



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

**BUDGET ESTIMATES 2018-2019**  
**Questions Taken on Notice**

**Portfolio Committee No. 4 – Legal Affairs**

**ATTORNEY GENERAL**

Hearing: Tuesday 4 September 2018

**Answers due by: Friday 28 September 2018**

**Budget Estimates Secretariat**  
Phone 9230 3313  
[BudgetEstimates@parliament.nsw.gov.au](mailto:BudgetEstimates@parliament.nsw.gov.au)

**Question 1 (page 2)**

**Mr MARK SPEAKMAN:** My understanding is that the DPP takes his briefs from the police, for example. It is an investigating agency like the police that is in contact with family members; ordinarily, the DPP would not be in direct contact with family members. As I understand the DPP's practice, he treats briefs from the police as confidential. They are his client. As I understand it, he forms the view that it is up to his client whether, for example, to disclose that a brief has been delivered and what sort of investigation is underway. So generally, there are no direct dealings between the DPP and family members. To come to your question more directly, that means that in accordance with the DPP's practice, the opportunity would not arise to inform Ms Dawson's relatives of his conflict.

**The Hon. ADAM SEARLE:** Are these practices documented? Are there policies and protocols in writing that set all this out?

**Mr MARK SPEAKMAN:** I would have to take that on notice.

**Answer:**

I am advised:

Prosecution Guideline 14 - Advice to Police sets out the circumstances and manner in which the Director of Public Prosecutions will provide advice to the NSW Police Force.

Chapter 21 of the Office of the Director of Public Prosecutions' *Code of Conduct* sets out policies and procedures regarding disclosure of conflicts of interest. These documents are publically available on the Office of the Director of Public Prosecutions website [www.odpp.nsw.gov.au](http://www.odpp.nsw.gov.au).

**Question 2 (page 3)**

**The Hon. ADAM SEARLE: I will start again. I believe the DPP did declare his possible conflict of interest to one of your predecessors as Attorney General, Mr Smith, in 2011. Do you know whether or not that information was ever passed on to the police?**

**Mr MARK SPEAKMAN: I do not know.**

**The Hon. ADAM SEARLE: Can you take that on notice?**

**Mr MARK SPEAKMAN: I will.**

**Answer:**

I am advised:

The Office of the Director of Public Prosecutions is an independent prosecutorial body.

The Director of Public Prosecutions, Mr Lloyd Babb SC, did not inform the NSW Police Force.

**Question 3 (page 3)**

**The Hon. ADAM SEARLE:** Do you think that in a situation like this, given the sensitivities that attach, at some point some responsible authority should have been in a position to inform the family of Lynette Dawson of the possible conflict of interest on the part of the DPP?

**Mr MARK SPEAKMAN:** My understanding is that the DPP has recused himself from any involvement in the matter and therefore it does not arise.

**The Hon. ADAM SEARLE:** When did he recuse himself?

**Mr MARK SPEAKMAN:** I would have to take that on notice, but my understanding is he has never played any active role in analysing or evaluating or considering whatever brief or briefs from time to time the police have delivered to the DPP.

**The Hon. ADAM SEARLE:** That has always gone to somebody else?

**Mr MARK SPEAKMAN:** That is my understanding.

**The Hon. ADAM SEARLE:** Can you clarify that on notice?

**Mr MARK SPEAKMAN:** Certainly.

**Answer:**

I am advised:

The Director of Public Prosecutions, Mr Lloyd Babb SC, has had no involvement in this matter. The Director recused himself to then Attorney General, the Honourable Greg Smith SC MP, on 14 October 2011. On further referral from the NSW Police Force received on 12 April 2018, the Director noted the conflict in the Office of the Director of Public Prosecution's Conflict of Interest Register on 16 April 2018.

**Question 4 (page 3)**

**The Hon. LYNDA VOLTZ:** Recently your department issued a tender for the provision of domestic and family violence services. This was the women's domestic violence advocacy service. Why has the word "women" been removed from its title?

**Mr MARK SPEAKMAN:** I will ask Mr Cappie-Wood to answer.

**Mr CAPPIE-WOOD:** To my knowledge it had not been removed. I think you are referring to the Women's Domestic Violence Court Advocacy Services [WDVCAS] tender. It is certainly not intended to signify any change other than to support this very important and worthwhile service.

