

BUDGET ESTIMATES 2019-2020

Questions taken on notice

Portfolio Committee No. 5 – Legal Affairs

ATTORNEY GENERAL AND PREVENTION OF DOMESTIC VIOLENCE

Hearing: Monday 2 September 2019

Answers due by: Thursday 26 September 2019

ANSWERS

Question 1 (page 37)
ODPP

The Hon. ADAM SEARLE: Attorney, is there any intention to make solicitors within the Office of the Director of Public Prosecutions [DPP] permanent employees? We are hearing that many lawyers working there have been on temporary contracts for well over four years and have very little notice when contracts are coming up, whether they will be renewed or not. It is very close to the mark.

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

ANSWER

I am advised:

Employment at the Office of the Director of Public Prosecutions is offered under the *Government Sector Employment Act 2013* on the basis of ongoing and temporary employment. Offers of employment are offered on a case-by-case basis in accordance with NSW Public Service policies, having regard to matters including performance and operational requirements.

Question 2 (page 38)

The Hon. ADAM SEARLE: Yes. In your portfolio, what is the percentage of contingent workers?

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

ANSWER

I am advised:

Agencies within the Attorney General's portfolio use contingent labour in accordance with NSW Public Service policies and mandated schemes to cover temporary vacancies and positions with temporary funding. The Department of Communities and Justice and Stronger Communities cluster agencies manage the contingent workforce in line with the overall labour expense cap.

Question 3 (page 39)

Coronial Matters

The Hon. ADAM SEARLE: That is true, and how many coronial recommendations are currently outstanding?

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

ANSWER

I am advised:

15 out of 79 coronial recommendations to NSW Government agencies made in 2017 and 2018 were not responded to within six months.

Question 4 (page 39)

The Hon. ADAM SEARLE: Please do. Where it does not require action by a government Minister, where it involves the non-government sector, what approach does your portfolio or the Government take to make sure that coronial recommendations are considered and implemented or, if not implemented, responded to in some way?

Mr MARK SPEAKMAN: Obviously, if a coronial recommendation is directed at the State, we have to respond in a full and timely manner. If they are directed to non-government organisations, I am not sure that is a government responsibility, but I will take your question on notice.

ANSWER

I am advised:

NSW Government agencies comply with Premier's Memorandum M2009-12 *Responding to Coronial Recommendations*.

Question 5 (page 40)

Domestic Violence / Safe Families program

Mr MARK SPEAKMAN:It is a pilot. We are working with two refuges to help people with pets fleeing domestic and family violence. Penrith is one location. There has not been a formal evaluation but I am advised that the project has implemented all the milestones that have been outlined in the proposal, including delivering pet care training to refuge employees, developing refuge procedures for residents for pets, and purchase and installation of pet enclosures and equipment. We have got two additional refuge locations committed to working in the program, at Port Macquarie and Maitland.

The Hon. EMMA HURST: How much is the Government helping fund these programs?

Mr MARK SPEAKMAN: I will take that on notice, if I may.

ANSWER

I am advised:

The NSW Government provided \$61,600 through the NSW domestic and family violence innovation fund for the Safe Families pilot program.

Question 6 (page 40)

The Hon. EMMA HURST: ... Is your department doing anything to address this disconnect between how New South Wales currently investigates animal abuse and domestic violence?

Mr COUTTS-TROTTER: Not that I am aware of.

Mr MARK SPEAKMAN: We are not aware, but I will take that on notice.

ANSWER

I am advised:

The NSW Health Education Centre Against Violence held a round table on abuse of animals in the context of domestic and family violence last year. National Risk Assessment Principles for domestic and family violence that recognise abuse of pets and other animals as high-risk factors for domestic and family violence have also been sent to NSW Health Local Health Districts.

Question 7 (page 41)

Child Sexual Abuse Allegations in the Catholic Diocese of Maitland-Newcastle

Mr DAVID SHOEBRIDGE: Attorney, matters involving Archbishop Wilson concluded in December 2018. When will volume 4 be published?

Mr MARK SPEAKMAN: I will take that question on notice, but that may be a question for the Department of Premier and Cabinet.

ANSWER

I am advised:

Publication of Volume 4 of the Special Commission of Inquiry into matters relating to the police investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland–Newcastle is a matter for the Department of Premier and Cabinet.

Volume 4 has now been published on the website of the Department of Premier and Cabinet.

Question 8 (page 41)

Age of Criminal Responsibility Working Group

...

Mr DAVID SHOEBRIDGE: Do you know if there are terms of reference for that working group?

Mr MARK SPEAKMAN: I think there are, yes. They have come from the Council of Attorneys-General.

Mr DAVID SHOEBRIDGE: Could you provide the Committee with a copy of them on notice?

Mr MARK SPEAKMAN: I can—if they exist, which I think they do.

ANSWER

I am advised:

At the 23 November 2018 meeting of the Council of Attorneys-General (CAG), Attorneys-General agreed that it would be appropriate to examine whether to raise the age of criminal responsibility from 10 years of age. It established an inter-jurisdictional Working Group, chaired by Western Australia, to conduct that examination. All Australian jurisdictions, including NSW, are represented on that Working Group.

The Working Group has been tasked with assessing whether the minimum age of criminal responsibility should be maintained or increased, and the implications any increase may have for the *doli incapax* principle.

It is anticipated that the Working Group will provide a report back to CAG before the end of 2019.

To facilitate free and frank exchange of views, CAG operating procedures provide that documents prepared for meetings or projects of CAG are to remain confidential unless CAG agrees to their release.

To date, CAG has not taken a decision on the release of the Working Group's Terms of Reference.

Question 9 (page 43)

Young Offenders Act

Mr DAVID SHOEBRIDGE: Are you considering advancing the review of the Young Offenders Act so that it could be completed in time for you to take a fully informed position to the Council of Attorneys-General on this issue?

Mr MARK SPEAKMAN: I will take the question on notice. ...

ANSWER

I am advised:

The age of criminal responsibility in NSW is legislated under the *Children (Criminal Proceedings) Act 1987*. The review of the *Young Offenders Act 1997* (YOA) being conducted by the Department of Communities and Justice is considering the legislative framework for youth diversion under the YOA. This is consistent with the recommendations of the Legislative Assembly Committee on Law and Safety Inquiry into the adequacy of youth diversionary programs in NSW.

Question 10 (page 45)

Ombudsman's Report on Operation Prospect

The Hon. ADAM SEARLE: You touched on bench books. Have there been any changes or practice notes issued to the judiciary about how to approach the task?

Mr MARK SPEAKMAN: I do not know. I was more talking about bench books as the kind of thing that happens when we have a major reform. I am not sure whether there has been a practice note or a bench book update in this case.

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

Mr MARK SPEAKMAN: I will.

ANSWER

I am advised:

There have not been specific changes to bench books or practice notes in anticipation of the commencement of the *Surveillance Devices Amendment (Statutory Review) Act 2018* on 28 October 2019. However, all relevant agencies will update their processes and procedures.

Question 11 (page 47)

Aboriginal Family and DV services funding

The Hon. ADAM SEARLE: I will definitely ask him those questions. How many specialist Aboriginal family and domestic violence services are funded in New South Wales at present?

Mr MARK SPEAKMAN: There is the Kalypi Paaka Mirika Healing Program, which operates in Broken Hill, Menindee and Wilcannia and is a therapeutic practice to address domestic violence through a localised cultural framework. There is the Firmer Foundations program, which aims to build the financial independence of women in western Sydney through workshops and training. That is tailored to the needs of Aboriginal women and also culturally and linguistically diverse women. What's Your Plan? is an intervention program for Aboriginal offenders who attend court due to an apprehended domestic violence order to help them comply with ADVO conditions. Of the 83 women's refuges currently funded, there are two that specifically support Aboriginal and Torres Strait Islander women, and two more include targeted support for ATSI women. I might supplement that answer on notice, if I may?

ANSWER

I am advised:

Legal Aid NSW administers NSW Government funding for 29 Women's Domestic Violence Court Advocacy Services (WDVCASs) across the state. This funding includes dedicated funding for an Aboriginal Specialist Worker position in 23 of the services. Aboriginal Specialist Workers undertake community engagement with Aboriginal clients and service providers in their areas, as well as supporting WDVCASs to provide culturally appropriate service delivery to Aboriginal women and their families.

The NSW Government also funds Wirringa Baiya Aboriginal Women's Legal Centre which is a specialist Aboriginal family and domestic violence service. More broadly, five Community Legal Centres employ specialist Aboriginal Legal Access Program workers, who provide non-legal support to Aboriginal clients including those experiencing or at risk of family and domestic violence.

The NSW Government also delivers the Tackling Violence program, which is a community education, early intervention and prevention program using regional rugby league clubs to promote changed attitudes and behaviours to domestic violence. Of those clubs involved in the program, eight are situated in areas which are in the top 11 local government areas for domestic and family violence assaults, including Moree, Boggabilla/Toomelah, Mungindi, Glen Innes, Wellington, Nyngan and Kempsey.

Inclusion of Aboriginal people at high-levels of NSW Government policy and decision making in response to domestic and family violence is also facilitated by Aboriginal representation on the Domestic Violence Death Review Team and on the Domestic and Family Violence Sexual Assault Council.

Question 12 (page 49)

Support Package – NSW Women's Alliance's Safe State platform

Ms ABIGAIL BOYD: Of course. Just looking quickly at the immediate needs support package, I know that you said that it is really not immediate—it is for urgent needs. What proportion of applications for those packages are approved?

Mr MARK SPEAKMAN: It is pretty high. I do not have the number.

Mr COUTTS-TROTTER: I am sorry, I do not have that information to hand, but we could get it on—

Ms ABIGAIL BOYD: If you could take it on notice.

Mr MARK SPEAKMAN: I do have it. As at a few days ago, since 3 June 576 claims for the immediate needs support package were lodged and 1,584 individual packages were claimed. Of those 1,584 claims, 901 were approved, 545 were not approved and 137 were deferred for further information. The average amount paid per individual is \$3,749.

Ms ABIGAIL BOYD: Of those that were not approved, how many of them were due to the women no longer deciding to leave their homes?

Mr MARK SPEAKMAN: I do not know.

Ms ABIGAIL BOYD: Is that something you could get the information for?

Mr MARK SPEAKMAN: I will take your question on notice but I am not sure we will be able to answer it. We will do our best.

ANSWER

I am advised:

This information is not available.

Question 13 (page 52)

Domestic and family violence trauma recovery centre - funding request

Ms ABIGAIL BOYD: Does the Government have any plans for other initiatives to address that sort of long-term trauma?

Mr MARK SPEAKMAN: I will take that on notice, if I may.

ANSWER

I am advised:

The NSW Government is investing a record \$431 million over four years to tackle domestic and family violence through a range of initiatives.

