



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2019-2020 Supplementary Questions

Portfolio Committee No. 5 – Legal Affairs

ATTORNEY GENERAL AND PREVENTION OF DOMESTIC VIOLENCE

Hearing: Friday, 13 March 2020

Answers due by: Friday, 10 April 2020

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ATTORNEY GENERAL AND PREVENTION OF DOMESTIC VIOLENCE

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

Street Beat Program, Miyay Birray Youth Service, Moree

1. Is the Minister aware that funding for the Street Beat Program run by the Miyay Birray Youth Service in Moree has discontinued?
2. Please advise what negotiations took place between Miyay Birray Youth Service and the Minister or/and department relating to future recurrent funding for the service? Please describe how negotiations were conducted, i.e. meetings (provide date and location) or correspondence etc.
3. How many representations about this issue did the Minister or Department receive?
 - (a) From Miyay Birray (please provide number and date)
 - (b) Moree Police (please provide number and date)
 - (c) Moree PCYC (please provide number and date)
 - (d) Other (please provide number and date)
4. Has the Minister received advice or a briefing on the benefits of the Street Beat Program to the Moree community? If yes, when?
5. Has any analysis or research been conducted by the Minister or Department about the program? If yes, is it publically available?
6. Please provide a timeline of the decision making process that resulted in the Minister refusing to refund the service.
7. Will replacement funding be provided? If so, when?
8. When was the decision made to discontinue the funding to the Street Beat Program?

Country and regional magistrates

9. Proportionately fewer inquests are conducted by country magistrates than fulltime city coroners. Moreover, regional coroners rarely conduct inquests in which recommendations to prevent future deaths and injury are made. Country coroners don't have the time to do their jobs properly do they?
10. Over 21700 deaths were reported to regional magistrates in the nine year period 2010-18 but only 394 inquests were conducted (1.8% of the cases). In only 31 did they produce recommendations

to help avoid preventable deaths. They're simply not in a position to spend as much time on inquests as they should. Isn't that the case?

11. Are you continuing to have discussions with the Bar Association about legal aid rates for private practitioners?
 - (a) What is the status of those discussions?
12. Figures from the Parliamentary Budget Office suggest a pilot scheme of rehabilitation facilities and a Drug Court at Dubbo could be established for about \$28m over 4 years. Surely that's not too large a figure to deliver something every candidate for the electorate of Dubbo last year called for?
13. Granted the comparative growth in some centres in rural and regional NSW and historical local court staffing levels that no longer match this demand, what steps will you take to increase local court sittings in country NSW?
 - (a) Has the Local Court made any proposals to you to address the mismatch between demand for services and court resources in country NSW?
14. When will you be at the point of site selection for the South West Sydney Legal precinct?
15. Upgrading equipment to a desired level as indicated in the recent Auditor General's Report on your Department dated 18.12.19, has been estimated to cost \$14m pa for 3 years.
 - (a) How much of that funding has been obtained?
 - (b) Is there any likelihood of that being obtained if there's a requirement for a 3% efficiency dividend?
 - (c) Has the problem of outdated technology arisen because of previous efficiency dividend demands?
16. What Representations or submissions did you make to the Federal Government on their Identity Matching Bill?
 - (a) Were you satisfied with this Bill in regard to privacy, transparency and safeguards?
17. The unregulated growth of facial recognition technology has very serious potential consequences for privacy, but there is very little legal control. Why wouldn't you agree with the Australian Human Rights Commission proposal that all further introduction of the technology be subject to a moratorium until there's a legal framework put in place?
18. The NSW Police use a face matching services technology.

- (a) How do you regulate or oversee their use of this technology?
 - (b) were you consulted on the introduction or use of the technology?
 - (c) What privacy protections are there in the use of facial recognition technology by NSW Police?
19. The Trustee and Guardian Annual Report 2018-19 at p.4 refers to the options to implement the recommendations of the NSWCRRC Review of the Guardianship Act being identified. What are the options?
 20. The Trustee and Guardian Annual Report 2018-19 also notes that Trustee and Guardian have identified the costs flowing from the recommendations of the NSW LRC Review of the Guardianship Act. What are those costs?
 21. Your office was quoted in July last year saying that s32 of the Mental Health (Forensic Provision) Act was, together with the rest of the Act, being reviewed by the Department of Communities and Justice. When will that review be complete?
 22. A legal practitioner claimed in Tamworth District Court that she was bullied by a Magistrate out of making an application under s32 of the Mental Health (Forensic Provisions) Act for her client. Is there a disinclination on the part of some magistrates to use s32?

NSW Women's Strategy 2018-2022: Status of Women in NSW

23. In the 24 months to December 2019, two of the 17 major crime categories were trending upwards, one was trending downwards and the remaining 14 were stable.

This should be a major cause of concern for the Minister for the Prevention of Domestic Violence and Attorney General.

- (a) What is the Minister doing to address this increase in domestic violence?
 - (b) What is the Premier's response to this increase, given the failure to reduce domestic violence recidivism rates under the Premier's priority targets?
 - (c) What new prevention programs will the Minister implement to reduce and halt these increases?
24. What is the Minister doing to 'plug the holes our civil protection and criminal justice system' so that women and children can rely on it to keep them safe?
 25. What is the Minister doing to ensure that women and children who have experienced domestic violence have access to the range of services they need and at the right time?

26. What is the Minister doing to reform the law so that women and children are safe to remain in their home whilst the perpetrator leaves the home?
27. What primary prevention programs are you funding in our schools and community centres to change cultural attitudes and tolerance of domestic violence?
28. Why didn't the Minister consult with the women's domestic violence peaks prior to the National meeting regarding their call to action and priorities?