**The Hon. LYNDA VOLTZ:** The tender says that it is a request for tender for provision of domestic and family violence services previously known as women's domestic violence advocacy services. Do you still contend it has not been removed?

**Mr CAPPIE-WOOD:** As to the reasoning why that has changed I will take that on notice, but certainly the WDVCAS was the intention and direction of that particular action.

**Answer:**

I am advised:

A recent independent evaluation of the Women's Domestic Violence Court Advocacy Program recommended that the name 'Women's Domestic Violence Court Advocacy Service' (WDVCAS) be changed and simplified.

Legal Aid NSW had been considering this recommendation and consulting with relevant stakeholders, including WDVCAS NSW Inc., the peak representative body for WDVCAS workers across NSW.

It has been decided to discontinue the WDVCAS tender process. This decision was communicated to all WDVCAS service providers and tenderers on 20 September 2018.

Legal Aid NSW will seek to extend current contracts with existing providers until 30 June 2020. Legal Aid NSW will consult with service providers and other stakeholders from 2019 in preparation for a new tender process in 2020.

## **Question 5 (page 4)**

**Ms LO:** I can answer that question if that would assist the Committee. The reason there are no women's NGOs on the panel is that the tender is open to all women's organisations to apply and we did not want to create a conflict of interest.

**The Hon. LYNDA VOLTZ:** Why was the Survivors and Mates Support Network put on it?

**Ms LO:** We had to choose a group that understood domestic violence but would not be a potential tenderer.

**The Hon. LYNDA VOLTZ:** The funding will still be administered through the Office of Women, will it?

**Ms LO:** My understanding is that it is through Legal Aid at the moment.

**The Hon. LYNDA VOLTZ:** The funding for that at the moment is \$22 million. Will it be around the same, Mr Cappie-Wood, or will it increase? The total payments for the State are \$6.4 million.

**Mr CAPPIE-WOOD:** I will seek to confirm that. Perhaps it would be best to take it on notice but my understanding is that it is a continuation if not an increase. I will confirm that in writing.

**Answer:**

I am advised:

The Survivors and Mates Support Network was chosen as the non-government representative on the Women's Domestic Violence Court Advocacy Service (WDVCAS) Tender Assessment Committee due to its experience in the victim support sector, and the fact that, as a service for men, it would not be eligible to submit a tender application and therefore no potential conflict of interest could arise.

It has been decided to discontinue the WDVCAS tender process. This decision was communicated to all WDVCAS service providers and tenderers on 20 September 2018.

Legal Aid NSW will seek to extend current contracts with existing providers until 30 June 2020. Legal Aid NSW will consult with service providers and other stakeholders from 2019 in preparation for a new tender process in 2020.

Funding for WDVCASs is administered by Legal Aid NSW. Overall funding for the Women's Domestic Violence Court Advocacy Program will continue at the same level for the period from 1 November 2018 to 30 June 2020.

**Question 6 (page 4)**

**The Hon. LYNDA VOLTZ:** I would like to go to another matter, Mr Speakman. In 1987 Cindy and Mona Smith were killed on Enngonia Road. Why will you not order an inquest into their deaths?

**Mr MARK SPEAKMAN:** I am presently awaiting departmental advice on that.

**The Hon. LYNDA VOLTZ:** It was 1987. Do you not think the family deserves at the very least to have an inquest?

**Mr MARK SPEAKMAN:** I will have to take that on notice.

**Answer:**

I am advised:

I am sorry for the pain and suffering the Smith families have endured with the tragic loss of Ms Jacinta Rose Smith and Ms Mona Lisa Smith.

In April 2018, I requested advice from the Department of Justice in relation this matter. Having received and considered that advice, I have requested additional information which I am awaiting.

**Question 7 (page 4)**

**The Hon. ADAM SEARLE:** On 16 May you issued a media release stating that Debra Maher was to be appointed a children's magistrate but she does not appear on the list of Children's Court magistrates. Is that because the Chief Magistrate has refused to sign the instrument of appointment to that court?

**Mr MARK SPEAKMAN:** Not to my knowledge but I will have to take that on notice.

**Answer**

I am advised:

Magistrate Debra Maher has been appointed as a Magistrate pursuant to section 13 of the *Local Court Act 2007*.