This is in addition to the hundreds of millions of dollars the Government invests each year to combat domestic and family violence and the long-term trauma it causes through mainstream services in health, child protection, justice, police, social housing and homelessness.

Question 14 (page 53)

Victims Services

The Hon. ADAM SEARLE: Could I ask you to find out whether all the persons who have complained were able to be interviewed or were interviewed and, if they were not, was that because of some assessment about the information or simply because there were too many complaints to do in the time?

Ms LO: There are probably a couple of points I would make there. First of all, I received three complaint letters in October last year; human resources received one. All three of the complaints I received were anonymous so there is no way to know if those people were interviewed. In terms of staff who put in information to the investigator, there were quite a number of them. He would have made that assessment in terms of what information he needed to follow up and to which staff he needed to speak to get clarification or further information.

The Hon. ADAM SEARLE: Can I still ask you to find that out for me? Are you happy to take that on notice?

Ms LO: Yes, I will.

ANSWER

I am advised:

The independent investigator did not interview all staff who provided information. The investigator undertook a review of the information received and identified who to interview for the purposes of obtaining further clarification or additional information relevant to the investigation.

Question 15 (page 60)

CAG Working Group on Royal Commission's recommendations on tendency and coincidence evidence

Mr DAVID SHOEBRIDGE: Do you accept that there is a strong case to make that public, given the very reasonable concern people have on this issue?

Mr MARK SPEAKMAN: I will take that on board. I do not know that reports are usually made public on other topics. So, for example, we have a defamation working group at the moment that is well advanced on defamation law reform. We have had the coincidence and tendency group. Sometimes these groups put out discussion papers or consultation papers. Normally they are confidential briefings for Attorneys General and what is made public is the decision of Attorneys General. So I will take that on notice, but I think that would be a departure from usual practice. But I accept there is a high degree of public interest in this topic.

ANSWER

I am advised:

The NSW Government recognises that there is a strong public interest in responses to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

To facilitate free and frank exchange of views, the Council of Attorneys-General (CAG) operating procedures provide that documents prepared for meeting or projects of CAG are to remain confidential unless CAG agrees to their release.

To date, CAG has not taken a decision on the release of materials associated with the Working Group's work on this topic. However, it is standard for decisions of CAG to be made public through the communique following each meeting.

Question 16 (page 62)

Clearance rates for Local courts

The Hon. ADAM SEARLE: In this year's budget paper, although the entry of "Outcome—effective and efficient resolution of legal disputes" is the same, the clearance rate is not included. Can you explain where we might find that information in the budget papers or are you able to provide it to us?

Mr COUTTS-TROTTER: I am just looking to see if I have it to hand. I might see if my colleague Catherine D'Elia has it. As to why it is not in this year's budget papers and was in a previous year's; I am sorry, I have no knowledge of that. Do we have the clearance rates?

Ms D'ELIA: I have the Local Court for 2018-19 crimes and civil.

The Hon. ADAM SEARLE: I have 2018-19. I am more interested in what is going to be for 2019- 20.

Mr COUTTS-TROTTER: Oh, I see—anticipated performance.

The Hon. ADAM SEARLE: Anticipated, yes, or the actuals. I guess last year had the projections. This year might be different. Maybe you should take it on notice okay.

ANSWER

I am advised:

Information on anticipated Local Court clearance rates is not available.

Question 17 (page 62)

Supreme Court clearance rates

Ms D'ELIA: The Supreme Court crime non-appeal was 108 per cent and Supreme Court civil non-appeal was 98.4 per cent.

The Hon. ADAM SEARLE: Do you have the appeal figures as well?

Ms D'ELIA: I do not have those with me, no.

The Hon. ADAM SEARLE: Are you able to take that on notice and report back to us?

Ms D'ELIA: Yes.

ANSWER

I am advised:

Supreme Court Clearance rates for 2018-19 for criminal matters are:

- All (appeal and non-appeal): 108%
- Non -appeal: 124%
- Appeal: 104%

Supreme Court Clearance rates for 2018-19 for civil matters are:

- All (appeal and non-appeal): 95.5%
- Non-appeal: 94.8%
- Appeal: 103.7%

Question 18 (page 64)

District Court Judges and Workers Compensation Commission

The Hon. ADAM SEARLE: What is the full strength of the District Court now?

Ms D'ELIA: Currently there are 75 District Court judges, which is the highest number that there has been in 25 years.

The Hon. ADAM SEARLE: Okay. That is 75 actual District Court judges on duty?

Ms D'ELIA: Currently the headcount in the District Court is 75 judges.

The Hon. ADAM SEARLE: Does that include those District Court judges who might be engaged in other activities? For example, I know the president of the workers comp commission is a District Court judge but essentially primarily engaged with the Workers Compensation Commission. Is that part of the 75? I am just wondering day to day how many District Court judges are actually attending to the work of the District Court?

Ms D'ELIA: I will have to take it on notice to clarify the number.

ANSWER

I am advised:

Currently there 75 District Court Judges (including the Chief Judge) attending to the work of the District Court.

Details of current District Court Judges are available on the District Court Website:
http://www.districtcourt.justice.nsw.gov.au/Pages/aboutus/judicial_officers.aspx

Question 19 (page 64)

Early Pleas Program

Mr COUTTS-TROTTER: We will confirm it for you, yes.

The Hon. ADAM SEARLE: In relation to the early pleas program, is the funding that underpinned the legislation ongoing funding or limited funding? When does the funding run out?

Mr COUTTS-TROTTER: It is time limited and I think it lines up with the evaluation.

Ms LO: That is my understanding but I think—

Ms STRATFORD: I can confirm that.

The Hon. ADAM SEARLE: How much was that funding per year?

Ms STRATFORD: I would say in the vicinity of around \$90 million but I would have to come back with a definitive over the period of four years—

ANSWER

I am advised:

The Early Appropriate Guilty Pleas reform funding totalled \$93 million over four years

Question 20 (page 64)

DV Justice Strategy - Victims Services

The Hon. ADAM SEARLE: That is good. In relation to the Domestic Violence Justice Strategy, is that something that falls within this portfolio?

Mr COUTTS-TROTTER: Yes, it is.

The Hon. ADAM SEARLE: What is the current status of the review of the strategy? How much funding has been allocated to the renewal of the strategy for 2019-20?

Mr COUTTS-TROTTER: We are just seeing if we can get that information. I might ask my colleague Ms Simone Walker to respond to that.

Ms WALKER: We are currently in the process of the overview of the Domestic Violence Justice Strategy, knowing that the previous strategy went from 2013 to 2017. What we are looking at doing is updating the new strategy with a focus on safety and wellbeing of victims with an emphasis on diverse populations. There has been a range of consultations that have occurred to date including a statewide online survey completed by 173 victims and seven defendants. A series of meetings and forums have already occurred with culturally and linguistically diverse communities, people with disabilities, older people, the LGBTQI community, children and young people and Aboriginal and Torres Strait Islander communities. We are really in the consultation phase at the moment. We do not have a dollar figure attached to the strategy at the moment.

The Hon. ADAM SEARLE: Do you have any sort of ballpark? How much has been spent to date?

Ms WALKER: I would have to take that on notice.

ANSWER

I am advised:

In 2018-2019, stakeholder and client consultation was undertaken to inform a review of the Domestic Violence Justice Strategy 2013-2017 and the development of a new strategy. Consultation was undertaken with the support of a consultant, at a cost of \$37,015 including GST.

A new strategy is currently being developed by the Department of Communities and Justice.

Question 21 (page 65)

Victims Services

[continued]

The Hon. ADAM SEARLE: I am happy for you to take this on notice, but for 2018-19 how many victims of family and domestic violence were assisted through Victims Services?

Ms WALKER: Through Victims Services?

The Hon. ADAM SEARLE: And, allied to that, how many are projected to be assisted in the current financial year?

Ms WALKER: I have data around Safer Pathway but I might have to ask—

Mr COUTTS-TROTTER: Victims Services. I have got data on the number of payments made but that obviously does not capture the totality of the services that are provided. I might accept your invitation to take it on notice and come back to you with a bit more information.

ANSWER

I am advised:

Victims Services data is reported on the number of cases, not the number of victims. A victim may make multiple applications for different acts of violence.

The numbers of domestic violence cases in which Victims Services provides assistance are presented below. The cases may have provided counselling, financial assistance or recognition payments, may have received 1, 2 or all 3 support types and may also have been assistance across multiple years.

	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-19
Domestic Violence cases provided assistance	3,653	5,471	7,046	9,137	9,795	13,737

Question 22 (page 65)

Victims Services

The Hon. ADAM SEARLE: I am happy for you to do that. How many victims of sexual assault were assisted through Victims Services, again, in 2018-19 and projected to be assisted?

Mr COUTTS-TROTTER: We will take that on notice, Mr Searle.

The Hon. ADAM SEARLE: How many victims of family and domestic violence or sexual assault perhaps received victims of crime counselling—again, same time frames?

Mr COUTTS-TROTTER: We will take that on notice.

The Hon. ADAM SEARLE: How many victims of family and domestic violence were assisted through the immediate needs support package? What was the average payment and what were the total payments made— again, 2018-19 and projected for 2019-20?

Mr COUTTS-TROTTER: We will take that on notice as well. Thank you.

ANSWER

I am advised:

Victim Services provides data on an application or a claims basis, not on the number of victims, as victims may lodge multiple claims for multiple acts of violence.

The number of sexual assault claims assisted by Victims Services are presented below. The claims may have provided counselling, financial assistance or recognition payments, or any combination of all three support types and the support may also have been across multiple years.

	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-19
Sexual assault cases provided assistance	2,324	3,633	3,952	4,711	5,277	7,587

The number of claims involving domestic violence or sexual assault matters, where counselling is provided are shown below:

	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-19
Sexual Assault	1,284	1,572	1,831	2,034	2,191	1,516
Domestic Violence	2,166	2,790	4,197	4,498	4,268	3,484

Generally the number of claims awarded, the average payment, and total amount awarded to victims of family and domestic violence assisted through the immediate needs support package are presented in the table below.

	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-19
Number of Claims Awarded	140	501	944	1,388	1,244	1,224
Average Payment	\$1,692	\$1,811	\$2,245	\$2,181	\$1,948	\$1,921
Total Amount Awarded	\$289k	\$1.1m	\$2.3m	\$3.6m	\$2.9m	\$3.2m

The Immediate Needs Support Package was introduced in June 2019. The table below is data relating to the period from June 2019 to August 2019.

	June 2019	July 2019	August 2019
Number of Claims Awarded	65	236	248
Average Payment	\$4,246	\$3,887	\$3,769
Total Amount Awarded	\$284,500	\$1,026,193	\$1,040,167

There are no forecasts available for 2019-20 in relation the projected number of cases in which Victims Services provides assistance to this financial year.

