

The Hon. Michael John DALEY, MP- Attorney General

Budget Estimates Hearing
28 August 2025

Questions Taken on Notice

QON #	Page #	Member	Question on Notice	Answer
1	3	The Acting Chair	The ACTING CHAIR: Sorry—and thank you, I really appreciate this, it is very important and I'll let you get back to it in a minute. You received legal advice? Mr MICHAEL DALEY: Yes. The ACTING CHAIR: Can you confirm who that legal advice came from? Mr MICHAEL DALEY: I'll have to take that on notice. I'm not sure whether it's appropriate for me to do so. I'll take that on notice. The ACTING CHAIR: Can you just confirm whether it was internal provision or whether you outsourced that to an external— Mr MICHAEL DALEY: It was both. The ACTING CHAIR: So you received more than one body of legal advice? Mr MICHAEL DALEY: Yes. The ACTING CHAIR: Can you confirm how many bodies of legal advice? Mr MICHAEL DALEY: No, I'll have to take that on notice.	I am advised: The advice I received is subject to legal professional privilege and I do not intend to waive that privilege.
2	4	The Acting Chair	The ACTING CHAIR: As part of the consideration and the material you had before you, was there a forensic accountant involved? Mr MICHAEL DALEY: I don't believe so, but I can take that on notice. A forensic accountant with a view to what?	I am advised: The contents of Ms Folbigg's application and the specific types of materials before me in relation to her application is confidential.

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				I can confirm I had regard to all materials provided by Ms Folbigg in her application.
3	7	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: Thank you. Minister, you received the Sentencing Council's report on firearms, knives and other weapons offences in May last year and, at estimates in February this year, you indicated you would be responding to that report in due course. Have you responded to that report yet? Mr MICHAEL DALEY: I will take that on notice. We haven't responded to that yet, no. Government is still considering it.	I am advised: The NSW Government is considering the Sentencing Council's report and will respond in due course.
4	7 & 8	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: Great. On 12 March 2024, when introducing section 22C of the Bail Act—a new test for certain young offenders—you committed to evaluation of that provision after 12 months. What was the result of that evaluation? Mr MICHAEL DALEY: The statute's been extended for 18 months. The Hon. SUSAN CARTER: What was the evaluation that extension was based on? Mr MICHAEL DALEY: The evaluation was carried out to be done at the end of that extension. The Hon. SUSAN CARTER: You committed to an evaluation after 12 months. Then there was an extension without that evaluation, and the evaluation's been pushed out to the end of the extension. Is that what I should understand, Mr	I am advised: Section 22D of the Bail Act 2013 establishes a requirement for the Minister to review the operation of the amendments made by the Bail Amendment (Extension of Limitation on Bail in Certain Circumstances) Act 2025, which extended section 22C of that Act to 1 October 2026. The review will seek to determine whether the policy objectives of the amendments remain valid and whether the terms of the amendments remain appropriate for achieving the objectives (s 22D(1)). The review must involve consultation with the Bureau of Crime Statistics and Research (s 22D(3)). The review is to be undertaken as soon as possible after 12 months after commencement, being April 2026, with a report on the outcome of the review to be tabled in Parliament as soon as practicable after the end of the period of 12 months.

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			Attorney? Mr MICHAEL DALEY: That was addressed in the second reading debate. I don't know that we did put a 12-month time limit on it, but I can go back and check.	

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5	8	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: Have you shared the data that you have received to date with anybody? Mr MICHAEL DALEY: In what sense? The Hon. SUSAN CARTER: In the sense of anybody who could do an evaluation. Has BOCSAR looked at it? Have you had someone in your department look at? Mr MICHAEL DALEY: BOCSAR will be looking at it and the department will be evaluating it as well. The Hon. SUSAN CARTER: Have they already looked at it? Have you shared the data that you have with them? Mr MICHAEL DALEY: I don't know. There's no-one from BOCSAR here. I can ask them and get back to you, if you like. The Hon. SUSAN CARTER: That would be great. I think the public has a great interest to know what evaluation has been done and the reason for the extension.	I am advised: BOCSAR is undertaking a study about youth bail generally. The study will not consider the specific impact of 22C.

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6	8 & 9	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: Minister, you've repeatedly informed this Committee that responding to the High Court decision in BA v The King is a complex issue and that you had hoped to introduce a draft bill into this Parliament in early 2025. When can we expect to see this legislation produced? Mr MICHAEL DALEY: It is a complex issue. The department has done extensive consultation on both that particular provision and the whole division of the Crimes Act, which is "Sacrilege and housebreaking", and there were quite some divergent views about it. We are continuing to consult on that and to consider amendments. So I can't give you a time frame. But there were some divergent views in relation to stakeholders, particularly about misidentification of women and the safety of women and the domestic violence context, returning to their former home to retrieve possessions, and things like that. The Hon. SUSAN CARTER: Has the consultation established that there's been similar problems in all of the other Australian jurisdictions which have managed to make this change to protect women? Mr MICHAEL DALEY: What was the question? The Hon. SUSAN CARTER: Did your consultation disclose that there have been problems—the problems that you have just raised—in any of the other Australian jurisdictions which have amended their law so that the problem in BA v The King does not arise? New South Wales is sui generis in this regard, isn't it, Mr Attorney General. Mr MICHAEL DALEY: I'd have to just go back and check that and take that on	I am advised: The issue arising in BA v The King [2023] HCA 14 is not unique to NSW and may also impact the approach taken to break and enter offences in other jurisdictions. The majority judgment of the High Court found that: In the NSW offences, a "break" requires both a break in fact (ie a physical action, however minimal, causing a break into premises) and a break in law (i.e. a trespass) (at [57]–[63]). Where a person has lawful authority to enter premises, they are not able to be considered a trespasser, and therefore cannot commit a break (at [70]–[71]). Such a right of entry is not conditional on the consent of the complainant, notwithstanding the offender no longer lived at the apartment (at [77]–[80]). The reasoning of the High Court means that the limitations on the NSW break and enter offences also apply to any offences in other jurisdictions which rely on the concept of a trespasser, which include the Australian Capital Territory, the Northern Territory, South Australia and Victoria. NSW is not aware of another jurisdiction taking legislative action to address issues post BA v The King.

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			notice. The Hon. SUSAN CARTER: If you could, thank you.	

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7	10	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: We will come to some of those things. Thank you. Are you able to tell us what impact the action plan has had on youth crime rates? Mr MICHAEL DALEY: Where? Generally, or in Moree? The Hon. SUSAN CARTER: In Moree. It was an action plan for Moree, I thought, Minister. Or was it— Mr MICHAEL DALEY: No. It had some statewide aspects in it, as well, from memory. The Hon. SUSAN CARTER: And the impact on youth crime has been? Mr MICHAEL DALEY: I would have to have a look at the BOCSAR statistics and compare the last six months to two-year tranche. But, generally speaking, I think that it is a mixed bag.	I am advised: BOCSAR crime reports show the following trends in recorded criminal incidents in Moree Plains Local Government Area in the two years to March 2025: Of the 13 major offence categories, two showed significant downward trends (break and enter dwelling - down 15.5% and steal from motor vehicle - down 33.6%), two were significantly up (steal from retail store - up 26.8% and malicious damage to property - up 9.7%) and eight were stable (DV assault, non DV assault, sexual assault, other sexual offences, robbery, break and enter non-dwelling, motor vehicle theft and other stealing offences). There were no recorded murder victims in the two years to March 2025.
8	11	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: I think that is probably fairly accurate. As you indicated, part of not the action plan but the overall Moree response was to deliver out-of-hours activities in partnership with Aboriginal controlled organisations and the Moree Plains Shire Council. How much of the total \$13.4 million investment was directed to those activities? Mr MICHAEL DALEY: I'd have to take that on notice unless Mr Tidball's got that at his fingertips. The Hon. SUSAN CARTER: Thank you. Can you tell us how the programs were selected and how they tailored in with the Youth Justice prevention aim?	I am advised: This question should be directed to the Hon. Chris Minns MP in his capacity as the Premier.