**Question 8 (page 4)**

**The Hon. ADAM SEARLE:** But you are not aware that she is not presently listed as being a Children's Court magistrate?

**Mr MARK SPEAKMAN:** I am not aware of that, no.

**The Hon. ADAM SEARLE:** You will look into that?

**Mr MARK SPEAKMAN:** I will.

**Answer**

I am advised:

The list of judicial officers maintained on the Children's Court website was updated on 11 September 2018 to include a reference to Magistrate Maher. The list is available at <http://www.childrenscourt.justice.nsw.gov.au>.

**Question 9 (page 5)**

**The Hon. LYNDA VOLTZ: When did you request the advice from the department on the holding of an inquest into the deaths of Cindy and Mona Smith?**

**Mr MARK SPEAKMAN: I will have to get back to you on the precise dates.**

**The Hon. LYNDA VOLTZ: Was it some time ago or was it recently?**

**Mr MARK SPEAKMAN: I will take that on notice.**

**Answer**

See response to question taken on notice 6.

## Question 10 (page 6)

**Mr CAPPIE-WOOD:** It is nice to see that there is a year-on-year improvement on that. There has been an upward trend when you compare the year-on-year improvements, as you probably have before you, and we continue to find ways of increasing the participation rate. The participation rate has been going up year on year as well. Every year we look to see how we can improve that; whether that is through communications or other means where they are looking at that. There was a sizeable and continued reduction in bullying. There were claims that we were above the public service average; we are now at or below the public service average. There are improvements across the board and we continue to have to work on it. It is not something that is taken lightly and it is not something that is assumed to be in the background. It does inform our practice and it informs continued discussion at the executive.

**The Hon. LYNDA VOLTZ:** What specific programs have you got in at management level to deal with it?

**Mr CAPPIE-WOOD:** I think you might be referring to management seeking to have greater engagement and quality at the next level up and above that. We have undertaken a sizeable increase in the training modules available to executives and managers. When we say managers, that is anyone who is supervising across the organisation. I can give you details of the nature of that. As a result of that, there has been a sizeable lift since last year in this regard and we would look to see that continuing in future years.

**The Hon. LYNDA VOLTZ:** Can you take that on notice and provide that list to us?

**Mr CAPPIE-WOOD:** I would be very happy to, yes.

## Answer

I am advised:

Each division across the Department of Justice develops Divisional Action Plans in response to feedback received from the People Matters Employee Survey.

Specific leadership development programs undertaken in the Department of Justice to support leadership development include:

- Manager Essentials
- Manager as Coach and Mentor
- Team Leader Essentials
- My Performance
- Team Leader as Coach

- Women in Leadership
- Leading Change
- Leadership EQ
- Managing Change and Reform
- Recruitment for Hiring Manager

During 2017/18, a complete review of the Leadership Development Program was undertaken and endorsed by the Justice Leadership Executive Team. As a result, the following leadership development programs are also in development:

- Building Resilience
- Team Productivity
- Effective Feedback
- Coaching
- Hiring the Best
- Managing Teams
- Managing Difficult Situations
- myPerformance
- Change
- Communication Essentials
- Setting Goals
- Delegating with Confidence
- Workplace Relations
- Program/Project Evaluation

**Question 11 (page 11)**

**The Hon. ADAM SEARLE:** In the break we checked the Department of Justice website for the magistrates in the Children's Court and I do not see Magistrate Maher there. Are you aware that she has never sat as a children's magistrate?

**Mr MARK SPEAKMAN:** I am not aware of that.

**The Hon. ADAM SEARLE:** Will you look into that and get back to us?

**Mr MARK SPEAKMAN:** I will.

**The Hon. ADAM SEARLE:** If we are going to take that approach, what I would really like to know is, if the premise of my questioning is correct and she is not a children's magistrate, why is that so? You made a big announcement that she was going to be and if she is not, I would like to understand the chain of events and why she is not sitting in that capacity.

**Mr MARK SPEAKMAN:** I will take that on notice.

**Answer**

I am advised:

As with all Magistrates, Magistrate Maher undertakes a range of work including children's criminal and civil proceedings.