Question 23 (page 65-66)

Victims Services

The Hon. ADAM SEARLE: How many were assisted through receiving financial assistance for economic loss? What was the average payment and what were the total payments made—again, same time periods?

Mr COUTTS-TROTTER: Yes.

The Hon. ADAM SEARLE: How many victims of family and domestic violence have been assisted through receiving a victim recognition payment—again, what was the average payment and what were the total payments made?

Mr COUTTS-TROTTER: All right, certainly.

The Hon. ADAM SEARLE: You are providing that information for 2018-19 and projected for 2019-20. Can I also get the back years' figures, going back to 2013-14?

Mr COUTTS-TROTTER: Yes, I have got some of those figures back to 2013-14—that time frame?

The Hon. ADAM SEARLE: Yes, provide me what you can. We will take it all on notice.

ANSWER

I am advised:

The table below sets out the number of claims, average payments and total amounts awarded regarding the receipt of financial assistance for economic loss.

	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-19
Number of Claims Awarded	56	108	237	398	321	344
Average Payment	\$2,019	\$1,493	\$2,113	\$1,950	\$2,114	\$1,823
Total Amount Awarded	\$147k	\$237k	\$630k	\$1m	\$795k	\$844K

The table below sets out the number of claims, average payments and total amounts awarded regarding the receipt of victim recognition payments by victims of family and domestic violence.

	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-19
Number of Claims Awarded	360	1,586	1,664	2,192	1,879	3,301
Average Payment	\$2,292	\$2,812	\$2,499	\$2,530	\$2,601	\$2,496
Total Amount Awarded	\$988k	\$5.8m	\$4.6m	\$6.1m	\$5.5m	\$9.4m

There are no forecasts available for 2019-20 in relation the projected number of cases in which Victims Services provides assistance to this financial year.

Question 24 (page 66)

Regional Court Services

The Hon. SHAOQUETT MOSELMANE: Can I take you to matters of Court and Tribunal Services? I understand that because of the new service model in the north-west local circuit, the hub of which is in Dubbo, three full-time staff positions servicing five towns—Gilgandra, Narromine, Warren, Nyngan and Cobar—have been replaced by only one full-time position based at Dubbo. This will only decrease the efficiency of these courts and registries, will it not?

Mr COUTTS-TROTTER: I might call on my colleague, Ms Catherine D'Elia.

Ms D'ELIA: I will have to double-check in terms of what the impact may have been to staff.

ANSWER

I am advised:

The role of North West Circuit registrar has been in place since 2015, initially as a pilot then ongoing from 2016.

There was extensive consultation with court users and the community prior to and during the pilot. Evaluation of the pilot demonstrated court registry services are being offered in a more effective way without impacting community access to justice.

Question 25 (page 66)

Regional Court Services

The Hon. SHAOQUETT MOSELMANE: What about the reduction from three staff to one? How do you explain that?

Ms D'ELIA: That is the number I would have to check because, to be honest with you, my understanding is that the circuit staff remained because they are still travelling with the circuit.

ANSWER

I am advised:

The role of North West Circuit registrar has been in place since 2015, initially as a pilot then ongoing from 2016.

There was extensive consultation with court users and the community prior to and during the pilot. Evaluation of the pilot demonstrated court registry services are being offered in a more effective way without impacting community access to justice.

Following establishment of the new model, the magistrate, court support staff and the circuit registrar travel to and from Dubbo on court sitting days.

Question 26 (page 66)

Regional Court Services

The Hon. SHAOQUETT MOSELMANE: This has a similar impact with the new service model, meaning that the court registry in Boggabilla, Bombala, Dungog, East Maitland, Lake Cargelligo, Menindee, Quirindi and Tenterfield has been reduced to only opening when the court sits, is that correct?

Ms D'ELIA: I would have to confirm those locations.

ANSWER

I am advised:

Local Court registry opening hours are administered by the Department of Communities and Justice. Registry opening days are reviewed based on demand. Court users are consulted before changes are made and reviewed after six months.

Boggabilla's hours have been in place for more than two years. The court registry provides full services to the community on sitting days and by appointment from Moree court. Boggabilla Local Court sits one day per month.

Bombala's hours have been in place for more than three years. The court registry provides full services to the community on court sitting days and by appointment from Bega court. Bombala Local Court sits half a day per month.

Dungog's hours have been in place for more than two years. The court registry provides full registry services to the community on sitting days and by appointment from Raymond Terrace court. Dungog Local Court sits one day every two months.

East Maitland is serviced by the new, state-of-the-art Newcastle Court complex, which opened in 2013. In-person inquiries can be made at Maitland courthouse, which provides a full time registry service. East Maitland courthouse is used for the Hunter Children's Court circuit and for sittings of the NSW Civil and Administrative Tribunal.

Lake Cargelligo registry is open on Wednesday each week.

There is no court at Menindee.

Quirindi's hours have been in place for four years. The court registry provides full services to the community on court sitting days and by appointment from Tamworth court. Quirindi Local Court sits one day per month.

Tenterfield's hours have been in place for more than two years. The court registry provides full services to the community on court sitting days and by appointment from Armidale court. Tenterfield Local Court sits two days per month.

Question 27 (page 67)

Court Services

Mr DAVID SHOEBRIDGE: Are you saying that you can shut the court down, effectively, in all of those communities and the local community is meant to rely upon either telephone advice or online services? Is that the response you are giving to all of those regional communities?

Ms D'ELIA: When the court is sitting we do provide full service. When the court comes to town on a circuit, the registry is open and can provide any of the services that anyone needs face-to-face.

Mr DAVID SHOEBRIDGE: But for the 48 weeks a year when the court is not sitting, there is nobody there.

The Hon. TREVOR KHAN: That is not how a circuit works, David.

Mr DAVID SHOEBRIDGE: For the 48 weeks a year when the court is not sitting, there is nobody there.

Ms D'ELIA: We have quite expensive telephone and online services available. Typically we operate in a hub-and-spoke model so that the services are available in a larger, regional centre if they are required.

Mr DAVID SHOEBRIDGE: If you could on notice give details about what the additional or further services are for each of those communities with the closure of the court registry outside of the circuit sitting times, that would be appreciated.

ANSWER

I am advised:

Demand for face-to-face services is highest on sitting days, with relatively few enquiries on other days. As with most transactional organisations, face-to-face interaction continues to decline as alternative methods of contact become available. Additional information and services for community members can be accessed via phone, email or online.

Question 28 (page 68)

Courts

Mr DAVID SHOEBRIDGE: What, if any, efficiency dividend is the Local Court required to deliver in this financial year, and what was it required to deliver in the last financial year?

Mr COUTTS-TROTTER: The court itself, I think none, but in support of the court the department has delivered efficiencies from across a range of functions in the past couple of years. I am happy to see if I can take on notice efficiencies within Ms D'Elia's area, essentially.

Mr DAVID SHOEBRIDGE: Would you mind doing the same for both the Children's Court and the District Court?

Mr COUTTS-TROTTER: Yes, sure.

ANSWER

I am advised:

In 2018-19 and 2019-20, efficiency dividends of between two and three per cent of total expenditure have been applied across the Department of Communities and Justice, including the Local, District and Children's Court. Efficiencies are achieved through procurement and back office functions across the Department, not front line services.

Question 29 (page 69)

Victims Services

Mr DAVID SHOEBRIDGE: Secretary, a number of individuals have asserted that they have suffered significant psychological trauma following searches or strip searches by the New South Wales police. Is there any data, in terms of victim services, or is there any feedback about people approaching Victims Services following one of these searches?

Mr COUTTS-TROTTER: I would need to take that on notice, unless my colleagues have data to hand.

ANSWER

I am advised:

Victims Services is not able to provide this information as act of violence categories are limited to specific offence types.

Question 30 (page 69)

Victims Services

[continued]

Mr DAVID SHOEBRIDGE: If a search was found to be unlawful, or if an individual made a complaint about an alleged unlawful search, would they have a right to approach Victims Services for counselling?

Mr COUTTS-TROTTER: That is a good question and I do not know the answer to it.

Ms LO: We will need to get some advice on that.

Mr DAVID SHOEBRIDGE: I am happy for you to take that on notice.

Mr COUTTS-TROTTER: Yes.

ANSWER

I am advised:

For a victim to be approved counselling services under the *Victims Rights and Support Act 2013*, an individual must provide sufficient information on their application to satisfy the Commissioner of Victims Rights that they have been the victim of an act of violence as defined in section 19 of that act.

Question 31 (page 69)

Court Services

[continued]

Mr DAVID SHOEBRIDGE: What percentage of the Local Court matters in New South Wales are for minor drug offences?

Mr COUTTS-TROTTER: The proportion of matters before the Local Court for minor drug offences?

Mr DAVID SHOEBRIDGE: When I say minor drug offences, I mean personal use or possession.

Mr COUTTS-TROTTER: I am sorry, we will have to take that on notice.

ANSWER

I am advised:

The Bureau of Crime Statistics and Research has records of 22,337 finalised charges in NSW Local Criminal Courts for possess and/or use illicit drug in 2018. This constitutes 7.4% of all finalised charges in the NSW Local Court in 2018.

Question 32 (page 69)

Court Services

[continued]

Mr DAVID SHOEBRIDGE: Has your department been tracking changes in the number of those cases coming before the Local Court since police were given the option to issue criminal infringement notices [CINs] for personal use or possession?

Mr COUTTS-TROTTER: The data is tracked. I just do not have it to hand. There is a variety of data which we look at for reasons including to try and assess the impact of the package of criminal justice reforms that involve changes to some aspects of sentencing and diversion from the court. We can get the data. I just do not have it to hand.

Mr DAVID SHOEBRIDGE: I am not talking about sentencing reforms, although if you have data on that it would be useful. I am talking about the change that was introduced in the last six months allowing police to issue CINs instead of court attendance notices [CANs] for personal use or possession.

Mr COUTTS-TROTTER: I have seen, but do not have with me, the most recent police data on CINs and CANs.

Mr DAVID SHOEBRIDGE: So you will provide that on notice?

Mr COUTTS-TROTTER: Yes.

ANSWER

I am advised:

According to the latest data available from the NSW Bureau of Crime Statistics and Research ending June 2019, 300 persons of interest have been issued a criminal infringement notice for possession and/or use of illicit drugs since January 2019.

In the same period (January 2019 to June 2019), the Bureau of Crime Statistics and Research has records of 7,346 persons of interest being issued a court attendance notice for possession and/or use of illicit drugs.

Question 33 (page 70)

Aboriginal Services / Court Services

Mr DAVID SHOEBRIDGE: When it comes to reviewing the numbers for CINs as opposed to CANs— that is criminal infringement notices as opposed to court attendance notices—is there any data collected on the relative use of those instruments or the proportion of those instruments in respect of Aboriginal community, as opposed the broader community?