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			Mr MICHAEL DALEY: No. You'll have to ask the Premier that, maybe on notice, because, as I said, this is being coordinated from the Cabinet Office, not by DCJ.	
9	12	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: Am I correct in saying that there has been no evaluation but you hope to do an evaluation, what, in 2028, when 22C finishes? Mr MICHAEL DALEY: The evaluation is continuing. The Hon. SUSAN CARTER: And that is to be done in 2028, in the next period of government, is that right, when the extended 22C finishes? Mr MICHAEL DALEY: It's ongoing now. The Hon. SUSAN CARTER: When will the ongoing evaluation provide a report? Mr MICHAEL DALEY: I'll try to find out an exact date for you on notice.	I am advised: See answer to question #4

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10	15	The Acting Chair	The ACTING CHAIR: On the evaluation process that is ongoing, which you referred to earlier, what criteria is being engaged in that evaluation process, that you're aware of? Mr MICHAEL DALEY: I'd have to take that on notice, unless you want to talk to one of the officers about that now.	I am advised: See answer to question #4
11	16	The Acting Chair	The ACTING CHAIR: Finally, on this point, have you received any information at all about whether there is any peer-reviewed study or any study at all that's going on at this point in time, other than that evaluation, that the Bail and Crimes Amendment Act has the effect of reducing crime? Is there any material yet in New South Wales that could point to that, that you're aware of? Mr MICHAEL DALEY: Not that I'm aware of. The group might have within its files something pointing to that but, until they deliver their report, no, I won't know. The ACTING CHAIR: Can you please take that on notice to find out? If there is, would you provide that to this Committee on notice? Mr MICHAEL DALEY: It might not live with me. It could be within Minister Dib's portfolio. The ACTING CHAIR: I'm just asking if your team— Mr MICHAEL DALEY: So I know what I'm taking on notice, can you be specific about what you're asking me? The ACTING CHAIR: One peer-reviewed study, one not peer-reviewed study or	I am advised: The NSW Government is not aware of any peer reviewed study into the effects of Bail and Crimes Amendment Act 2024 on crime rates in New South Wales.

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			one preliminary study review that shows that the Bail and Crimes Amendment Act has the effect of reducing crime rates in New South Wales. Mr MICHAEL DALEY: Sure, I'm happy to take that on notice.	

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12	16	The Acting Chair	The ACTING CHAIR: What I'm asking for the Attorney General to advise this Committee is whether that would concern you if you heard that a magistrate said in open court, "The defendant is unlikely to receive a custodial sentence, but I'm going to refuse bail on this occasion and the person will be remanded." Do you think that's ordinary or do you think that would raise a little bit of concern? Mr MICHAEL DALEY: That's hypothetical. Concern amongst whom? No, that's too wide a question. The Bail Act is prescriptive. It provides a process by which judicial officers have to go to determine whether a person is getting bail or not, and that's the law. The ACTING CHAIR: Do you think that that consideration of a non-custodial sentence, where it's really clear in an open court—that you could still be subjected to custody or remand because of the bail laws and the way they apply right now? Mr MICHAEL DALEY: I would have to go back and have a look at them. It's a hypothetical question, and I'm not into that. The ACTING CHAIR: Would you take that on notice? In earnest, this is something that I think the State of New South Wales would really need the Attorney General of this State to have a view about. Mr MICHAEL DALEY: Sure. I am more than happy to do that, yes.	I am advised: Section 18 of the Bail Act 2013 sets out matters to be considered in an assessment of bail concerns. The likelihood of a custodial sentence being imposed is one factor, amongst many, that a bail authority has to take into account in the assessment of bail concerns (s18(1)(i), s18(1)(i1) Bail Act 2013).

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13	17	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: I have a couple more questions about the Moree response, if I may. When was the additional temporary magistrate to the New England circuit appointed? Mr MICHAEL DALEY: I can ask someone else or take it on notice. The Hon. SUSAN CARTER: Yes, take it on notice. When did the appointment conclude and what was the impact of this appointment? Mr MICHAEL DALEY: I'll take all of those on notice. Impact in what sense? What are you getting at there? The Hon. SUSAN CARTER: Part of the response was, "We're appointing an additional magistrate for six months to the New England circuit." Why? How did it work? Was it effective? In your second reading speech when this package was introduced, it was really clear that the bail laws, the bail accommodation, the temporary magistrate and the programs in Moree were a total package. To be a pilot program, we were to learn from what was happening in Moree and roll it out in other places. I'm simply trying to find out what evaluation has been done of all the elements. What have we learnt? What are we doing better now because of this investment? Mr MICHAEL DALEY: I'm keen to learn that too. The Hon. SUSAN CARTER: That's why I'm asking you these questions. Mr MICHAEL DALEY: My advice is that the funding for the additional magistrate for six months to hear additional sittings was meant to get on top of the	I am advised: An acting magistrate was appointed to the Temporary New England Circuit commencing on 26 August 2024. (a) The appointment concluded on 7 March 2025. (b) Questions regarding the impact on delivery of justice in the New England area should be directed to the Premier as the Moree package was coordinated out of the Premier's Department. (c) Questions regarding performance measures relating to this funding package should be directed to the Premier as the Moree package was coordinated by the Premier's Department.

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			workload. It is commencing on 26 August 2024, with funding ending on 7 March. After this period, the additional sittings in the New England area will conclude. The Hon. SUSAN CARTER: What impact did that have on delivery of justice in the New England area? Mr MICHAEL DALEY: I'm happy to take that on notice. I just needed to get an idea of what performance measures you were looking for. The Hon. SUSAN CARTER: I'm interested in that too. Perhaps you could take on notice the performance measures that you're using to assess all of these component parts of the package. Mr MICHAEL DALEY: Sure, but I'm taking on notice a question from you and I want to service the question. That's why I asked for the additional information.	

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14	21 & 22	The Hon. NATASHA MACLARE N-JONES	The Hon. NATASHA MACLAREN-JONES: Attorney General, how many accused criminals were being monitored by BailSafe? Mr MICHAEL DALEY: I can get those exact figures for you. I think somebody will have them at their fingertips. It's in the realm of 30 or so—I think 34 or something like that. Somebody will correct me in a minute if I'm wrong, but I think it was about that.	I am advised: As at 29 January 2025, around 25 defendants in NSW were subject to bail conditions involving electronic monitoring by BailSafe Australia.
15	26 & 27	The Acting Chair	The ACTING CHAIR: Who is in the monitoring group? Not the individuals but— Mr MICHAEL DALEY: Police, Corrective Services. ALS? No? Legal Aid? I don't know. We can find out. The ACTING CHAIR: If you wouldn't mind providing that to us— Mr MICHAEL DALEY: It's in the note. Hold on a minute. The ACTING CHAIR: The incredibly able human being behind you is providing you— Mr MICHAEL DALEY: Too able sometimes. The ACTING CHAIR: Probably one of the most incredible people in the building. Mr MICHAEL DALEY: Don't pump their tyres up too much. "Cross-agency monitoring group led by court services also monitoring the operation of bail division"—but it doesn't tell me who is in it. See? They're not that good after all. I'll let you know.	I am advised: The Bail Division Monitoring Group comprises representatives from the following agencies: - Chief Magistrates Office - Judiciary – The Coordinating Bail Magistrate- Children's Court - Court Services - DCJ - Transforming Aboriginal Outcomes – DCJ - NSW Police Force - Corrective Services NSW - Aboriginal Legal Services - Legal Aid - Justice Health - Youth Justice - Policy, Reform and Legislation – DCJ - Law Society - Information Digital Services – DCJ - Multicultural NSW - Bar Association