**Question 12 (page 12)**

**The Hon. ADAM SEARLE:** Mr Shoebridge was asking you some questions about the Coroner's Court. The number of completed inquests has declined significantly over the term of your Government. I think in 2011 it was 290 completed inquests, which is down to 84 in the last year. I note you were looking at the Productivity Commission's Report of Government Services 2018 and you were making the case that the figures between New South Wales and Victoria and Queensland were not really comparable.

**Mr MARK SPEAKMAN:** The spend.

**The Hon. ADAM SEARLE:** The spend, yes. I think New South Wales was \$6.73 million, Victoria was \$13.23 million and Queensland was \$10.721 million. I think even Western Australia was spending more than us with \$6.702 million. Can you tell us what you say are the comparable figures, if you make the adjustments, including the things in our figures that are in the interstate figures?

**Mr MARK SPEAKMAN:** I will have to take that on notice

**Answer**

I am advised:

Nationally comparable financial data are not available, primarily because New South Wales does not have a stand-alone coronial jurisdiction like Victoria and Queensland.

**Question 13 (page 12)**

**The Hon. ADAM SEARLE: Do you accept that the expenditure per finalisation in New South Wales is well below the national average and is the lowest in the country?**

**Mr MARK SPEAKMAN: I will have to take that question on notice.**

**Answer**

I am advised:

It is not possible to directly compare the Report on Government Services (ROGS) data on expenditure as the ROGS data does not include expenditure associated with the Local Court in New South Wales in which regional coronial matters are heard. ROGS data for some other states also include various expenditures associated with their stand-alone coronial jurisdictions in their ROGS data which New South Wales does not.

**Question 14 (page 13)**

**The Hon. ADAM SEARLE:** Just on that, I think it was Associate Professor Dillon in a paper he gave to a Law Society conference who said in training, both formal and informal, as a Coroner it can take between two and five years to develop the forensic expertise that is needed. Coroners get that training but the country magistrates you mentioned who do the coronial work outside the metropolitan areas do not and that must impact on the quality of the output through no fault of their own. What steps are you taking to make sure that every judicial officer who does coronial work gets the appropriate training and for the appropriate length of time?

**Mr MARK SPEAKMAN:** I will take that question on notice.

**Answer**

I am advised:

The Judicial Commission of New South Wales is an independent statutory authority responsible for providing judicial education.

**Question 15 (page 14)**

**The Hon. ADAM SEARLE: ... the fact is we have the lived experience of magistrates doing the coronial work who are not specially commissioned as coroners, who just do not get the training now. Or do you have a different view? Do you say they do get the training?**

**Mr MARK SPEAKMAN: I will take on notice what training they get...**

**Answer**

I am advised:

Magistrates attend five days of education each year which aligns with the national standard set by the National Judicial College of Australia. Further information is available at [www.njca.com.au](http://www.njca.com.au).

Magistrates based in regional areas also have the support of the State Coroner and the Manager of Coronial Services for advice and guidance on the administration and management of coronial matters.

**Question 16 (page 14)**

**The Hon. SHAOQUETT MOSELMANE:** Can I take you to matters of court delays. The Law Society president wrote to the Premier, copied to yourself, about delays in the district and local courts, and the lack of resourcing of courts. Your Government cut eight magistrates from the Local Court. When are you replacing those magistrates?

**Mr MARK SPEAKMAN:** I do not think the number of magistrates now is lower than at any time in the past. Let me take that on notice what the numbers are at a particular time.

**Answer**

I am advised:

As of 14 September 2018, there are 134 full-time equivalent magistrates compared with 129 full-time equivalent magistrates in 2012.

**Question 17 (page 15)**

**The Hon. LYNDA VOLTZ:** It is not about how many redundancies, it is about how much the staff is reduced. So, how many vacancies do you propose to leave? What is the number of staff vacancies that you propose to target?

**Mr CAPPIE-WOOD:** I took that on notice this morning in terms of the make-up and nature of the savings and our strategies to do so. If I could add that to this morning's question on notice.

**Answer**

I am advised:

The Department of Justice does not have a specific vacant position target.

The make-up and nature of Departmental efficiencies, and strategies to achieve these efficiencies, is broader than leaving vacancies unfilled. Work is being undertaken across the Justice Cluster to leverage efficiencies, including aggregation of shared services and continued digitisation.