Mr COUTTS-TROTTER: I do not know, but most of the important criminal justice and, indeed, social policy datasets are now quite appropriately gathered on a basis that allows you to look at the impact on Aboriginal people. I suspect they are, but I can confirm that for you.

Mr DAVID SHOEBRIDGE: To the extent there is that kind of data, could you provide it on notice?

Mr COUTTS-TROTTER: Yes.

ANSWER

I am advised:

The NSW Bureau of Crime Statistics and Research has no records of Aboriginal and/or Torres Strait Islander persons receiving criminal infringement notices for possession and/or use of illicit drugs between January 2019 and June 2019. Of the 300 persons of interest who were issued a criminal infringement notice for possession and/or use of illicit drugs however, 45 (15%) had an unknown Aboriginal and/or Torres Strait Islander status.

In the same period (January 2019 to June 2019), the Bureau of Crime Statistics and Research has records of 7,346 persons of interest being issued a court attendance notice for possession and/or use of illicit drugs. Of this group, 682 were identified as Aboriginal and/or Torres Strait Islander and 1,298 had an unknown Aboriginal and/or Torres Strait Islander status.

Question 34 (page 71)

Bail

Mr DAVID SHOEBRIDGE: When I make a proposition to you about a "technical breach of bail", I am referring to a breach of bail conditions without any further reoffending. Do you know how many Aboriginal and Torres Strait Islander people were arrested for a technical breach of bail in 2018?

Mr COUTTS-TROTTER: No, but I am pretty confident that we can provide that information on notice.

ANSWER

I am advised:

The Bureau of Crime Statistics and Research has records of 1,941 distinct Aboriginal and/or Torres Strait Islander people proceeded to court for a breach of bail only* in 2018.

* These people had court proceedings for breach of bail and no other court proceedings for offences with the same offence date as the bail breach.

Question 35 (page 71)

Bail trial

Mr DAVID SHOEBRIDGE: In the November budget estimates hearing Commissioner Fuller of the New South Wales police indicated that there was a trial around individuals being able to record two addresses for the purposes of bail. Do you remember that?

Mr COUTTS-TROTTER: Yes.

Mr DAVID SHOEBRIDGE: Has your department undertaken a review of that trial? Has the trial concluded?

Mr COUTTS-TROTTER: I will take that on notice.

ANSWER

I am advised:

Since October 2017, the NSW Government has trialled the Dubbo Bail Project which focuses on helping offenders understand their bail conditions and how to vary them if their circumstances change. The partners to the project are NSW Police Force, Legal Aid, Aboriginal Legal Service, Dubbo Local Court and the Aboriginal Services Unit within the Department of Communities and Justice. The trial is ongoing, and the partners are continuing to review its delivery.

Question 36 (page 71)

Court Services

The Hon. SHAOQUETT MOSELMANE: I would like to go back to Courts and Tribunal Services. Glen Innes had two full-time positions, which became a single part-time position based in Tamworth. Is that correct?

Ms D'ELIA: I would have to take that on notice.

ANSWER

I am advised:

The Glen Innes Local Court registry employed two staff until five years ago, when electronic Court Attendance Notices were introduced, which reduced the workload at that court significantly.

For the last two years, Glen Innes Court registry services and support staffing have been provided by staff based at Armidale Court. The court registry provides full registry services to the Glen Innes community on court sitting days and by appointment from Armidale court.

Question 37 (page 71)

Court Services

The Hon. SHAOQUETT MOSELMANE: A registrar in the Hunter told staff on circuits that they are not entitled to travel compensation under the award when they are working away from the headquarters on the ground that it is travel between multiple headquarters. Is that correct?

Ms D'ELIA: I would have to take a look at the award.

ANSWER

I am advised:

The Department of Communities and Justice is not aware of any recent inquiries in relation to this issue.

Question 38 (page 72)

Courts

The Hon. ADAM SEARLE: BOCSAR reported a 52 per cent increase in the number of people sentenced to time served in the higher courts—the Supreme and District courts—in the period of 2017-18 compared to 2013-14. Those figures refer to when a person is on remand and when they are finally sentenced the sentence is the same as or less time than what they have already served. The median time from charge to finalisation for a defendant on remand awaiting trial was 528 days and 374 days for sentence matters in 2013-14. By 2017-18, those median delays had reached 684 days and 466 days for sentence matters respectively. Can you give us some insight into what caused that deterioration? Can you also indicate whether that trend has continued for 2018-19 and is likely to continue for 2019-20?

Mr COUTTS-TROTTER: I might take the less hard part first. Do we have any data for 2018-19, colleagues? As to what explains that trend or the change in those aspects of performance, I personally simply do not know. I might invite my colleagues who work more closely with this to comment. We will take advice. We are happy to give you a considered view from the department on what explains it.

The Hon. ADAM SEARLE: I would prefer a considered view. That would be great.

ANSWER

I am advised:

The median time from committal to finalisation in the District Court is 465 days for 2018-19. This is down from the peak of 480 days from October 2017.

Information relating to median times for court processes by jurisdiction is available at: https://www.bocsar.nsw.gov.au/Pages/bocsar_court_stats/bocsar_court_stats.aspx

Question 39 (page 72)

Courts

The Hon. ADAM SEARLE: That sounds better than the alternative idea. In relation to efficiency dividends, will imposing the efficiency dividends on the Office of the Director Public Prosecutions not lead to problems in terms of bringing prosecutions? Will it impact on the number of prosecutions that it is likely to be able to bring in a given year?

Mr COUTTS-TROTTER: I have not yet had a chance to talk to the DPP about how the office proposes to deliver its efficiency dividend. Of course, it is an independent agency, so I would not want to speculate on that.

The Hon. ADAM SEARLE: I know the director is back on duty, but the acting director, while having stewardship of the role, issued a memo to staff indicating that they must adopt a more cautious approach following the requirement to find efficiency dividends. That suggests that there might be some sort of downward pressure on the bringing of prosecutions. Is that something you can report back to us on?

Mr COUTTS-TROTTER: I would not speculate on it.

ANSWER

I am advised:

The Department of Communities and Justice is not aware of any recent communiques in relation to this issue.

Question 40 (page 76-77)

Women's Refuges

Ms ABIGAIL BOYD: Thank you. I understand that Minister Speakman would not be able to tell me, but are you able to tell me how many dedicated crisis beds exist for women experiencing domestic and family violence in New South Wales?

Ms WALKER: At the moment we have 83 women's refuges. That includes the women's community shelters in the core and cluster model. What we are really careful of in this space is focusing all our energy and thought about the crisis beds, because what we know is really important in the domestic violence space is the early intervention work that occurs. So when we just focus on beds we forget about Staying Home Leaving Violence, which ensures that women and children, primarily, can stay in their houses and the perpetrator is removed. So even though we have the 83 there is flexibility in the bed numbers.

Mr COUTTS-TROTTER: There is a census once a year where providers confirm the number of beds that are available in their service. We could get that information to you on notice if that is of interest.

Ms ABIGAIL BOYD: Yes, if you could tell me how many dedicated crisis beds exist, and also how many beds are available in women-only institutions for broader than that crisis period. Also, how many women were accommodated in motels that were used as crisis accommodation over the last couple of years?

ANSWER

I am advised:

A point-in-time survey conducted by the former Department of Family and Community Services in August 2018 found there were 478 bedrooms in government-funded women's refuges which could support up to 1,518 people at any given time.

Latest available data from the Australian Institute of Health and Welfare (AIHW) shows that 16,631 women and girls in specialist homelessness services needed crisis accommodation in 2017-2018. I am advised this data is published on the AIHW website at www.aihw.gov.au.

The number of these women and girls who were accommodated in motels is not publicly available.

Question 41 (page 77)

Women's Refuges

[continued]

Mr COUTTS-TROTTER: There is the temporary accommodation support that is available through the department, usually in response to a call to the Link2home phone number. That now comes in two forms. There is supported temporary accommodation provided by non-government organisations that attempt to do more than simply provide a bed. They try to coordinate supports from other organisations, provide a more person-specific response to the person who needs accommodation. Then there are 10,000 or 15,000 people last year who also just got funding to take up a bed in a hotel or a motel because they were in crisis. I will take the question on notice but I am not sure if we can break that temporary accommodation data down to completely accurately identify those people who use temporary accommodation because they are fleeing violence.

Ms ABIGAIL BOYD: Right. I see.

Mr COUTTS-TROTTER: I am just not sure about that.

Ms ABIGAIL BOYD: If it is possible, that would be very useful.

ANSWER

I am advised:

Information on the number of households assisted with temporary accommodation is publicly available at <https://public.tableau.com/profile/facs.statistics#!/vizhome/Objective4-Breakingdisadvantagewithsocialhousingassistance/Dashboard3>.

This is also published in the annual Department of Communities and Justice (formerly FACS) Annual Report which is available to the public at www.facs.nsw.gov.au.

Question 42 (page 77)

Domestic Violence, Homelessness and temporary/crisis accommodation

[continued]

Ms ABIGAIL BOYD: If you could, can you also tell me the total costs spent per year over the last couple of years—in fact, over the last three years would be very useful—on that sort of thing, using motels and hotels as crisis accommodation? We are hearing that less than 1 per cent of people going to service providers are referred to Staying Home Leaving Violence programs and it is actually quite a small percentage. We are also hearing that women are being turned away because there is a lack of crisis accommodation. Clearly it varies from location to location.

Mr COUTTS-TROTTER: Yes.

ANSWER

I am advised:

In 2017-18 the total expenditure for temporary accommodation was \$26.2 million. For 2018-19 the total expenditure for Temporary Accommodation is \$28.35 million.

In 2018-19, the NSW Government will invest \$1.1 billion to support vulnerable people who are experiencing homelessness or in social housing, providing them accommodation and support to break disadvantage. \$280.7 million will be invested in homelessness initiatives included \$202.8 million for specialist homelessness services such as Link2Home. Further information is located in the Social Housing and Homelessness fact sheet 2018-19 NSW Budget located available at www.facs.nsw.gov.au.

Question 43 (page 77)

Domestic Violence, Homelessness and temporary/crisis accommodation

Ms ABIGAIL BOYD: You might need to take this on notice as well but could you also have a look at the percentage of accommodation or crisis accommodation options that were accessible for people with disability?

Mr COUTTS-TROTTER: Yes, sure.

ANSWER

I am advised:

The Department of Communities and Justice is unable to provide figures on how many accommodation providers are accessible for people with a disability.

Accessibility details are discussed with the provider when contact is made to book a client into accommodation.

Question 44 (page 78)

DCJ resourcing/funding on domestic violence

Ms ABIGAIL BOYD: What percentage of the department's total staff would be focused on domestic and family violence as opposed to other parts of the portfolio?