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16	28	The Acting Chair	The ACTING CHAIR: There's been papers written. One very short paper in particular that has been written provides a really good case that the District Court—for example, there are district courts within local courts around the State, as you know. They're permanent district courts. District courts are often sitting with no work before them while juries are out, considerations are being made, or things are happening, and there is, arguably, quite a lot of capacity to then have a bail application in a District Court. For example, if you are in the Lismore Local Court and you have a refused bail, you could literally be appealing the next day if there has been a miscarriage of some form. Whereas, right now, that person would have to wait at least six weeks in custody. The cost that is imposing on the State of New South Wales right now is massive. Mr MICHAEL DALEY: I'm not sure, with respect, what you say is correct. I don't know you'd get on the next day. No-one else has raised this with me. I'm not minded to change it. The ACTING CHAIR: Would you be minded to look into it? Mr MICHAEL DALEY: I can look into it. If there was an issue here, the heads of jurisdiction—who are not shrinking violets, by any means—would have raised this with me. I'd be reluctant to increase the workload of the District Court as well. I reckon 75 per cent of their work would be sexual assault, child sexual assault and DV. The waiting list for them being dealt with—I don't know that I'd want to impose an extra burden on them. The ACTING CHAIR: How long is the average bail application? Mr MICHAEL DALEY: I don't have that. I can find that and take that on notice. I	I am advised: In July 2025, the average disposal time for bail applications in the Supreme Court was approximately 3.7 weeks. Bail matters are listed in time allocations of 30 minutes, 45 minutes, or one hour, with the majority of applications scheduled for 45 minute hearings.

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			don't have it before me. The ACTING CHAIR: They're quite short. They're not very long periods. Mr MICHAEL DALEY: Do you mean the hearing? The ACTING CHAIR: Yes. Mr MICHAEL DALEY: It depends. I do think—correct me if I'm wrong—that all of these bail applications that come before the Supreme Court are dealt with by AVL. I don't think they're done in person. Is that right? The ACTING CHAIR: The Sydney ones— Mr MICHAEL DALEY: The Sydney ones can be, yes. The others are AVL. The ACTING CHAIR: It's really, really arduous. It's very onerous. Mr MICHAEL DALEY: I'll tell you what I'll do, Madam Chair. I'll raise this with the Chief Judge of the dizzo and see what they say and get back to you.	

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17	29	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: Absolutely. Thank you. Further to questions that Ms Higginson was asking, I wonder if you are taking on notice the composition of the cross-agency group looking at the bail division. Could you also give us the terms of reference of that group? To whom do they report? How often do they meet? Who actually convenes the group? How long is the group intended to run for? Mr MICHAEL DALEY: Sure. We will get all that for you on notice.	I am advised: Refer to response to supplementary question 114.
18	30	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: Going back to bail laws, at estimates in February you very helpfully provided us with figures explaining how 22C was working and informed the Committee that 22C had resulted in a bail refusal rate that's up near 80 per cent. Can you update those figures for us? Mr MICHAEL DALEY: The latest figures I've read is that it's settled down, more close to the early 70s. But, if that's wrong, I'll correct. But I think that's about right.	I am advised: According to BOCSAR, between April 2024 and June 2025 there, were 327 first bail appearances where the matter was within the scope of the 22C temporary bail test. Of these 327 appearances, 229 (70%) resulted in a court bail refusal.

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19	30 & 31	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: That is very clear. Thank you, Mr McKnight. There was some confusion at the last estimates in relation to the funding for the establishment of the bail division—whether that was funded out of the domestic violence package or the Moree response. Can you tell us what the source of the funding for the bail division is? Mr MICHAEL DALEY: For the new bail hub, you mean? The Hon. SUSAN CARTER: Yes. Mr MICHAEL DALEY: I think that's independent of Moree. The Hon. SUSAN CARTER: So the six magistrates— Mr MICHAEL DALEY: Mr Tidball said he can clarify that this afternoon. But my— The Hon. SUSAN CARTER: Thank you. And if it is new funding, as well? That would be very interesting. And the six magistrates—were they the six magistrates to be hired as part of the DV package, that \$34 million announced in June last year? Mr MICHAEL DALEY: I would have to get Mr Tidball to clarify that as well. The Hon. SUSAN CARTER: That would be very useful. While you are clarifying, the DV package was, of course, a four-year funding package. If the magistrates are funded out of that, is this ongoing funding? Or is this a four-year-limited exercise?	I am advised: The Bail Division was established using existing resources. The allocation of magistrates to this division is managed by the Chief Magistrate. Currently, there are seven courts operating within the Bail Division. Additional magistrates have been funded through a combination of Demand Funding and the Domestic Violence Package. Of these, one magistrate is specifically funded under the DV Package. This funding is part of a four-year initiative. Once it concludes, the position will transition to Demand Funding, which is set to increase over the next three years. NSW magistrates are appointed until they reach the compulsory retirement age of 75.

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			Mr MICHAEL DALEY: We can try and answer that.	

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20	32	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: Common interest, Attorney General. Do we have any figures on the total number of people held overnight because of the move towards virtual bail hearings? Mr MICHAEL DALEY: I don't know if that is even— The Hon. SUSAN CARTER: Would it be possible to obtain those figures? Is that something the cross-agency working group could look at? Mr MICHAEL DALEY: We'll take that on notice, but that's a matter for the police.	I am advised: Courts are not currently collecting data on the number of individuals held overnight due to virtual bail hearings. You may wish to direct this question to the Hon. Yasmin Catley MP in her capacity as the Minister for Police and Counter-terrorism and the Hon. Anoulack Chanthivong MP in his capacity as the Minister for Corrections, as both may be better placed to provide this information.
21	33	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: In terms of AVL coverage, we inquired about this at the last estimates and were reassured that work had been completed at the end of last year to ensure AVL facilities are available throughout the State. I note that on 8 August this year, my colleague the Hon. Kevin Anderson received a letter from your Parliamentary Secretary, Attorney General, on your behalf, noting, "Not all regional courts in New South Wales have AVL facilities." How many regional courts do not have access to AVL facilities? CHRIS D'AETH: I don't have the answer in terms of regional courts, but I can tell you the total number of courtrooms and tribunal hearing rooms with AVL— The Hon. SUSAN CARTER: It's the regional courts that I was specifically inquiring about. CHRIS D'AETH: I understand. I don't have that specific number. The Hon. SUSAN CARTER: Can you find that out on notice?	I am advised: As of 9 September 2025, there are 49 regional courthouses, including the NSW Civil and Administrative Tribunal, that do not have any courtrooms equipped with AVL technology. In total, 58 courtrooms across regional NSW do not have AVL access. This includes nine courtrooms located within courthouses that have other AVL equipped courtrooms available for use.

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			CHRIS D'AETH: I'll have to take that on notice.	