Such enhancements may mean that the Department of Justice may not need to fill vacancies where efficiencies are achieved in relation to the way the Department of Justice conducts its operations and delivers services.

**Question 18 (page 16)**

**The ACTING CHAIR: Can you give us, now or on notice, since 2010-11 the number of deaths reported to the Coroner each financial year as well as the number of inquests held by the Coroner in each financial year?**

**Mr MARK SPEAKMAN: I will answer that on notice.**

**Answer**

I am advised:

Financial year information on the number of deaths reported to the Coroner is contained in the Productivity Commission's Report on Government Services 2018 available at [www.pc.gov.au](http://www.pc.gov.au).

A comprehensive list of inquests conducted in New South Wales each calendar year can be found on the Coroner's Court website at [www.coroners.justice.nsw.gov.au](http://www.coroners.justice.nsw.gov.au).

**Question 19 (page 17)**

**The ACTING CHAIR:** Rather than have an abstract discussion, the Productivity Commission advises in its analysis that in Victoria the average number of appearances until a matter is completed in the Victorian Coroner's Court is 1½ times. Are you aware of the average number of appearances before a matter is concluded in the New South Wales Coroner's Court?

**Mr MARK SPEAKMAN:** I have not got the figure at my fingertips, but I know it is considerably high.

**The ACTING CHAIR:** It is 6.8 times. That means 3½ times as many appearances are required in New South Wales until a matter is completed, with all of the costs, the strains and the emotional burden on families, in particular, knowing the matter is coming back to court again and again. Do you think that that is a satisfactory situation?

**Mr MARK SPEAKMAN:** You would want to minimise the number of attendances in court for families and victims and others as much as you can. I do not accept, though, that 6.8 versus 1.5 is reflective of under-resourcing of the coronial jurisdiction. You would have to delve into why people come back multiple times and the listing practices of that court. If the court were under-resourced, a Coroner or someone might say, "We have such a backlog, do not come back for another three years, or two years, but once you are there, we will set you down for two months, or six months, or one week, or whatever it takes." You would have to delve into the listing practices to see what has caused someone to come back a multiplicity of times. I would not accept it is under-resourcing.

**The ACTING CHAIR:** I invite you to do that and to provide a considered answer on notice.

**Mr MARK SPEAKMAN:** I have given you an answer, but I will supplement it on notice.

**Answer**

I am advised:

The attendance indicator data for New South Wales reported in the Report on Government Services 2018 includes directions listings before a coroner where only the legal representatives attend to determine the parameters for an inquest.

**Question 20 (page 18)**

**The ACTING CHAIR:** As Attorney, do you have an explanation why 42 per cent of the female population have been denied bail? That is significantly higher than the male population, of which 33 per cent have been denied bail. What is the explanation for the disparity in gender?

**Mr MARK SPEAKMAN:** I do not think the explanation is a problem with bail laws. You would have to look at the particular offences with which females are charged and analyse whether, for example, there is a high proportion of show-cause offences for females. I would have to take that question on notice, but I would certainly reject any suggestion it is a broken bail law.

**Answer**

I am advised:

The *Bail Act 2013* (the Act) provides a 'show cause' test for certain serious offences and an 'unacceptable risk test' that requires a bail authority to assess if an accused person, if released from custody, will fail to appear at any proceedings for the offence, commit a serious offence, endanger the safety of victims, individuals or the community, or interfere with witnesses or evidence. The Act does not distinguish between genders. Judicial officers deliver reasons for their decisions under the Act.

The total number of women in prison far fewer than the total number of men. Further, the likelihood of women being bail refused is lower than that of men.

**Question 21 (page 18)**

**The ACTING CHAIR:** What recommendations has the Bail Act monitoring committee made in relation to bail laws in the last three financial years?

**Mr MARK SPEAKMAN:** If you want a catalogue of those I will have to take that on notice but I am not presently aware, although I stand to be corrected, of any recommendation along the lines that you have suggested.

**Answer**

I am advised:

The NSW Government considers all recommendations made by the Bail Act Monitoring Group. In response to recommendations made by this group, the NSW Government has recently implemented bail-related amendments through the *Justice Portfolio Legislation (Miscellaneous Amendments) Act 2016* and the *Justice Legislation Amendment Act 2017*.