Mr COUTTS-TROTTER: That is a really difficult thing to quantify. For example, what proportion of a child protection practitioner's time is driven by responding to the risk to children and the harm to children created by domestic and family violence? There is a range of roles: Housing staff on the front desk of one of our many, many outlets are dealing with people day in, day out who have experienced violence or whose housing stability is at risk because of a violent partner or former partner. It is just about impossible to adequately capture how much of their time is driven by this. Obviously, there are people who have quite discrete functions and we could attempt to quantify that but, unfortunately, an awful lot of our work is driven by domestic and family violence.

Ms ABIGAIL BOYD: Perhaps a better measure is for you to tell me the percentage of your overall total budget funding for the department that goes towards domestic and family violence initiatives as opposed to other things.

Mr COUTTS-TROTTER: Okay.

Ms WALKER: Yes.

ANSWER

I am advised:

No further data is available.

Question 45 (page 78)

Review of Sexual Consent Laws / Law Reform Commission

[continued]

Ms ABIGAIL BOYD: That would be very useful, thank you. Finally, I just want to ask you about the review of the sexual consent laws. I think it is section 61HE.

Mr COUTTS-TROTTER: Yes.

Ms ABIGAIL BOYD: I know that submissions closed in February for the Law Review Commission.

Mr COUTTS-TROTTER: Yes, the Law Reform Commission of New South Wales.

Ms ABIGAIL BOYD: What is the progress of that? Why is it taking so long? Is it normal for it to take this long?

Mr COUTTS-TROTTER: I think it is.

Ms LO: Law Reform Commission inquiries are very in-depth inquiries into complex legal issues. The reason the Attorney General makes references to the Law Reform Commission is so that that dedicated time and in-depth look can be taken, which could not be done, for example, by the policy area. I look at where we do shorter and sharper reviews. That is the reason why those sorts of matters go to the Law Reform Commission. My area would do the shorter reviews.

Ms ABIGAIL BOYD: Has that review stuck to the narrow letter of the law, or is it now looking at practice and how the definition of sexual consent is applied in practice?

Ms LO: The terms of reference for the review are on the Law Reform Commission's website, so it sticks to the terms of reference. But I think the Attorney General was very keen to ensure that the experiences of victims were taken into account and how the law operates in practice.

Ms ABIGAIL BOYD: Do you know when that review will be done—when we might have a report?

Ms LO: I will take that on notice and see if the Law Reform Commission can provide a timetable.

ANSWER

I am advised:

The NSW Law Reform Commission (LRC) review of consent in relation to sexual offences is a complex inquiry that has involved extensive consultation and research. The LRC has received 146 submissions in response to the publication of its Terms of Reference and its consultation paper, released in May 2018 and October 2018 respectively. The LRC has also received over 1,700 responses to its online public survey on this topic.

Between February and August 2019, the LRC consulted widely with a range of stakeholders, including judges, prosecutors, defence lawyers, community legal centres, victims' advocates, police officers, health professionals and academics. Consultations took place in metro and regional NSW, as well as in Victoria and Tasmania (which have different models of consent law to NSW).

The LRC is developing draft proposals, which it expects to release for public comment in October 2019.

The LRC expects to deliver the final report of its review of consent in relation to sexual offences, with recommendations for reform, in early 2020.

Question 46 (page 78)

Funding for Family and DV

The Hon. ADAM SEARLE: How much funding and other resources has the New South Wales Government dedicated to addressing the gendered drivers of violence against women and their children, as identified through the national framework of Change the Story?

Mr COUTTS-TROTTER: I will take that question on notice and do our very best to provide a meaningful response.

The Hon. ADAM SEARLE: Thank you.

ANSWER

I am advised:

The NSW Government joined Our Watch on 1 July 2019.

It is hoped that membership will be a valuable investment to help stem the prevalence of domestic, family and sexual violence and ultimately to save lives.

Our Watch aims to drive nationwide change in the cultures that lead to violence against women by working closely with members to implement strategies such as Change the Story: A shared framework for the primary prevention of violence against women and their children in Australia.

The range of primary prevention activities taking place, including many of the 20 projects funded under the \$20 million innovation fund, utilise the principles embedded in Change the Story.

The decision to join Our Watch is recognition of the importance of primary prevention work and NSW is now part of a cohesive national primary prevention approach to domestic and family violence.

Question 47 (page 79)

Mens Behaviour Change Programs

The Hon. ADAM SEARLE: In each of the financial years 2014-2015 through to 2018-2019 can you tell us how many men's behaviour change programs have been funded in New South Wales?

Ms WALKER: I think I have the data, but it is probably better that I take that on notice.

The Hon. ADAM SEARLE: That is fine. Also, can you tell us for each of those years in which locations they have operated?

Ms WALKER: Yes, we definitely have the locations.

The Hon. ADAM SEARLE: Can you also provide information about how many individual men have been assisted through those programs?

Mr COUTTS-TROTTER: I can. I have a snapshot. For interest, just for the six months to December last year there were nine non-government organisations providing men's behavioural change programs to a set of standards determined by the department. They were available in Campbelltown, Tuggerah, Lismore, Tweed Heads, Hastings, Port Macquarie, Coffs Harbour, Dubbo, Parkes, Cobar, Ulladulla, Broadmeadow, Lake Macquarie and Maitland. Some 355 men were referred, 190 were eligible and in that period 60 men completed the program.

The Hon. ADAM SEARLE: Thank you for the snapshot. I would still like the whole data.

Mr COUTTS-TROTTER: No, of course.

Ms WALKER: Of course.

ANSWER

I am advised:

In 2016, the NSW Government committed \$15 million over four years in NGO-led community based perpetrator interventions including \$8 million in new funding.

As part of the 2019-20 Budget, the NSW Government is investing \$5.6 million in community based Men's Behaviour Change Programs (MBCPs). Women NSW funded Men's Behaviour Change Program locations by provider is listed below:

- BaptistCare NSW & ACT Campbelltown (South Western Sydney)
- BaptistCare NSW & ACT Tuggerah (Central Coast)
- Kempsey Family Support Service Coffs Harbour (Mid North Coast)

- Men and Family Centre Lismore/Tweed Heads (Northern NSW)
- Kempsey Families Inc. Port Macquarie, Kempsey and Nambucca- Bowraville region (Mid North Coast)
- Mission Australia Throughout Western NSW (including Bathurst, Orange, Dubbo, Parkes, Coonamble, Cobar, Coonabarabran, Brewarrina, Broken Hill, Wentworth and Walgett, Bourke)
- Anglicare Ulladulla
- Relationship Australia NSW Broadmeadow, Lake Macquarie and Maitland, Berkley Vale (Central Coast)

Question 48 (page 79)

Mens Behaviour Change Programs

[continued]

The Hon. ADAM SEARLE: Can you tell us again: How is the long-term evaluation of the men's behaviour change program to individual men being carried out or conducted? Is that something you can answer now or do you need to take that on notice?

Mr COUTTS-TROTTER: My colleague Ms Simone Walker might want to add some more interesting detail, but I understand that an evaluation of these pilots is due late this month, I think.

Ms WALKER: That is correct.

The Hon. ADAM SEARLE: Are you able to provide that to us when you have it or has it got to go through some sort of stages?

Mr COUTTS-TROTTER: I think we want to present it to a Minister first.

The Hon. ADAM SEARLE: Of course. I am just wondering how soon it might be that we might expect to see it in the public domain?

Mr COUTTS-TROTTER: As soon as we can get it through a decision-making process.

ANSWER

I am advised:

Women NSW has commissioned the Gender Based Violence Research Network and Social Policy Research Centre at UNSW to deliver the evaluation of the Men's Behaviour Change Pilot Program.

The evaluation will seek to describe the Men's Behaviour Change Programs and how they are implemented in the four pilot sites, including program reach and uptake, and to assess their processes, impacts and outcomes.

The evaluation process is currently underway.

Question 49 (page 80)

Mens Behaviour Change Programs

The Hon. ADAM SEARLE: As to whether or not it is worth the dollar. It would be very interesting to see the evaluation. How are the practice standards for men's behaviour change programs and the governing compliance framework being implemented?

Mr COUTTS-TROTTER: That is just what I alluded to earlier, without being able to remember the exact name.

The Hon. ADAM SEARLE: Happy to help.

Mr COUTTS-TROTTER: Thank you. I can take that one on notice and give you some detail.

The Hon. ADAM SEARLE: Also, can you indicate to the committee how compliance is being monitored? Again, happy for you to take that on notice.

Mr COUTTS-TROTTER: Yes, thank you.

The Hon. ADAM SEARLE: I know you are going to provide the information for each of the financial years 2014-2015 to 2018-2019, but also if you have any projections for the following financial year that would be very useful.

Ms WALKER: Yes, forward estimates.

ANSWER

I am advised:

Men's Behaviour Change Programs meet Practice Standards to ensure they are safe and effective and are assessed against a Compliance Framework.

The Practice Standards and Compliance Framework for Men's Behaviour Change Programs are publicly available at: www.crimeprevention.nsw.gov.au.

Question 50 (page 80)

Funding for Family and DV

The Hon. ADAM SEARLE: Again, this is one of those ones about the financial years 2014-2015 to 2018-2019 and following. What is the total funding provided to the integrated domestic and family violence program in each year?

Ms WALKER: I have that here in front of me. For 2020 it is \$2.692 million; 2021, \$2.762 million. I can provide you with the forward years if that would be useful.

The Hon. ADAM SEARLE: How is that money going to be applied? What sort of things will it be spent on?

Ms WALKER: It is a multi-agency response, as the name suggests—"integrated"—and really looks at stopping the escalation amongst those high-risk family groups and also in targeted communities. That is us working directly with the NSW Police, but also the non-government support agencies. I can get you the numbers of services that we have available.

The Hon. ADAM SEARLE: That would be great. You have them now or you want to provide them on notice?

Ms WALKER: I will take that on notice.

The Hon. ADAM SEARLE: That is fine. How will the program be evaluated?

Ms WALKER: I will take that one on notice as well.

ANSWER

I am advised:

A total of \$3.9 million was allocated to the Integrated Domestic and Family Violence program in 2018-19. Information about NSW Government funding allocated to the Integrated Domestic and Family Violence program in earlier years is available online at www.facs.nsw.gov.au.

The NSW Government funds 11 Integrated Domestic and Family Violence services across NSW: Bankstown, Bondi, Cabramatta, Central Coast, Eastlakes, Green Valley / Liverpool, Mt Druitt, Mullumbimby, Nowra, Port Macquarie and Taree.

Each service provides information, support, referrals, and case coordination and/or case management.

The Integrated Domestic and Family Violence program is available for those living through domestic and family violence as well as those who have left the violent relationship. The program works with the perpetrators, as long as it doesn't compromise the safety and wellbeing of victims and other family members.

The Department of Communities and Justice commissioned an evaluation of the Integrated Domestic and Family Violence program, which was completed by the University of NSW in November 2018.