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22	34	The Acting Chair	The ACTING CHAIR: Attorney, I want to ask you briefly about the Walama List. I know that there has been an updated practice note this year. Is there still an evaluation on foot for that? Is there a plan to expand it? It's still currently limited only to matters referred from the metropolitan local courts. There's a desperate need for the expansion to regional courts, where big First Nations populations are. Do you have an update on that? Mr MICHAEL DALEY: The evaluation is still underway. The ACTING CHAIR: It has been going for a long time. Mr MICHAEL DALEY: Yes, it has been. You're right. The ACTING CHAIR: Is there any reason? Do we have a finish date? Mr MICHAEL DALEY: No, I don't. We can take that on notice for you	I am advised: The Walama List is delivered within existing resources of the Department of Communities and Justice (DCJ), Legal Aid NSW, the Office of the Director of Public Prosecutions, and the Aboriginal Legal Service NSW/ACT. Expansion is dependent on the availability of additional funding. The Walama List is being evaluated using a randomised controlled trial (RCT), which is the gold standard in program evaluation due to the ability to establish a valid counterfactual for comparison. To ensure sufficient statistical power to detect a difference in outcomes (if one exists), the RCT requires at least 350 people in both the treatment and control groups. Based on initial estimates in 2022, the Bureau of Crime Statistics and Research (BOCSAR) estimated that the trial would reach the required sample size in August 2029, with the final evaluation report expected in January 2031. However, accrual rates into the trial have been significantly lower than anticipated due to a range of factors. BOCSAR is currently working with the Walama Judges and DCJ Aboriginal Services Unit to identify strategies to increase accrual rates and minimise delays to the evaluation.

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23	35	Ms ABIGAIL BOYD	Ms ABIGAIL BOYD: That would be very useful. On the guardianship reforms, which I understand are underway, when is it expected that we will see any legislative changes being brought to the guardianship— Mr MICHAEL DALEY: I'll have to take that on notice.	The NSW Government is considering recommended reforms in relation to the guardianship framework.
24	36	Ms ABIGAIL BOYD	Ms ABIGAIL BOYD: That would be useful. I might leave the rest of those questions, then, given that they are about what we hoped would be imminent reforms in that space. In relation to the coercive control laws, as you know, a bunch of issues were parked when that was brought in, including the definition of domestic and family violence and whether or not coercive control laws would be expanded to include situations of, say, parents being coercively controlled by children or people within a carer relationship. I know that there was supposed to be a review. Where have we got to in bringing forward legislation to amend those coercive control laws? Mr MICHAEL DALEY: Unless Mr Tidball can assist me, we can take that on notice. MICHAEL TIDBALL: As I think you are aware, the implementation and evaluation taskforce's work is ongoing. That question deserves a proper response. I am happy to take that on notice. Ms ABIGAIL BOYD: Again, in light of the disability royal commission backing in the idea that we should be having a disability-inclusive definition of domestic and family violence, I was hoping that there might be some move bring that bit forward. But, from what you are saying, we are waiting to see what comes back out of the implementation taskforce first.	Section 54J of the Crimes Act requires statutory reviews of the coercive control offence. Three reviews are required, with the first to begin two years after the offence commenced (that is, in July 2026).

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			MICHAEL TIDBALL: And the evaluation phase.	

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25	36	Ms ABIGAIL BOYD	Ms ABIGAIL BOYD: I think my colleague touched on the audiovisual link technology in courts. In relation to domestic and family violence training, what is the New South Wales Government doing to ensure all judicial officers in New South Wales have access and incentives to undertake specific domestic violence training? Mr MICHAEL DALEY: That would sit within the realms of the Judicial Commission. Off the top of my head, I don't know what is in their curriculum. ANNE CAMPBELL: There has been a range of training as part of the introduction of coercive control. I am happy to take that on notice and come back this afternoon. Ms ABIGAIL BOYD: That would be good. Obviously it would be good to have an update on the specific training around the coercive control reforms, but there has been a lack of specific domestic violence training for judicial officers for some time. It has been a recurring request from the sector, so anything you can give me on that this afternoon would be great.	I am advised: Recent training for judicial officers on domestic and family violence is detailed in the July 2025 statutory report of the Coercive Control Implementation and Evaluation Taskforce on page 32: https://dcj.nsw.gov.au/documents/children-and-families/family-domestic-and-sexual-violence/police-legal-help-and-the-law/criminalising-coercive-control-in-nsw/coercive-control-taskforce-statutory-report-july-2025.pdf

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26	36	Ms ABIGAIL BOYD	Ms ABIGAIL BOYD: There was the Women's Domestic Violence Court Advocacy Scheme hearing support pilot. Is the Government going to commit to recurrent funding for that project? Mr MICHAEL DALEY: I can't answer that question. Generally, I can't answer any question about ongoing funding and subsequent budgets. We have already indicated that the Treasurer won't let us do that. In any event, I think that is Minister Harrison's portfolio area, not mine. Ms ABIGAIL BOYD: My understanding is that it falls within your portfolio because it is something that is more court specific. Mr MICHAEL DALEY: I am pretty sure she is the lead on WDV CAS. It also involves coordination with the police as well. We can take that on notice. I don't want to leave you empty-handed here.	I am advised: The NSW Government committed an additional \$272.7 million over four years to address domestic, family and sexual violence in the 2025/26 budget. This includes funding to continue the Women's Domestic Violence Court Advocacy Scheme (WDVCAS) Hearing Support Pilot and the NSW Police Force-WDVCAS Co-location Pilot in existing sites until 30 June 2027. The funding component for 2025/26 will be from the renewed National Partnership Agreement on Family, Domestic and Sexual Violence Responses 2025-30, funded by both the Commonwealth and NSW.
27	38	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: I wonder if I could ask you to take on notice—and I acknowledge the independent prosecutorial discretion of the DPP, but I think we all want to also acknowledge the pain that is felt by victims of sexual assault, and we don't want them revictimised by the system. Mr MICHAEL DALEY: Sure. The Hon. SUSAN CARTER: I wonder if I could ask you, if you could, to perhaps discuss with the DPP if she's able to check her records to ensure that there has been a statement of facts provided to each of the victims of sexual assault whose matters were discontinued so that they can understand more fully why decisions about their pain and their suffering have been taken by others.	I am advised: The Prosecution Guidelines do not require the ODPP to provide complainants with a “statement of facts” where a matter is discontinued. Prosecution Guidelines Chapter 5.6 requires that “In advising a victim of a possible discontinuance of all charges, a summary of the reasons why discontinuance is being considered should be provided.” The scope of the reasons provided will depend on the circumstances of each case, noting that decisions to discontinue may be reviewed and care must be

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			Mr MICHAEL DALEY: I'm happy to do that, and I always do, where I'm asked to do that.	taken to avoid tainting the evidence of a witness in case proceedings are reinstated. The ODPP has not conducted a review of the communication in all sexual assault matters discontinued, noting that the question appears to be asked at large. Conducting such a review would be an undue expense of resources.

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28	39	The Hon. NATASHA MACLAREN-JONES	The Hon. NATASHA MACLAREN-JONES: Attorney General, I probably should have been clearer. Instead of saying successful, are they working? Are crimes going down around— Mr MICHAEL DALEY: Are they working? Section 154K is the post and boast offence. Since it has been initiated, the police have initiated 96 legal actions against 77 distinct people between April '24 and June of this year. Of these 77 people with a legal action, eight received a diversion under the Young Offenders Act. Of the 69 people with court legal action, six were adults and 63 were young people. Of the 96 legal actions for offences under section 154K, 74 of them were incidents in regional New South Wales. So the police are using it. That's one the tests for "Is it working?" On that test, yes, the police are using it. But I'd just bring you back to one of the answers that I gave earlier. Sometimes you can't know if it's working because the effect of bringing the law to fruition itself, particularly with young people who communicate readily across social media, is that they won't commit it anymore because the law is in place, and you can never know that. The Hon. NATASHA MACLAREN-JONES: But what I would say is, based on those figures and information you've provided, you can say it's being successfully implemented. Mr MICHAEL DALEY: Well, the police are using it. You can put it that way, yes. The Hon. NATASHA MACLAREN-JONES: You mentioned a lot have been in regional towns. Do you have a list of those towns?	I am advised: Of the 96 incidents legal actions police have initiated under Section 154K between April 2024 and June 2025, 71 incidents were in regional NSW. These incidents were recorded as occurring in the following Local Government Areas: - Lake Macquarie (9 incidents) - Moree Plains (9 incidents) - Albury (6 incidents) - Coffs Harbour (6 incidents) - Glen Innes Severn (6 incidents) - Armidale Regional (4 incidents) - Mid-Coast (6 incidents) - Dubbo regional (3 incidents) - Singleton (3 incidents) - Tamworth Regional (3 incidents) - Wollongong (3 incidents) - Cowra (2 incidents) - Port Stephens (2 incidents) - Blayney (1 incident) - Bourke (1 incident) - Byron (1 incident) - Cessnock 1 incident) - Cobar (1 incident) - Maitland(1 incident) - Narrabri (1 incident)

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			Mr MICHAEL DALEY: No, I don't, but we can take them on notice.	- Newcastle (1 incident) - Parkes (1 incident).

