

The committee adjourned at 9.53 am, *sine die*.

Shu-fang Wei  
**Committee Clerk**