A copy of the final evaluation report is available online at:

<http://unsworks.unsw.edu.au/fapi/datastream/unsworks:52685/bin540b7898-68bc-4d3d-bfdd-c75e11fe6f95?view=true>

Question 51 (page 80)

Funding for Family and DV

[continued]

The Hon. ADAM SEARLE: What opportunities exist for funded services and other community stakeholders to have input into that evaluation process?

Ms WALKER: What we know is incredibly useful with any of the evaluation processes, particularly for domestic and family violence, is getting perspectives from stakeholders, victims and also perpetrators. We will be looking at a full consultation process for that.

The Hon. ADAM SEARLE: Over what period of time?

Ms WALKER: I will take that on notice.

ANSWER

I am advised:

An evaluation of the Integrated Domestic and Family Violence Services program was completed in November 2018. The evaluation, which was conducted by the University of NSW, included interviews with 45 Integrated Domestic and Family Violence Services clients, 36 Integrated Domestic and Family Violence Services staff and 21 other stakeholders.

The evaluation of the Integrated Domestic and Family Violence Services Program by UNSW commenced in October 2016 and the final report was delivered in November 2018.

A copy of the final evaluation report is available online at:

<http://unsworks.unsw.edu.au/fapi/datastream/unsworks:52685/bin540b7898-68bc-4d3d-bfdd-c75e11fe6f95?view=true>

Question 52 (page 81)

DV Prevention

The Hon. ADAM SEARLE: Staying Home Leaving Violence—is this the appropriate place to ask this question?

Mr COUTTS-TROTTER: Yes.

The Hon. ADAM SEARLE: Good.

Mr COUTTS-TROTTER: Well—no, it is. I am just catching up on my machinery of Government [MoG].

The Hon. ADAM SEARLE: That is okay. Maybe you can take this on notice—and this is not a trick question, because I would really like to know. What is the delineation of the part of the Attorney's portfolio that is domestic violence prevention? What are the boundaries with this and Minister Ward's portfolio? You can take that on notice—I will ask the question I was going to ask. Again, in the financial years 2014-2015 to 2018-2019 and, again, projected for the following financial year, what is the total funding that has been provided to Staying Home Leaving Violence?

Mr COUTTS-TROTTER: We would have to take that on notice, because funding levels have changed and there has been an increase in the number of sites over time.

ANSWER

I am advised:

In 2019-20, \$7.7 million of state funding is scheduled to be allocated to the 33 Staying Home Leaving Violence (SHLV) sites in NSW. This includes the six new sites that became operational in 2018-19.

The Australian Government has allocated an additional \$3.5 million over three years for the 33 sites via the Keep Women Safe in Their Homes Program.

A total of \$6.9 million was allocated to the SHLV program in 2018-19.

Information about NSW Government funding allocated to the Integrated Domestic and Family Violence Strategy program in earlier years is available online at www.facs.nsw.gov.au

Question 53 (page 81)

DV Prevention

[continued]

The Hon. ADAM SEARLE: Happy to get a full report on notice. How many women with children experiencing domestic violence have been assisted through the program?

Mr COUTTS-TROTTER: We can get that for you.

The Hon. ADAM SEARLE: How many women without children and experiencing domestic violence were assisted? I think that would be useful to complete the picture.

Mr COUTTS-TROTTER: Yes, sure.

The Hon. ADAM SEARLE: Again, what plans are there to expand the program to other priority areas and priority target groups?

Mr COUTTS-TROTTER: Okay.

ANSWER

I am advised:

The total number of women with children assisted by Staying Home Leaving Violence between 2014-15 and 2017-18 is 6,260.

The total number of women without children assisted by Staying Home Leaving Violence between 2014-15 and 2017-18 is 1,838.

The Department of Communities and Justice will continue to explore opportunities to expand this program.

The NSW Homelessness Strategy 2018-2023 commits \$6.2 million over four years to expand Staying Home Leaving Violence to six new sites and the continued funding and support of existing sites across NSW. These sites are Griffith, Albury, Coonamble, Walgett, Port Stephens and the Richmond Valley. The NSW Government selected these sites due to high rates of domestic and family violence and the need for domestic and family violence services. The Government will provide ongoing support to the new sites so that they can reach more vulnerable people in the community.

Aboriginal and Torres Strait Islander women and children are a priority group for Staying Home Leaving Violence. Women and children from diverse cultural and language backgrounds are also a priority group for Staying Home Leaving Violence. The program's expansion to Griffith, Albury, Coonamble/Walgett, Port Stephens and the Richmond Valley will assist the large Aboriginal and culturally and linguistically diverse populations in these communities who are experiencing domestic and family violence.

Question 54 (page 82)

Domestic Violence Response Enhancement [DVRE]

The Hon. ADAM SEARLE: Mr Coutts-Trotter, Domestic Violence Response Enhancement [DVRE]— are we in the right place?

Mr COUTTS-TROTTER: Yes.

The Hon. ADAM SEARLE: Excellent. Again, I expect this will all be on notice, but in the financial years 2014-15 to 2018-19 and projected—

...

ANSWER

I am advised:

The NSW Government has allocated \$40 million through Domestic Violence Response Enhancement (DVRE) for the continued provision of after-hours services for women and children experiencing or at risk of homelessness until 30 June 2020.

The DVRE funding was provided as additional funding to existing funded providers. It is therefore not possible to identify the number of women who received a service as a result of the DVRE component alone.

The Government provides additional funding to homelessness services through the DVRE to strengthen responses for women and children experiencing or at risk of homelessness as a result of domestic and family violence.

DVRE funding has been provided to 43 homelessness service providers.

Service responses include additional crisis accommodation options, after-hours intake, brokerage to assist with necessities and outreach.

A breakdown of funding data per annum for DVRE is not publicly available.

Question 55 (page 82)

Domestic Violence Response Enhancement [DVRE]

The Hon. ADAM SEARLE: Mr Coutts-Trotter, how many women and children were assisted through DVRE in each FACS district in New South Wales? I will continue, assuming you will take these on notice.

Mr COUTTS-TROTTER: Yes. DVRE of course enhances after-hours access and support for women with or without children experiencing domestic and family violence. I am not sure you could separate out DVRE from the client information and data that the service gathers as a whole.

The Hon. ADAM SEARLE: That is okay. I am happy to receive the information in whatever way it has been recorded. What percentage of women with children were referred into a specialist domestic violence accommodation service? If you can provide that for a FACS district, that is fine. If you cannot, I will take it how it comes. Of the women and children who have been assisted, what was the percentage and number of Aboriginal women and children assisted? And, how many persons have been turned away or unable to be assisted through the program? Returning to the issue of contingent workers, I think I am right in saying that since 2015 permanent full-time equivalent employment in Justice has grown by about 1 per cent, but I think its spending on contingent labour has increased by about 64 per cent over the same period. Is that correct? If that is not correct, what are the correct figures and what is the cause or the driver of that growth?...

ANSWER

I am advised:

The NSW Government has allocated \$40 million through Domestic Violence Response Enhancement (DVRE) for the continued provision of after-hours services for women and children experiencing or at risk of homelessness until 30 June 2020.

The DVRE funding was provided as additional funding to existing funded providers. It is therefore not possible to identify the number of women who received a service as a result of the DVRE component alone.

DVRE commenced in June 2016, with services currently being delivered by 43 homelessness service providers.

Information about homelessness data is available on the Australian Institute of Health and Welfare website at www.aihw.gov.au.

Data for 2018-19 is not currently available.

Question 56 (page 82-83)

Domestic Violence Response Enhancement [DVRE]

[continued]

Mr COUTTS-TROTTER: I would be able to have a guess. I am happy to try to get the figures. I would have something of a guess at it. The prison bed capacity program, a \$3.8 billion infrastructure program, of course needed to be stood up as a project team and I know from getting to know many of those colleagues they are sort of project management professionals who move from one project to another. So that might explain some of the change. The other issue—and Mr Thomas alluded to it—when it comes to information and communications technology [ICT] services, particularly some elements of that, you have a workforce that does not want ongoing employment, people want to work on contract and we have to meet the market as we find the market. As a result we do end up employing quite a lot of people on contingent arrangements for that reason.

The Hon. ADAM SEARLE: Come back to me with anything further that you have.

Mr COUTTS-TROTTER: Sure.

ANSWER

I am advised:

Domestic Violence is a complex and multifaceted issue which is responded to in a range of capacities. There are significant resources employed across the Department of Communities and Justice Portfolio that contribute to assisting families impacted by domestic violence.

It is not possible to quantify the percentage of staff focused on domestic and family violence nor the total budget expended on this issue.

Question 57 (page 83)

DCJ Employees

[continued]

The Hon. ADAM SEARLE: I think with Justice in 2017 there were about 39,000 contingent workers. I think they were all contractors.

Mr COUTTS-TROTTER: The new department, formed from former FACS and Justice, has about 22,000 people. A figure of 39,000 would be spreading the net very wide and including the police, I would imagine, and other Justice cluster agencies.

The Hon. ADAM SEARLE: Rather than guess, can you give me the figures?

Mr COUTTS-TROTTER: For the department?

The Hon. ADAM SEARLE: For the department.

Mr COUTTS-TROTTER: Yes, sure.

The Hon. ADAM SEARLE: 2017, 2018 and projected for 2019?

Mr COUTTS-TROTTER: Sure.

ANSWER

I am advised:

Information on the active headcount for contingent labour numbers as at 1 July from 2017 to 2019 is provided in the table below.

	Jul 17	Jul 18	Jul 19
Former FACS	981	800	678
Former Justice	485	468	388

Information on projected contingent labour numbers is not available.

Question 58 (page 83)

Children's Court

[continued]

The Hon. ADAM SEARLE: Again, if there is any further explanation or insight you can give us into how wide that is the case, that would be useful, outside the ICT area, because you have covered that fairly comprehensively. Last year I asked the Attorney General some questions about Magistrate Debra Maher. She was not listed as a Children's Court magistrate last year, although she was a magistrate. Can you tell us when she became a Children's Court magistrate?

Mr COUTTS-TROTTER: I will take that one on notice. Unless my colleagues?—no.

The Hon. ADAM SEARLE: Can you also provide a response as to why there was a delay in her being appointed as a Children's Court magistrate? Because last year the Attorney General, I think, was under the impression she was already, certainly she was intended to be, but I put it to the Attorney General that there was a difference of opinion between himself and either the head of the magistracy or the Children's Court. Can you explain what happened and how it all got resolved, to the best of your ability?

Mr COUTTS-TROTTER: Possibly.

The Hon. ADAM SEARLE: Well, you will give a response. Whether it is a—

Mr COUTTS-TROTTER: Yes, we will give a response.

ANSWER

I am advised:

Magistrate Debra Maher was appointed as a Magistrate pursuant to section 13 of the *Local Court Act 2007*. As with all magistrates, Ms Maher has undertaken a range of work in including children's criminal and civil proceedings. The Chief Magistrate may appoint any qualified person to be a Children's Magistrate in consultation with the President of the Children's Court. Ms Maher was appointed in November 2018.