## Question 22 (page 20)

**The ACTING CHAIR:** I heard you refer to the words "may" and "might". I invite you to take my question on notice and to provide a considered response about why 59 per cent of the children in jail are being held on remand. You can take me up on that or not.

**Mr MARK SPEAKMAN:** Despite your characterisation, that is a considered response but I am happy to supplement it.

## Answer

I am advised:

The *Bail Act 2013* (the Act) provides a 'show cause' test for certain serious offences, which does not apply if the accused person was under the age of 18 years at the time of the offence. The Act provides an 'unacceptable risk test' that requires a bail authority to assess if an accused person (including a child), if released from custody, will fail to appear at any proceedings for the offence, commit a serious offence, endanger the safety of victims, individuals or the community, or interfere with witnesses or evidence.

Juvenile Justice is currently developing strategies to reduce the number of short stay and potentially avoidable remands for children in contact with the criminal justice system.

**Question 23 (page 21)**

**The Hon. ADAM SEARLE:** With the extra District Court judges your Government gave the District Court a significant additional jurisdiction with work health and safety being taken out of the former Industrial Court. Doesn't that erode the efficacy of the five appointments?

**Mr MARK SPEAKMAN:** I would have to take on notice what the volume of the caseload is—

**The Hon. ADAM SEARLE:** Please do.

**Answer**

I am advised:

In 2017, there were 64 work health and safety prosecutions lodgements in the District Court. For the same year, there were 2,096 criminal trial lodgements in the District Court. Work health and safety prosecution lodgements represented only 3 per cent (comparatively) of the total number of District Court lodgements.

**Question 24 (page 21)**

**The Hon. LYNDA VOLTZ:** What about regional courts? Are you going to reduce the number of days a week the regional courts operate?

**Mr MARK SPEAKMAN:** The decisions of where and when judges sit are in the discretion of the Chief Justice. I, as Attorney General, or the Government as a whole, have to take responsibility for the resources that he is given—

**The Hon. ADAM SEARLE:** True.

**Mr MARK SPEAKMAN:** —but the allocation of those resources between different locations is a matter for him. I am not aware of any suggestion that any regional sittings are going to be cut back. In fact, to the contrary, this Government funded an additional permanent judge in Wagga Wagga and in Tamworth-Armidale.

**The Hon. ADAM SEARLE:** Could you take that on notice and get us the answer about whether any of the heads of jurisdictions have plans to reduce or close regional court sittings.

**Answer**

I am not aware of any plans by Heads of Jurisdiction to reduce sitting days or close regional sitting locations.

**Question 25 (page 22)**

**The Hon. LYNDA VOLTZ: Minister, when will you provide a metal detector at Griffith Court House?**

**Mr MARK SPEAKMAN: I will take that on notice.**

**Answer**

Refer to my previous answer to question on notice 7656 in the Legislative Assembly.

**Question 26 (page 22)**

**The Hon. ADAM SEARLE: How many sheriff's officers are stationed at Griffith Court House?**

**Mr MARK SPEAKMAN: I will take that on notice.**

**Answer**

Refer to my previous answer to question on notice 7648 in the Legislative Assembly.

**Question 27 (page 23)**

**The Hon. ADAM SEARLE:** Will regional court locations be included in the rollout of the critical communications enhancement program, which, I think, is a four-year program?

**Mr CAPPIE-WOOD:** There is a general process of renewing critical communication infrastructure. We have been focusing particularly on audiovisual links, and replacing and updating digital equipment. That becomes a cyclical process of renewal and replacement. However, we have just come to the conclusion of our four-year audiovisual link installation process, which has now taken the total audiovisual link output points to over 550, which are mostly in courts. But, obviously, we have also made sure that we can extend that to expanding audiovisual link capacity in prisons, juvenile justice facilities as well as Legal Aid and other representative offices. It has been a substantial program and we are delighted to host other jurisdictions that have come to see how we have been doing it. Because, again, that is one of the things which, by this investment, has allowed us to make some efficiencies in the amount of prisoner transport and has improved the outcomes for the justice system both in speed and cost.