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29	41	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: Minister, when was the last time that the prohibition against overseas commercial surrogacy was used? Mr MICHAEL DALEY: I don't know. I'd have to take that on notice. The Hon. SUSAN CARTER: If you could take that on notice. Mr MICHAEL DALEY: Sure.	I am advised: I am advised that there have been no recorded prosecutions of the offences related to commercial surrogacy in NSW under the Surrogacy Act 2010 or under the related historical offences in the Assisted Reproductive Technology Act 2007.

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30	43	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: Thank you. Can I quickly go back to the issue of overseas commercial surrogacy. Following our discussion at last estimates, I understand that you've proposed changes to clause 7 of the surrogacy regulations with respect to requirements for a qualified counsellor under the Act. Are you also proposing to undertake work to establish the equivalency of Australian and overseas qualifications? Mr MICHAEL DALEY: We'll have a look at that as part of the review. The Hon. SUSAN CARTER: That's not part of the regulation change; that's part of the Surrogacy Act review? Mr MICHAEL DALEY: It could be. The Hon. SUSAN CARTER: In which bucket is that work occurring? Mr MICHAEL DALEY: I haven't limited the work that the DCJ might do on that. The Hon. SUSAN CARTER: Have you had discussions with AHPRA? Mr MICHAEL DALEY: I haven't, no. The Hon. SUSAN CARTER: Has anybody in the department had it in terms of equivalency of qualifications? Mr MICHAEL DALEY: We'll take that on notice. The Hon. SUSAN CARTER: What about with the Royal Australian and New	I am advised: The Surrogacy Regulation 2016 was amended on 2 July 2025. Before this, the Department of Communities and Justice sent an Issues Paper in respect of the then proposed changes to the following peak medical bodies: • the Australian Association of Social Workers • the Royal Australian and New Zealand College of Psychiatrists • the Australian Psychological Society • the Australian and New Zealand Infertility Counsellors Association (ANZICA); and • the Royal Australian and New Zealand College of Obstetricians (RANZCOG). Submissions were received from ANZICA and RANZCOG. Clause 6A of the Regulation prescribes that to exercise the functions of a counsellor for a surrogacy arrangement entered into outside of Australia, a person must be one or more of: • a medical practitioner who is a psychiatrist, • a registered psychologist, • eligible for membership of the Australian Association of Social Workers or the Aotearoa New Zealand Association of Social Workers, • a full member of, or eligible for full membership of, the Australian and New Zealand Infertility Counsellors Association, • authorised to practise as a psychiatrist by a law of a jurisdiction outside Australia, • authorised to practise as a psychologist by a law of a jurisdiction

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			Zealand College of Psychiatrists? Mr MICHAEL DALEY: I haven't, but that doesn't mean someone else— The Hon. SUSAN CARTER: Anybody in the department? Mr MICHAEL DALEY: I'll take that on notice. The Hon. SUSAN CARTER: And the Australian Association of Social Workers similarly? Mr MICHAEL DALEY: Same.	outside Australia, • authorised to undertake social work by a law of a jurisdiction outside Australia. In addition they must: • hold a qualification conferred by a university, after the equivalent of at least three years full time study; • have specialised knowledge, based on the person's training, study or experience, of the social and psychological implications of a surrogacy arrangement. If the counsellor is providing an independent counsellor's report, clause 6B requires the counsellor to have specialised knowledge, based on their training, study or experience, that enables the person to give opinion evidence of the matters referred to in section 17 of the Surrogacy Act 2010.

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31	44	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: Just to clarify, this work in relation to qualifications of those people who can certify the situation of the overseas commercial surrogate is being done as part of the review of the Surrogacy Act, or that is being done separately with the change to the regulations? Mr MICHAEL DALEY: With the regulations. But what I was getting at is if these concerns are raised as part of the review of the Act, naturally DCJ would look at them. The Hon. SUSAN CARTER: And so they'd be looked at in both. Getting back to the stakeholders raising concerns, if these concerns haven't been raised but new stakeholders wanted to raise concerns, how would they have their voices heard in the ongoing consultations? Mr MICHAEL DALEY: In the normal course of events of the review of the Act. The Hon. SUSAN CARTER: Any further consultation will be public, will it? Mr MICHAEL DALEY: We'll take that on notice.	I am advised: Public submissions on a discussion paper for the review of the Surrogacy Act 2010 were open from June 2024 to August 2024. All submissions received as well as issues related to surrogacy raised with the Attorney General or the Department of Communities and Justice (DCJ) have been taken into account in the review. DCJ is finalising the review report. Further targeted consultation with stakeholders may occur on particular issues as needed.

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32	45 & 46	The ACTING CHAIR	The ACTING CHAIR: Have you had any feedback on the system that is operating for mediation in the short period of time since you abolished the community justice centres? Mr MICHAEL DALEY: Have I had any— The ACTING CHAIR: Feedback on the operation of mediation services across New South Wales since you abolished the community justice— Mr MICHAEL DALEY: I'd have to take that on notice. Feedback encompasses correspondence. I'd have to go back and search for all that. The ACTING CHAIR: Anything general that you're aware of? Have there been any complaints, concerns, any people contacting you that may have slipped through the system? Mr MICHAEL DALEY: Answering that would hazard me—I'd have to hazard a guess. The ACTING CHAIR: There's a note coming if you want to have a quick look. Mr MICHAEL DALEY: I will take it on notice.	I am advised: No feedback or complaints have been received regarding the operation of mediation services since the closure of the Community Justice Centres.

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33	47	The ACTING CHAIR	The ACTING CHAIR: What does that governance group do? How does it function? Does it meet monthly, bi-monthly, or is it a group that— MICHAEL TIDBALL: It does meet regularly, but I think in terms of frequency of meetings, what its focus is and the issues which it is considering and has considered, currently and up to this point, the Committee might be most assisted if I provide a written response to that on notice. The ACTING CHAIR: Thank you. I think it would be good. I know the Parliament, as well as many members of the public—there was real concern about what we were doing and, unfortunately, the figures, in terms of youth incarceration, are not good. I'm sure other MPs get it too—we get emails and we get calls of concern. It's just very hard for us—well, I can guarantee it's impossible for me to say anything other than, "It's outrageous." I don't know what else to say—as in a 34 per cent increase in young people behind bars, 60 per cent of those are First Nations and 70 per cent of those have not been convicted of an offence. If there's something that can be provided to us in this Committee so that we can do our work—it's great if we can tell people, "Hey, there's something actually happening here. We think we can convey to you that all this pain and this absolutely awful evidence that's coming back of increased incarceration"—given we know it's the most criminogenic thing we can do in any young person's life—"is all for a good reason." Because, at the moment, we just can't—not all for a good reason; I don't mean it like that. "This is the design. There are these factors that are happening." Because I know—I think others have received answers too—we've been told it has to get worse before it gets better. I've heard that from Minister Harris when I've asked him about his responsibility for what's happening by this State to First Nations young people in his capacity as Aboriginal affairs Minister. The Premier has told us in budget estimates that this	I am advised: This question should be directed to the Hon. Chris Minns MP in his capacity as the Premier.