Please note: In July 2019, Mr Paul Lynch MP asked me substantially the same question. I responded in Questions & Answers Paper No. 23. My advice at the time was that Ms Maher was appointed in June 2018. I am advised now that November 2018 is the correct month. Please accept my apologies for this error.

Question 59 (page 85)

NCAT

The Hon. ADAM SEARLE: In relation to the idea of a south-west Sydney legal precinct, as well as having the criminal courts is there a consideration to having the NSW Civil and Administrative Tribunal sit there?

Mr COUTTS-TROTTER: I think it is too early to say.

Ms D'ELIA: Some of the consideration when we are planning precincts is to look at which jurisdictions are required and where we currently have operations. So if we are looking at Campbelltown and we have an office space somewhere else in Campbelltown, we would seek to move that into the precinct. But it is too early because we are not at that design phase of a building.

The Hon. ADAM SEARLE: Has the Government received any representations from any members of Parliament about any of these matters?

Mr COUTTS-TROTTER: I am sure it has but—

The Hon. ADAM SEARLE: Can you take it on notice and let us know from whom?

Mr COUTTS-TROTTER: Sure.

ANSWER

I am advised:

The Honourable Greg Warren MP made representations to the office of the Attorney General regarding the idea of a south-west Sydney legal precinct.

Question 60 (page 87)

Royal Commission into Institutional Responses to Child Sexual Abuse

Mr DAVID SHOEBRIDGE: Is there a team in the department that is tracking the implementation of the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse?

Mr COUTTS-TROTTER: Yes.

Mr DAVID SHOEBRIDGE: Do you have a running sheet of the recommendations that have been implemented and the recommendations that are in the process of being implemented?

Mr COUTTS-TROTTER: Yes, we do.

Mr DAVID SHOEBRIDGE: Can you, as best as possible, share that with the Committee?

Mr COUTTS-TROTTER: Yes, of course. ...

ANSWER

I am advised:

In June 2018 the NSW Government released its response to the recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission).

In October 2018, the NSW Government announced a comprehensive \$127 million package implementing recommendations of the Royal Commission.

In December 2018, a report on progress towards implementing the NSW's Government's response to the Royal Commission's recommendations was released. The report can be accessed on the NSW Government website.

A further progress report is scheduled to be provided in December 2019.

Question 61 (page 88)

Justice Reinvestment Projects

Mr DAVID SHOEBRIDGE: Can you provide us on notice details about what projects are in the mix for these justice reinvestment initiatives?

Mr COUTTS-TROTTER: I can provide a response that would identify proposals that have publicly identified that it want to expand, so initiatives that people have put to government or existing initiatives that people have sought additional investment to enable expansion.

Mr DAVID SHOEBRIDGE: Is it your intention for there to be a separate and distinct budget allocation for justice reinvestment projects as an overarching justice reinvestment initiative? Or is it simply going to be a variety of projects that have a justice reinvestment theme? One of the options would be a justice reinvestment commission or a similar statewide body.

Mr COUTTS-TROTTER: I take that one on notice.

ANSWER

I am advised:

Just Reinvest NSW has requested the NSW Government allocate funding for new community-led justice reinvestment initiatives across NSW and establish a NSW justice reinvestment body.

The Department of Communities and Justice is yet to finalise its priorities for the 2020-21 budget.

Question 62 (page 90)

GIPAA

The Hon. ADAM SEARLE: Just so that there is no misunderstanding, this was debated in Parliament, and the legislation now makes it possible for Government agencies to accept electronic lodgement but does not require it. The Opposition did propose making it mandatory. We were just interested, I guess, in the policy considerations underpinning the rejection of that proposal that it be made mandatory, particularly given the 2017-18 report on the operation of the GIPAA by the Information Commissioner.

The Hon. TREVOR KHAN: If it is a policy matter, shouldn't you have asked the Attorney General?

The Hon. ADAM SEARLE: I am just asking for the department's view.

The Hon. SHAOQUETT MOSELMANE: The Attorney's not here, that is why we are asking—

The Hon. TREVOR KHAN: He was here.

The Hon. NIALL BLAIR: And you kept asking the department questions. You have to work out which ones you are going to ask for whom?

Mr DAVID SHOEBRIDGE: The Government has woken up. Is that a point of order?

The Hon. TREVOR KHAN: Absolutely.

Mr DAVID SHOEBRIDGE: I do not think it is a point of order, so I will allow Mr Searle to have his question answered.

Mr COUTTS-TROTTER: I am happy to take that on notice. From my discussion with my colleague Rita Peci, and also with Elizabeth Tydd, a lot of the impediment was in finding a tractable information and communications technology platform to do this. We now have one. I will talk to my colleague Glenn King in customer service and see what information we can provide the Committee from an official's perspective about what more we could do to facilitate the uptake of digital lodgement on GIPAA requests.

ANSWER

I am advised:

Not all NSW Government agencies currently have the ability to accept electronic applications, so it is appropriate that a discretion exist at this time.

Question 63 (page 91)

GIPAA

The Hon. ADAM SEARLE: In relation to the GIPAA questions I was asking, you mentioned that one of the inhibitions in the past might have been the lack of an appropriate platform. You mentioned that now there was such a platform.

Mr COUTTS-TROTTER: Yes.

The Hon. ADAM SEARLE: Can you tell us what that platform is, when it was acquired and what its features are—to the extent that you can?

Mr COUTTS-TROTTER: It seemed pretty good when we launched it. I will get information for you addressing those three dimensions.

ANSWER

I am advised:

The former NSW Department of Family & Community Services introduced an online GIPAA platform on 29 May 2019. It allows applicants to lodge and pay for requests for information under the GIPA Act. It provides GIPAA applicants with a better customer experience when interacting with the department by reducing transactional costs associated with the payment of fees and charges. Features of the new online GIPAA platform include:

- online payment by debit or credit card,
- ability to upload supporting documentation,
- SMS and email notifications,
- address verification, document verification and DocuSign, and
- accessible web content and features.

From 11 September 2019 on line applications can be lodged via the same system for information held by the former Department of Justice.

Question 64 (page 91)

Information and Privacy Commission

[continued]

The Hon. ADAM SEARLE: In the legislation introduced last year a statutory period of deemed refusal of 40 days for a request for an external review by the Information and Privacy Commission [IPC] of decisions on applications was instituted. Are you able to tell the Committee whether any additional resources have been provided to the IPC to support that function?

Mr COUTTS-TROTTER: Not to my knowledge.

Ms STRATFORD: They increased the number of commissioners, I thought, to assist. I do not know if that is related.

Mr COUTTS-TROTTER: I think we will take it on notice and give you a crisp response.

ANSWER

I am advised:

The Department of Customer Service provided additional funding to the Information and Privacy Commission (IPC) to support the 40 day timeframe.

Question 65 (page 93)

PMES Survey

[continued]

The Hon. ADAM SEARLE: What specific investment or supports is Justice providing for its current managers and potential or future managers to develop that capability?

Mr COUTTS-TROTTER: I would need to take that one on notice, unless Ms Lo or Ms D'Elia want to comment.

ANSWER

I am advised:

The Department of Communities and Justice (DCJ) is implementing a range of initiatives that build leadership capability of its current or potential managers. They include:

- Increasing the support available to managers and employees to have meaningful performance and development conversations.
- Launching the inaugural DCJ employee award, Making a Difference Employee Awards Program, which recognises exceptional managers and emerging leaders.
- Releasing an online learning hub across DCJ that will support managers access just-in-time learning, tailored to their individual development needs.
- Piloting two new manager development programs, to build foundational management capability (by grade).
- Further rollout of the Take the Lead program, DCJ's keystone leadership development program.
- Piloting non-executive talent reviews and implement the inaugural DCJ executive talent review. Talent reviews help DCJ to identify and define the development needs of key employee cohorts.
- Promoting learning initiatives and programs to build an inclusive workplace (i.e. Disability Confidence E-learns, Multicultural Competence Program E-learn and Inclusive Leadership Program).

Question 66 (page 94)

ALRC report on the Family Court

Mr DAVID SHOEBRIDGE: Given the extremely large impact that would have upon State courts, has there been any review or policy response created or requested in relation to that Australian Law Reform Commission report?

The Hon. TREVOR KHAN: No, without a bucket of money, I suspect.

Mr DAVID SHOEBRIDGE: Well, quite.

Mr COUTTS-TROTTER: We will take that one on notice.

Mr DAVID SHOEBRIDGE: One of the options that has been on the table for the better part of 30 years has been for the different States and Territories to adopt the unified court that we see in Western Australia, where both State and Federal jurisdictions for children, care and protection and Federal family law are all heard within the one court. Are there any moves afoot for New South Wales to adopt that kind of model, which most people say provides the most comprehensive model?

Mr COUTTS-TROTTER: Not to my knowledge, but we will take it on notice.

ANSWER

I am advised:

Recommendation 1 of the Australian Law Reform Commission Report *Family Law for the Future – An inquiry into the Family Law System* was directed to the Commonwealth Government.

Question 67 (page 94)

Aboriginal cultural awareness training and Court Services

[continued]

Mr DAVID SHOEBRIDGE: The recommendations for Aboriginal cultural awareness training that were put forward by the original inquiry into the Bowraville family murders, which required the training of judges on Aboriginal cultural awareness, as well as others, were accepted by the Government. How many judges have undertaken that training?

Mr COUTTS-TROTTER: I do not think we have that data. I think we would have to make that request of the Judicial Commission and report back to you.

Mr DAVID SHOEBRIDGE: I appreciate that. Of course, as I understand it, that training is delivered by an optional online training module or similar. Given the disproportionate number of Aboriginal people who go through the court system—especially in criminal justice but also in care and protection—are there processes in place to make that mandatory for judges and to require the courts to report back upon the extent of the training? Again, you will probably need to take that on notice.

Mr COUTTS-TROTTER: I will take that on notice and get advice from judicial officials.

ANSWER

I am advised:

The Judicial Commission of NSW is an independent statutory corporation established under the *Judicial Officers Act 1986*. The Judicial Commission provides a continuing education program for the judicial officers of NSW. Information on Aboriginal cultural awareness training conducted for judicial officers can be found in the Judicial Commission's annual report available at: <https://www.judcom.nsw.gov.au/wp-content/uploads/2018/11/Judicial-Commission-of-NSW-Annual-Report-2017-18.pdf>.

Question 68 (page 95)

Aboriginal cultural awareness training and Legal training in Universities

[continued]

Mr DAVID SHOEBRIDGE: I can hear Ms Lo saying, "Take that on notice". The last thing I will ask on that is one of the other recommendations that was supported by the Government was making Aboriginal cultural awareness training a compulsory component of legal training in universities. It was supported by the Government. Can you please provide us any advice as to the implementation of that recommendation?