**The Hon. ADAM SEARLE:** How many regional courts have benefited from the program?

**Mr CAPPIE-WOOD:** I can give you a full list. I am very happy to do so. I will take that one on notice.

**Answer**

I am advised:

22 regional court locations have benefited from the Department of Justice's four year Audio-Visual Link (AVL) project:

- |                |                    |
|----------------|--------------------|
| 1. Armidale    | 12. Inverell       |
| 2. Ballina     | 13. Katoomba       |
| 3. Bega        | 14. Kempsey        |
| 4. Belmont     | 15. Lismore        |
| 5. Bourke      | 16. Lithgow        |
| 6. Broken Hill | 17. Moss Vale      |
| 7. Gosford     | 18. Port Macquarie |
| 8. Goulburn    | 19. Queanbeyan     |
| 9. Grafton     | 20. Tamworth       |
| 10. Griffith   | 21. Toronto        |
| 11. Gunnedah   | 22. Young          |

Questions relating to the delivery of the Critical Communications Enhancement Program, which involves enhancements to the Government Radio Network, should be directed to the Minister for Finance, Services and Property.

**Question 28 (page 23)**

**The Hon. ADAM SEARLE: This is not just a question for the Department of Justice but for your whole portfolio, Attorney. What is the number of contractors or contingent labour workers across your portfolio by agency and the cost by agency? I do not expect you to have it at your fingertips, but I would be happy for you to take it on notice.**

**Mr MARK SPEAKMAN: I will take it on notice.**

**Answer**

I am advised:

Financial statements, including expenditure on contractors, are available in agency annual reports. Information on the number of contractors is not available.

**Question 29 (page 24)**

**The ACTING CHAIR:** Attorney, I will go back to the audiovisual link and the facilities that are provided. Concerns have been raised by Legal Aid—I think if you asked the Corrections officers they would have the concerns themselves—about the inadequate number of audiovisual facilities at the Wellington prison; not the new one but the older Wellington prison. Is that on your radar for additional facilities? Are you aware of the concerns, particularly the one that is causing Legal Aid with having to back again and again and again instead of being able to deal with matters through audiovisual link?

**Mr MARK SPEAKMAN:** Questions about Wellington I will have to take on notice.

**Answer**

I am advised:

A new audio visual link facility is currently being built in the Wellington Correctional Centre.

*The JUST Connect Service Support Team* will continue to monitor the use of the audio visual link facilities at Wellington Correctional Centre to ensure services are maintained at a high level.

**Question 30 (page 24)**

**The ACTING CHAIR:** Attorney, you said that the law reform in relation to strangulation and domestic violence offences, in particular, that the laws have been drafted. When are they going to be—

**Mr MARK SPEAKMAN:** No, I did not say that. I said today we made an announcement. We announced today that we would be reforming strangulation law and my intention is to have legislation go through Parliament this session.

**The ACTING CHAIR:** Do you have draft legislation that is going out, particularly to women's advocacy and legal groups, to consult on?

**Mr MARK SPEAKMAN:** My expectation is that we would consult relevant stakeholders, which would include legal stakeholders such as the Legal Society, the Bar Association, and women's groups and victims groups.

**The ACTING CHAIR:** Attorney, I am told that the consultation process for the last review in 2013 did not seek submissions from women's organisations and key legal organisations. Could you check if that is true or not? But, more importantly, regardless of whether that is true, can you commit to consult with women's organisations and key legal organisations in this current round?

**Mr MARK SPEAKMAN:** I can. I think we have already put out a consultation paper, but I will take that on notice. But as a broad proposition, yes.

**Answer**

I am advised:

Key legal stakeholders were consulted on the 2013 review of the operation of section 37 of the *Crimes Act 1900*.

The recent review of that provision, conducted by the Department of Justice and completed in August 2018, involved consultation with a broad group of stakeholders, including legal stakeholders, domestic violence advocacy organisations, victims' groups, women's organisations, and relevant government agencies. The Department of Justice will also consult those stakeholders on the draft legislation.

**Question 31 (page 25)**

**The ACTING CHAIR:** Have you looked at the listings relating to children's matters to see whether or not there has been an increase that would be explaining the delay? Are you aware of what is causing the delay?