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			is all he can do. If we are to follow that lead in any way, shape or form, we need something. Knowing these groups and stakeholders are involved is very good, and, obviously, I communicate with some of these stakeholders. But understanding how they are being supported and what's happening, rather than them just being dragged along with a government policy that is resulting in these dreadful numbers of young people, is what we're looking for. MICHAEL TIDBALL: All right. The ACTING CHAIR: Thank you, Secretary. I was not trying to preach there. I was really trying to impart the rationale of what it is we're looking for and, in some ways, if we can understand, especially in the context now that these laws have been extended in their operation.	

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34	47	The ACTING CHAIR	The ACTING CHAIR: With BOCSAR's evaluation, is the terms of reference for what they're doing available publicly? ANNE CAMPBELL: No. I think they're still working through that, and it's a study as opposed to an evaluation. The ACTING CHAIR: Have they been given a particular time frame that would be desirable for them to return some study material? ANNE CAMPBELL: I need to take that on notice.	I am advised: BOCSAR is planning to undertake a study on youth bail and remand. The study aims to consider the impact of youth bail refusal on offending. The study will not consider the specific impact of section 22C. The study is expected to be finalised at the end of 2026.
35	48	The ACTING CHAIR	The ACTING CHAIR: It's not just me, is it? Since we've introduced the laws, the rate of crime has increased—as in, the numbers have increased. Do we correlate that with "Now we've got better laws, we're capturing that"? Is that how we're reading those? MICHAEL TIDBALL: I'm providing objective data. The ACTING CHAIR: The numbers. MICHAEL TIDBALL: I would not want to undertake the analysis on the run. I am happy to take it on notice. But I just think I'd be drawing on expert comment from BOCSAR rather than responding on the fly.	I am advised: BOCSAR statistics showing violent criminal incidents involving a knife as a weapon recorded by NSW Police indicate knife offences were stable in the last two years, but declined over the longer term. Trends up to March 2025 show: - Non-DV assault with a knife as a weapon: Two year trend - Stable, 10 year trend - Down 3.3% per year on average. - Domestic assault with a knife as a weapon: Two year trend - Stable, 10 year trends - Down 7.1% per year on average. - Robbery with a knife as a weapon: Two year trends - Stable, 10 year trend - Down 1.9% per year on average.

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36	48	The ACTING CHAIR	The ACTING CHAIR: Have you noticed any correlation or change with the introduction of the new knife detection laws? PAUL McKNIGHT: I think that's something we'd have to take on notice and get further information from BOCSAR, as the secretary says. The ACTING CHAIR: The way I read the BOCSAR data is that the statistics just show that there's been zero positive effect from the new laws. If there's any way of interpreting the data otherwise, it would be really helpful. The analysis I have is there is actually a case just to repeal the laws at this point because of the negative impacts those laws are actually having on vulnerable groups in the community. So if there is some interpretation of the data that would suggest that the laws are having something other than zero positive effect, again, that would be really helpful. Is that something that you would seek from BOCSAR? PAUL McKNIGHT: We can take that question on notice.	I am advised: BOCSAR data on violent criminal incidents involving a knife as a weapon recorded by NSW Police indicate that the rate of knife offences over the past two years are the lowest in 20 years.
37	49	The ACTING CHAIR	The ACTING CHAIR: When practitioners read practice notes, what we do is read the practice note and we go, "Gosh, we missed the cut-off. We'll have to wait till tomorrow." Is there somewhere in the practice note that there would be consideration to amending that to then make clear that in reasonable circumstances or exceptional circumstances—as normally you do in a practice note, would that practice note be amended to reflect that? MICHAEL TIDBALL: I appreciate where the question comes from. The most I can undertake to do is to raise the matter directly with the Chief Magistrate, as the head of jurisdiction, which I'm, of course, happy to do.	I am advised: As noted during the hearing on page 49, paragraph 15, responsibility for the issuing of practice notes rests with the Chief Magistrate.

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38	51	The Hon. SUSAN CARTER	MICHAEL TIDBALL: Its work is to ensure accountability for that place-based work in Moree, which has received— The Hon. SUSAN CARTER: Accountability to whom and for what? MICHAEL TIDBALL: On the deliverables of that work. The Hon. SUSAN CARTER: Where can we get a list of the deliverables? MICHAEL TIDBALL: I would be very happy to provide, on notice, those elements that have been announced before. They're on the public record. I'm happy to provide a report on the progress in respect of each of those elements. The Hon. SUSAN CARTER: There's accountability for the deliverables being delivered. Is anybody looking at the impact of those deliverables, whether it's positive, negative or neutral? MICHAEL TIDBALL: I would take it that that is a corollary of that work that that group is doing, with a view to— The Hon. SUSAN CARTER: Could you take on notice to ascertain that that is actually happening and when we might see some sort of report about that? MICHAEL TIDBALL: I'm happy to do so.	I am advised: This question should be directed to the Hon. Chris Minns MP in his capacity as the Premier.

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39	53	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: You may be aware of evidence given to estimates on Wednesday 20 August by Ms Kate Boyd. She didn't press the point of legal proceedings. Indeed, she said that wouldn't be fatal because there was a general Executive power retained by the Attorney General. Do you agree with Ms Boyd or do you press the point that it falls within the memorandum? MICHAEL TIDBALL: I was satisfied that it falls within the memorandum. The Hon. SUSAN CARTER: Is it possible to provide us on notice with a copy of that advice that seeks to define what "legal proceedings" means? It is very novel definition, from my understanding. MICHAEL TIDBALL: I will take that on notice.	I am advised: This advice was provided by the Department of Communities and Justice (DCJ) Legal to the Secretary of DCJ and is subject to legal professional privilege. M2022-10 provides a non-exhaustive list of circumstances in which an application for ex gratia legal assistance may be made, including where public officials face legal proceedings or are required to appear before 'certain investigatory bodies' including the Independent Commission Against Corruption, the Law Enforcement Commission, the Royal Commission, or a Special Commission of Inquiry. The Select Committee was inquiring into the decision-making process of the Cabinet, raising significant issues relating to parliamentary functions. It had delegated powers to, among other things, summon witnesses, order the production of documents and compel witnesses to appear or answer questions. Supreme Court proceedings under the Parliamentary Evidence Act were considered imminent.

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40	53 & 54	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: Perhaps I might turn to you, Mr D'Aeth, if I may. At the last estimates hearing, you took on notice a question about the release of information to a journalist about a matter in the Children's Court. Your answer indicated that it may be the subject of an ongoing investigation. Could you update us about the progress of this investigation? CHRIS D'AETH: Sorry, could you repeat the question, please? The Hon. SUSAN CARTER: You took on notice a question about the leak about matters in the Children's Court to a journalist. The answer on notice was that it may be the subject of an ongoing investigation. I would like you to update us on the progress of that investigation, please. CHRIS D'AETH: My memory is that Ms Dowling took that particular question, although I might be mistaken. The Hon. SUSAN CARTER: I asked questions of you and Ms Dowling. The answer we got back from you on notice—and I would think this falls within your purview, doesn't it, in terms of the proper administration of the courts? What is the status of that investigation into the Children's Court leak? CHRIS D'AETH: I'll take that question on notice. I don't have any information for you at this time.	I am advised: The Department of Communities and Justice is unable to comment on the specific matter which is an internal matter for the ODPP. Rules of court provide that a party to a court proceeding (such as the ODPP in the proceedings it prosecutes) are entitled to access documents held on the court file for the proceeding.