Mr COUTTS-TROTTER: Again, I will take that on notice.

ANSWER

I am advised:

The Department of Communities and Justice has implemented recommendation 5 of the Legislative Council Standing Committee on Law and Justice report on *The family response to the murders in Bowraville*. In 2017, the then Secretary of the former Department of Justice wrote to the Legal Profession Admission Board of NSW, the NSW Bar Association, all accredited law course providers in NSW, the Legal Services Council and the Law Society of NSW to request that Aboriginal cultural awareness training be included as a compulsory element in their legal training and accreditation.

As at the time stakeholder responses were received, 11 of the 14 accredited law course providers had either committed to or had already in place a dedicated graduate attribute covering Aboriginal cultural awareness, the NSW Bar Association was considering the request, and the Law Society of NSW was considering a requirement that candidates to its Specialist Accreditation Program be familiar with resources including the Equality Before the Law bench book published by the Judicial Commission of NSW.

Question 69 (page 95)

Cameron Review on Community Legal Centre (CLC) funding

The Hon. ADAM SEARLE: In the funding round for Community Legal Centres announced this May I think 13 CLCs received reduced core funding but the basis of the reduction was not explained to them. Are you able to provide the Committee with an explanation for why a combined \$926,000-odd in funding to those 13 services was reduced?

Mr THOMAS: You might be aware there was a review of the community legal sector initiated by the Attorney General last year, the Cameron review.

The Hon. ADAM SEARLE: The Cameron review, yes.

Mr THOMAS: It made a range of recommendations. One of those was around a tender process for Community Legal Centres funding and also to remove the funding decision-making from the board of Legal Aid, where it had been, to the Attorney General, where it is sitting now. In implementing that recommendation, the Attorney established an independent board that oversaw that funding process. The Legal Aid Commission manage the administration of the process—that is, the tender process and I suppose the taking of minutes and so forth of the board. The board was an independent body that made its recommendations to the Attorney General. I understand the Attorney last week released the tender assessment report to Community Legal Centres NSW [CLC NSW] that has some of the detail of that. As I understand the base funding for Community Legal Centres as it sat in 2016-17, no CLC as a total amount got an amount of funding lower than what it was receiving in 2016-17. That is an important year. You might recall at that period of time there was discussion from the Commonwealth about reducing \$3 million in the community legal assistance sector which—I am not sure of its formal title—was called the Dreyfus funding. The New South Wales Government at that point stepped in to provide an additional \$3 million a year to that sector. The Commonwealth did not remove that Dreyfus funding so the sector ended up having \$3 million more in it than it had otherwise anticipated. It is important to establish that the year before that injection of funds is the base year of Community Legal Centres funding. As I understand, it none of the CLCs got an amount of funding lower than that 2016-17 amount and a number got more. As I say, those recommendations were made by the independent panel to the Attorney.

The Hon. ADAM SEARLE: Who was on the independent panel?

Ms LO: I was a member of the independent panel, as was an executive director from Department of Premier and Cabinet. There were three independents—so non-Government members—two of whom managed the pro bono programs at large law firms.

Mr THOMAS: There was also an independent procurement advisor that sat on all meetings of the panel.

Ms LO: Probity advisor.

Mr THOMAS: Probity advisor, pardon.

The Hon. ADAM SEARLE: With no disrespect to anybody here, it is a sort of semi-independent panel—some Government people, some non-Government people.

The Hon. TREVOR KHAN: You are a cynic.

Ms LO: There were three non-Government members and two Government members.

Mr DAVID SHOEBRIDGE: A majority independent panel.

ANSWER

I am advised:

The panel consisted of:

1. Kathrina Lo, (then) Deputy Secretary, Justice Services, Department of Justice
2. Kristina Hickey, (then) Executive Director, Justice & Community Safety, Department of Premier and Cabinet
3. Anne Cregan, Partner, Pro Bono Group, Gilbert + Tobin
4. David Hillard, Partner and National Practice Group Leader - Pro Bono, Clayton Utz
5. Bran Black, (then) CEO, NUW Alliance
6. Mia Zahra, Manager, Community Legal Centres Program, Legal Aid NSW (Panel convenor, non-voting)

Question 70 (page 95-96)

Cameron Review on Community Legal Centre (CLC) funding

[[continued]

The Hon. ADAM SEARLE: When did the Attorney receive the panel's recommendations?

Mr THOMAS: The date, do you mean?

The Hon. ADAM SEARLE: Roughly. I mean, if there is a date—I am happy for you to take it on notice.

Mr THOMAS: Can I take that on notice?

The Hon. ADAM SEARLE: Was it a few weeks ago, a few months ago?

Mr THOMAS: The announcements were made prior to the end of the financial year and the report received prior to that. If I take the date on notice I will get back to you.

ANSWER

I am advised:

The Attorney General's office received the panel's recommendations in a Tender Assessment Report on 20 February 2019, seven working days prior to the commencement of the NSW Government caretaker period.

Question 71 (page 96)

Cameron Review on Community Legal Centre (CLC) funding

The Hon. ADAM SEARLE: What are some of those changed targets or revised deliverables? What sorts of things are we talking about?

Mr THOMAS: Numbers.

The Hon. ADAM SEARLE: Numbers of what, people seen?

Mr THOMAS: People seen and services delivered.

The Hon. ADAM SEARLE: We are talking about increases in the number of people seen?

Mr THOMAS: That is right.

The Hon. ADAM SEARLE: Do you have any examples—do not name the service—of some of the things we are talking about?

Mr THOMAS: I do not have them with me though. I can take that on notice.

The Hon. ADAM SEARLE: You can provide some examples on notice. ...

ANSWER

I am advised:

Community Legal Centres (CLCs) were required to set targets for the numbers of services only.

CLC A's target for total representation services opened was increased from 12 per year to 24 per year.

CLC B's targets for all services were increased, including legal advice in person from 100 per year to 145 per year, legal tasks from 95 per year to 138 per year, and duty lawyer services from 440 per year to 640 per year.

CLC C's target for Court/Tribunal representation services was increased from 5 opened per year to 10 opened per year.

Question 72 (page 97)

Cameron Review on Community Legal Centre (CLC) funding

The Hon. ADAM SEARLE: Can you tell us what that level of funding is it has received from the Government to participate in that process?

Mr THOMAS: My understanding is \$100,000, but if I take that on notice I will come back with that.

ANSWER

I am advised:

Legal Aid NSW provided \$65,000 excluding GST to CLCNSW on 20 June 2019.

Funding was allocated from the Community Legal Services Program budget.

Question 73 (page 97)

Justices of the Peace

The Hon. SHAOQUETT MOSELMANE: I ask questions in relation to justices of the peace [JPs]. Several years ago the department directed that New South Wales JPs could no longer witness proof of life forms for recipients overseas social benefits. This was to be reviewed and there was supposed to be a discussion paper. What has happened?

Mr COUTTS-TROTTER: I am sorry, I have no knowledge of that. I am looking to Ms D'Elia. We can take it on notice and give you a response, Mr Moselmane.

The Hon. SHAOQUETT MOSELMANE: If you would. My follow up question is that under the new introduced regime all applications to renew a JP's registration must be done on line. I understand many JPs—who are wonderful people—sometimes are not computer literate. Will you make some allowance for those wonderful JPs so that they are not put in a situation where they cannot undertake their job?

Mr COUTTS-TROTTER: I will take that on notice. The point is made and understood.

ANSWER

I am advised:

A consultation paper on potential reforms to the NSW Justices of the Peace system was released in August 2018. It sought feedback on whether NSW JPs should be permitted under NSW law to witness overseas documents

Some stakeholders supported expanding the functions of JPs in this way. However, other stakeholders, including associations representing JPs, considered the witnessing of overseas documents to be a particularly complex area and if JPs were permitted to witness these documents, they would require significant awareness and training of foreign legal processes, rights and obligations. Given the complexity and variety of processes involved, it was determined that this function should remain with notaries.

In order for JP Online to effectively manage all JPs in NSW, all JPs will be required to register with JP Online using an email address before their next reappointment date. At the date of JP Online's launch, approximately 97% of JPs in NSW had registered their email addresses.

If a JP does not complete an online reappointment application in the 12 months before to the end of their current 5 year term of appointment, their appointment as a JP will lapse.

All JPs who do not have email addresses registered with the Department of Communities and Justice were posted information on how to register and use JP Online.

It is acknowledged that some JPs do not have easy access to the internet. These JPs are encouraged to access the internet through friends or family or through local library services in order to complete the knowledge test and reappointment application.

Question 74 (page 97)

Justices of the Peace

[continued]

The Hon. SHAOQUETT MOSELMANE: Section 19 of the West Australian Justices of the Peace Act 2004 provides no action lies for anything that a person does while performing duties as a JP unless a person acts corruptly or maliciously. In New South Wales there is no indemnity provided for JPs. What is wrong with the West Australian model?

The Hon. NIALL BLAIR: It is a policy.

Mr COUTTS-TROTTER: Yes, that is a policy question.

The Hon. SHAOQUETT MOSELMANE: I am asking that policy question.

The Hon. ADAM SEARLE: What are the pros and cons? What advice has the Government provided?

The Hon. NIALL BLAIR: You can ask him if they have been asked to provide advice for that.

The Hon. SHAOQUETT MOSELMANE: Can you provide advice on that? Thank you for the assistance.

The Hon. ADAM SEARLE: Have you been?

Mr COUTTS-TROTTER: I do not know whether we have been, but I will find out and respond on notice.

ANSWER

I am advised:

I am advised that standing indemnity for litigation in NSW is not necessary as the likelihood of Justices of the Peace being found to be in breach of their 'duty of care' to clients is low.

Question 75 (page 97-98)

Justices of the Peace

[continued]

The Hon. SHAOQUETT MOSELMANE: In August last year a consultation paper was released about JPs. Nothing has been heard since. Has anything happened? When will we expect a response to the consultation paper?

Mr COUTTS-TROTTER: I am sorry, I am looking to see if I have any information on this. Again, I am sorry, I will have to take that on notice.

The Hon. SHAOQUETT MOSELMANE: That concludes the JP questions.

ANSWER

I am advised:

The Justice Legislation Amendment Bill 2019, which passed the NSW Parliament on 25 September 2019, will amend the *Justices of the Peace Act 2002* and *Oaths Act 1900*. These amendments arose out of the August 2018 consultation paper. On commencement, these amendments will:

- enable Justices of the Peace who are aged 65 years or over and have completed 10 years continuous service to apply for the title 'JP Retired' in recognition of their service to the community;
- enable the Secretary of the Department of Communities and Justice to delegate the exercise of functions under the *Justices of the Peace Act 2002* and associated regulations; and
- amend the *Oaths Act 1900* to clarify that Justices of the Peace may witness the execution of interstate documents where the law of another State or Territory empowers them to do so.