Safer Pathway

29. The Government says it is committed to consulting with peak bodies representing the women's and domestic violence sectors. Yet Women's Safety NSW, representing the WDVCAS sector which underpins the Safer Pathway model, is only funded for two full-time positions. Will the Minister commit to the funding model proposed and submitted to the Minister by Women's Safety NSW?
30. If the Government is not prepared to adequately fund Women's Safety NSW how will it perform its role in consulting the WDVCAS sector, providing advice to Government, changing community attitudes to domestic violence, etc?
31. WDVCAS workers across the state have identified effective case management as the number one priority for victim support- particularly in rural and regional areas; for Aboriginal and women and children and women of culturally linguistically diverse backgrounds.
 - (a) Will the Minister commit, via a whole of government approach, to funding a case management model as part of the WDVCAS model?
32. What compliance and tendering arrangements have been put in place to ensure that services tendering for the WDVCAS in 2020 employ staff with specialist experience and relevant qualifications in working with women and children affected by domestic and family violence?
33. A lack of safe housing, referral points, and long waiting lists due to a lack of funding, resulting in a lack of capacity across the system, means that women who are victims of domestic violence and their children, are unable to receive services when needed. This situation I am told is recurrent across the service system.
 - (a) What is the Minister doing to ensure that women referred through Safer Pathway are able to get help when needed?
34. At the recent meeting of the Federal and State Women's Safety Ministers, a no-interest loans scheme was announced which provides women victims of domestic violence with a \$2,000 loan.

(a) What will the Minister for the Prevention of Domestic Violence doing in response to this criticism?

35. The Australian Women Against Violence Alliance (AWAVA) has prepared a public statement, signed off by over 80 specialist domestic violence organisations. This statement identifies clear gaps in the system which places women and children at risk. It also sets out priority actions required to fix the system.

(a) What will the Minister do to respond to the identified gaps in the government's response to domestic violence in NSW?

Building Domestic and Family Violence Aware Workforce

36. Which NSW Departments and workers are trained on the nature and dynamics of sexual assault, domestic and family violence and how is this done?

37. What is the NSW Government doing to ensure that Aboriginal and Torres Strait islander and culturally and linguistically diverse women, women with disability and LGBTQI who are experiencing violence can access specialist and culturally safe support?

Our Watch and Change the Story

38. Beyond joining Our Watch and the Innovation Fund, what is the Government doing to address the gendered drivers of violence against women and their children, as identified through 'Change the Story'?

39. What is the NSW Government doing to ensure lesbian, gay, bisexual, trans, intersex and queer people who are experiencing domestic and family violence can access the supports they need to be safe?

40. How will the Government work with the NSW Women's Alliance to incorporate the recommendations in A Safe State into the next version of the *NSW Domestic and Family Violence Blueprint for Reform 2016-2021*?

41. When will the Government release the evaluation of the *NSW Domestic and Family Violence Blueprint for Reform 2016-2021* conducted by KPMG?

Primary Prevention

42. Prior to signing up to Our Watch, the government maintained the position that its efforts were already achieving its primary prevention aims, what whole of community primary prevention programs has the Government invested in? What is the total amount spent on these initiatives?

43. How much funding and resources has the NSW Government dedicated to addressing the gendered drivers of violence against women and their children, as identified through the national framework of “Change the Story”?
44. How will the Primary Prevention strategies in NSW Women’s Strategy 2018-2022 be integrated with the next Domestic and Family Violence Blueprint for Reform?
45. Will we see investment in a comprehensive primary prevention strategy in line with the Change the Story Framework from the NSW Government OR will it continue to be a piecemeal approach of small pilot projects?

Research into the Causes of Domestic Violence

46. How much funding is the government committing to research into domestic & family violence?
47. How much funding is the government committing to research into what causes domestic and family violence including:
 - (a) why & when perpetrators use violence?
 - (b) what should perpetrator programs be targeting in prevention?
 - (c) what makes a perpetrator intervention program successful?

Aboriginal Women and Children

48. Given the high rates of the unacceptably high rates of incarceration of Aboriginal women and young people and the clear links with domestic violence and homelessness, what programs is the Department of Justice funding to address domestic and family violence in the Aboriginal community to keep women and children safe?
49. It is understood that Women’s Safety NSW provided a funding proposal to the Government which requested enough funds to employ Aboriginal and Multicultural identified policy and advocacy positions within this peak body to specifically advise on legislative and policy reform as it affects these particular target groups. Will the Government commit to providing this essential funding for this peak industry body for women’s safety in the 2019/20 budget?
50. Regarding Wirrawee Gunya, can you tell me how an organisation that submitted for a tender that was costed by the department with no Aboriginal 24/7 Crisis Refuge in the specifications is meant to absorb the additional \$700k operational cost and accept that they are funded adequately?

Questions to the Department of Community and Justice (DCJ):

51. When will the Department keep their commitment to appropriately fund Western Sydney's Wirrawee Gunya?
52. In 2017 the Department offered all Specialist Homeless Services an extended 3-year funding contract. At that time the Department offered WCDVS a 1-year contract unless they agreed to include Wirrawee Gunya in the contract with no additional funding.

PREVENTION OF DOMESTIC VIOLENCE

Questions from Ms Abigail Boyd MLC

Domestic & Family Violence

53. What new investment has been made in this financial year in social housing infrastructure to ensure victims have accommodation options when they leave a violent relationship?
54. What new and dedicated resources are being committed to support the voices of children and young people who are experiencing or have experienced domestic violence?
55. Beyond joining Our Watch and the Innovation Fund, what is the Government doing to address the gendered drivers of violence against women and their children, as identified through 'Change the Story'?