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41	54	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: Are you able to get it for us today? Mr Hyland, are you able to answer that question? CRAIG HYLAND: This is in the context of the police inquiry being complete and the matter being— The Hon. SUSAN CARTER: So there was a police inquiry and that's now complete? CRAIG HYLAND: That was completed. The Hon. SUSAN CARTER: What date was that completed? CRAIG HYLAND: I couldn't recall when that was completed. The Hon. SUSAN CARTER: Can you take that on notice? CRAIG HYLAND: Yes, I can.	I am advised: Mr Hyland was notified on 21 March 2025 that NSW Police had determined that their investigation was complete.

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42	55	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: What was the outcome? The report found what? CRAIG HYLAND: The report made certain recommendations, and then a delegate made the decision in relation to those recommendations. The Hon. SUSAN CARTER: What were the recommendations? CRAIG HYLAND: Again, I do not know what those recommendations were. The Hon. SUSAN CARTER: Can you take that on notice and provide this Committee with those recommendations? CRAIG HYLAND: Yes, I can.	I am advised: The report was prepared by an external law firm for the purpose of providing legal advice to the Director. The report and its contents are therefore covered by the Director's legal professional privilege.

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43	56	Ms ABIGAIL BOYD	Ms ABIGAIL BOYD: I understand that the DVDRT tends to use a lot of the Coroner's reports and go through that data and use that for its own purposes. In the case of the Lilie James inquest, I understand that the head of the DVDRT actually provided really helpful evidence to the Coroners Court in relation to domestic and family violence and that that was a really useful contribution to the coronial process. That bit that you just said at the end regarding funding, is that to facilitate more of that sort of interaction between DVDRT and the Coroner's team? ANNE CAMPBELL: I think it was more to do some further research. The advice I've got is a research proposal into suicide and intimate partner violence and domestic violence. The research is due for completion in 2027. And then there is also a University of New South Wales research into domestic and family violence homicides involving First Nations women in New South Wales. That is being done with the DVDRT and Dr Tonkin's office. Ms ABIGAIL BOYD: Given that Anna Butler provided that evidence, is that something that is likely to continue? Do you have any insight or can you take it on notice? MICHAEL TIDBALL: I think we need to take it on notice.	I am advised: The conduct of an inquest into a death, including any witness called to give evidence, is a matter within the direction and control of the coroner holding the inquest.

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44	56	Ms ABIGAIL BOYD	Ms ABIGAIL BOYD: I think it was viewed by many in the sector as a really helpful development in informing the Coroner. Let's move to some of the issues around the Coroners Court that I was discussing earlier. What is the current backlog of mandatory section 23 inquests and also section 24 inquests, if I can have those separately? MICHAEL TIDBALL: I have an almighty wad of statistics here. I need to go searching. I will try and provide a response. Ms ABIGAIL BOYD: You need a laptop. MICHAEL TIDBALL: My visual field isn't very good with computers. I'll try and provide a response by the end of the hearing. I may not be able to. If that is the case, I will provide it on notice.	I am advised: JusticeLink does not support the timely extraction of separate data for mandatory section 23 and section 24 inquests.
45	56	Ms ABIGAIL BOYD	Ms ABIGAIL BOYD: I understand that only the State Coroner and Deputy State Coroner are able to undertake the section 23 and section 24 inquests. I understand there are currently two non-magistrate coroners who have been appointed who won't be able to do that work. Is that correct? Is anyone able to tell me? PAUL McKNIGHT: Those are the deaths in custody matters and the other— Ms ABIGAIL BOYD: Yes, the deaths in custody and police operations and also children and disabled people inquests. PAUL McKNIGHT: I think that's right, but we would need to take that on notice.	I am advised: The Coroners Act 2009 (the Act) prescribes that only the State Coroner or a Deputy State Coroner (a senior coroner) can hold an inquest concerning a death or suspected death that falls within section 23 or 24 of the Act (sections 22-24 of the Act). Non-magistrate coroners are not senior coroners and are therefore unable to hold these inquests.

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46	56	Ms ABIGAIL BOYD	Ms ABIGAIL BOYD: If you could also take on notice the amount of resourcing that the Coroners Court has and the amount of funding and how that compares over the last five years, that would be useful to be able to track. One of the main purposes of coronial investigations is to contribute to preventing future deaths and injury. I understand that regional inquests rarely result in preventative recommendations. In contrast, 75 per cent of the inquests resulting in preventative recommendations in the last four years were conducted by specialist coroners in Sydney. There seems to be not as much preventative work being done regionally. Given that the case loads of regional magistrates is making it difficult for those more fulsome inquiries, are we going to see any change in the direction of resources to regional communities? CHRIS D'AETH: If I may just add to that, I think you'll find that the complex cases in the regional areas are moved to Sydney. That would lead to why the recommendations are predominantly coming from the Sydney region. They may still be regional matters that are then dealt with in the centre, if I may put it that way. Ms ABIGAIL BOYD: What piqued my interest is that obviously there are a lot of regional domestic homicides and so there was a concern that we weren't providing the same level of preventative work for those homicides as we were for the ones in Sydney. But what you're saying is that they come to Sydney—we have a process for when it's more serious. So it has to come into the Sydney court and, presumably, they are still getting the same evidence they would get on a regional basis. CHRIS D'AETH: I understand that that is the case. That is correct.	I am advised: Processes are in place for specific regional coronial cases, including complex cases such as homicides, to be managed by the State Coroners Court in Lidcombe. In these cases, if an inquest is held, the senior coroner with carriage will seek to travel to hold the inquest at the regional location wherever possible. The 2025-2026 Budget Papers include detailed information on budgeted expenses, revenue, and capital expenditure. This includes detailed financial statements for individual agencies as well as for government as a whole.

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47	57	Ms ABIGAIL BOYD	Ms ABIGAIL BOYD: Okay. That's helpful. The select committee on the coronial jurisdiction and the more recent stat review of the Coroners Act recommended that the preventative capacity of the coronial jurisdiction be strengthened by introducing a specialist preventative death review unit. Is that something that the Government has investigated putting in place? Do you know? Is there any work being done by the department? PAUL McKNIGHT: I think I need to take that on notice. I would say that the Coroners Act review is ongoing, as I said this morning, but it is constrained by resource—it's to be neutral as to resourcing. But that doesn't necessarily mean that small resourcing initiatives might not be accommodated within it.	I am advised: The Report of the Statutory Review of the Coroners Act 2009 was tabled in Parliament on 14 February 2024. Careful consideration is being given to the development of a reform package that implements the recommendations of the Statutory Review on an overall cost neutral basis.
48	57	Ms ABIGAIL BOYD	Ms ABIGAIL BOYD: It would be good to list out how the overall number of inquests has been, year by year. You might tell me it's to do with the complexity, but however you want to provide that on notice, just to understand how many inquests are being done per year. I've already asked you for the funding. If you could maybe tell me the staffing numbers per year as well, just so we can begin to see that. I understand that the central people in Sydney are also very busy. I understand that that would be the difference with the preventative work, but I'm quite concerned that we are not resourcing the Coroners Court to the extent that would be useful.	I am advised: The Local Court Annual Review, published on the Local Court of NSW website, provides data on the number of finalised inquests each year. The 2024 Annual Review can be located at: https://localcourt.nsw.gov.au/content/dam/dcj/ctsd/localcourt/documents/annual-reviews/Local_Court_of_New_South_Wales_Annual_Review_2024.pdf