**Mr MARK SPEAKMAN:** I have not looked at those listing matters.

**The ACTING CHAIR:** Will you?

**Mr MARK SPEAKMAN:** I am happy to do so.

**The ACTING CHAIR:** Could you provide some further detail on notice?

**Mr MARK SPEAKMAN:** I will.

**Answer**

I am advised:

Information on the lodgements, finalisation and disposal of cases in the Children's Court is contained in the Productivity Commission's Report on Government Services 2018 available at [www.pc.gov.au](http://www.pc.gov.au).

**Question 32 (page 26)**

**The ACTING CHAIR:** Attorney, in 2016 the Government set a target to reduce the annual rate of adult reoffending by five percentage points by 2019.

**Mr MARK SPEAKMAN:** Yes.

**The ACTING CHAIR:** We are now more than halfway through. What has been the result?

**Mr MARK SPEAKMAN:** We are comparing a 2013 cohort with a 2019 cohort so we will not know until 2019 whether we get there. The reoffending strategy is across the whole justice cluster and not just in the Attorney General portfolio so, for example, our sentencing reforms that are due to start at the end of this month will see greater use of intensive corrections orders, which as an alternative to short periods of incarceration.

**The ACTING CHAIR:** But they will not play out for the 2019 data?

**Mr MARK SPEAKMAN:** They will; they may. I think they probably will, yes, because you will be sentencing people under new sentencing practices where you are looking at behavioural interventions using intensive corrections orders rather than short periods of incarceration on the one hand or good behaviour bonds, or section 10s, on the other hand. It is more in Minister Elliott's space but there has been enormous ramping up of intervention programs, with more than \$230 million in Corrections high-intensity programs for those who are on short periods of incarceration, interventions with domestic violence offenders—the What's Your Plan? app, for example, EQUIPS, and other domestic violence behavioural interventions. So there is a whole plethora of interventions in Corrections and the courts that are designed to reduce reoffending.

**The ACTING CHAIR:** But there is a firm target of 5 per cent reduction by 2019?

**Mr MARK SPEAKMAN:** Yes.

**The ACTING CHAIR:** You must be tracking it. What does your tracking show? Has there been a 2.5 per cent reduction now? Have you overshoot or have you undershot? What is the story?

**Mr MARK SPEAKMAN:** A number of the targets we set are ambitious targets. It is an ambitious target.

**The ACTING CHAIR:** Do I take it from that that you are not meeting it?

**Mr MARK SPEAKMAN:** You can take it from that that we know it is an ambitious target to meet and we are pulling every policy lever we can to meet it.

**The ACTING CHAIR:** It is a simple question: Where are you up to? Has there been a reduction, has there been no reduction, or is it going in the wrong direction?

**Mr MARK SPEAKMAN:** I will have to take your question about the precise percentages on notice. I am confident that we can meet that but it is an ambitious target.

## **Answer**

I am advised:

Interventions associated with the strategy for reducing reoffending have been progressively rolled out since August 2016. While the majority of the reforms will be in place by the end of September 2018, full implementation is not expected until June 2019. Early indicators for the custodial cohort show the rate of reoffending is trending downwards since the implementation of the strategies to reduce reoffending commenced. The NSW Government will continue to monitor progress.

**Question 33 (page 27)**

**The ACTING CHAIR:** Attorney, the United Kingdom Parliament has introduced a justice impact test before laws are considered by that Parliament that place strain on the justice system, including additional resourcing requirements in courts, police and prisons. Is there a justice impact test that has been applied in New South Wales and if not do you support one?

**Mr MARK SPEAKMAN:** As a general proposition when, for example, law reform proposals are taken to Cabinet there is a criminal impact assessment done that purports to quantify the downstream effect that any legal change or justice initiative might have. The contents of that are Cabinet in confidence. For example, when I took the strangulation reforms to Cabinet that was accompanied by an assessment of what the downstream impact would be in police resourcing, court resourcing and prison resourcing or community corrections. That analysis of what is the impact of any justice initiative on the justice system is already done.

**The ACTING CHAIR:** Was that analysis done in 2015 when the bail law reforms were marched backwards, which have led to such a significant increase in the number of people held on remand in New South Wales jails?

**Mr MARK SPEAKMAN:** I was not the Attorney General at the time and I will have to take your question on notice.

**Answer**

I am advised:

The potential impact on the criminal justice system was considered when the NSW Government strengthened the bail laws in 2015.