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49	57	Ms ABIGAIL BOYD	Ms ABIGAIL BOYD: One last question from me. There has been a number of recommendations and findings as well around upgrading and modernising the coronial jurisdiction. Does the Coroners Court now have electronic service of documents? CHRIS D'AETH: I might take that on notice and give a more detailed answer in relation to that. The secretary this morning spoke in relation to digital case file work that's happening across courts, predominantly in the civil jurisdiction of the Supreme Court at the moment, but with a view to expand that when we can, when resources allow and when timing allows. But I'll take that on notice in terms of the Coroners Court. Ms ABIGAIL BOYD: That's great. Thank you.	I am advised: The coronial jurisdiction uses the same case management system as all NSW courts, JusticeLink. The Coroners Court does not currently have a digital case file system.
50	60	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: I believe in the submission you made to the review of the Surrogacy Act you raised the example of Baby 101, an operation in Thailand. Did that use trafficked slaves as surrogate mothers? JAMES COCKAYNE: I'd have to take that on notice.	I am advised: As set out in my submission to the Review of the Surrogacy Act, available at https://dcj.nsw.gov.au/documents/legal-and-justice/anti-slavery-commissioner/plans-and-discussion-papers/submission-to-the-review-of-surrogacy-act-and-status-of-children-act.pdf on my website, one case of human trafficking in the context of commercial surrogacy involved Chinese and Vietnamese women trafficked to Thailand and exploited as commercial surrogates by a company called 'Baby 101'. The owners of Baby 101, Taiwanese nationals, were convicted of trafficking in persons for exploitation. Further details can be found in the case report of Choen Pai Wan and Others on the website of the UN Office on Drugs and Crime: https://sherloc.unodc.org/cld/case-law-

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				doc/traffickingpersonscrimetype/tha/2012/choen_pai_wan_and_others.html
51	61	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: The closure management plan for the community justice centres recognised that there was a high level of cross-referrals between the CJs and LawAccess. Perhaps again it's too early to judge, but what impact has the closure of the CJs had on the workload of LawAccess? MONIQUE HITTER: I would need to take that on notice, Mrs Carter. Certainly I know that LawAccess NSW was prepared for the closure of the community justice centres and had done some work to make sure that people who needed assistance following the closure would get assistance from LawAccess NSW. The Hon. SUSAN CARTER: If you could take it on notice and we might even come back to that next estimates as well because it would be interesting, I think, to watch—the knee bone is connected to the thigh bone—and see how it all works. MONIQUE HITTER: Certainly.	I am advised: There is no way of quantifying the impact on the closure of the Community Justice Centres (CJs) on LawAccess NSW. The LawAccess NSW database does not have any specific matter type or data set for matters that would have previously been dealt with by CJs and therefore no way of tracking this information.

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52	61 & 62	The Hon. NATASHA MACLAREN-JONES	The Hon. NATASHA MACLAREN-JONES: Dr Cockayne, thank you very much for the graph. I just wanted to clarify, because there's an interesting spike in a couple of them. I think that was in January-February this year and again more recently. Are you doing any work around what has led to an increase in inquiries—any of the trends or anything? JAMES COCKAYNE: We've done some work. The working hypothesis is, when I'm in the media or when I'm present in an area where we know that there's a cohort, word gets out. Sometimes there's a little bit of a lag. It's very much word-of-mouth driven, access to this particular service. We can furnish other data if that would be useful on notice that breaks down, for example, the types of offences we're seeing. The Hon. NATASHA MACLAREN-JONES: That would be great.	I am advised: While it is not possible to conclusively determine a reason for the spikes in the graph I provided to the Committee showing the flow of approaches and active enquiries, my Office does generally notice an increase in enquiries when I am quoted in or interviewed in the media, and following my visits to regional areas. This increase consists both of requests for advice and information, and requests for referrals to support and assistance. Types of potential offences: My Office collects data on the number of enquiries by potential crime type. It is important to note that I do not have the function of investigating or resolving allegations of modern slavery, so this exercise reflects our preliminary assessment, based on available indicators, of the type of conduct involved in an enquiry. It does not reflect any conclusion or assessment as to whether any criminal offences or other breaches of NSW or federal law have been committed. In general, my Office sees a consistently high rate of forced labour presentations. This is likely a result of our ongoing regional engagement, awareness raising and community partnerships in the regions where Pacific Australian Labour Mobility (PALM) Scheme workers and other temporary migrant workers are working. In the last 6 months, we have also seen a spike in requests for support stemming from experiences of slavery. This is largely due to ongoing provision of support and assistance to victims drawn from the Yazidi

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				community who were settled in rural and regional NSW after many of them experienced slavery and trafficking by ISIS in Iraq and Syria. I enclose Graph 1 (Number of Enquiries by Potential Crime Type). This shows the number of enquiries per month according to their primary potential crime-types, noting that many instances of exploitation involve a cross section of these crime-types. Return vs. first-time approaches: I also enclose Graph 2 (Return vs. First-time Approaches). This graph shows the number of enquiries that have returned to the Office for further support and assistance. These returns appear to signify both that enquirers have a high level of trust in the support and assistance my Office provides; and that the nature of recovery from modern slavery means that victims are likely to require support and assistance on an ongoing, or repeat, basis. In the last 12 months, most of the return enquiries had experiences of forced labour (35%). Many of these enquirers were temporary migrant workers and often required repeated support to resolve complex visa and migration situations. Duration of engagement with enquiries: As of 15 September 2025, my Office engaged with each enquiry for an average of 63 days, and a median of 29 days. This represents an 18% increase in the length of time people remain engaged with my Office in the last 12 months, compared to the 12 months before.

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				Once enquirers are referred to appropriate service providers, the Office suspends active, intensive support and moves them into a step-down phase of engagement. Enquiries are moved to the “step down” phase when risks or vulnerabilities remain that warrant the matter remaining open with the Office and not being formally closed, or when OASC and/or the enquirer are monitoring whether a warm referral to a support service has been accepted. There are, however, instances whereby a “step down” matter becomes active again: e.g., when a referred service cannot accept or proceed with an enquirer, or when further supports are required with other aspects of their healing journey. Over the last 12 months, enquiries have remained in the step down phase for 3.5 months on average. This represents a 157% increase in the length of time that enquiries have spent in the step down phase in the last 12 months, compared to the 12 months before. Quite often, we see enquirers remaining in the step-down phase for longer periods due to: - under-resourcing of OASC limiting our response capability; - systemic barriers to eligibility for services (e.g., law enforcement refusing an investigation can mean a survivor loses access to supports with the Support for Trafficked People Program); - limited-service provider capacity and resources – it can take several weeks for a service to find capacity to do an assessment of an enquirer, only for them to advise that they do not have capacity to carry the matter. This is particularly true for the over-burdened community legal sector;

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				- legal and migration issues – if enquirers do not have a valid visa and are trying to normalise their migration status with legal assistance, they often end up in a holding pattern of interim visas, that leaves them in a cycle of eligibility insecurity with services like the STPP. They often stay in step-down until there is some clarity about the next steps for them; - lack of case coordination in the modern slavery sector, particularly where there are complicated language and cultural barriers, leaves enquirers confused as to the identities and roles of their different service providers, and who has access to their sensitive information (particularly visa information, in the case of temporary migrant workers). My Office does not have the resources or legislative mandate to provide case coordination, but we find that without that coordination support, enquirers are intimidated by the referral process and often remain disengaged out of fear. For more detail, refer to enclosed Table 1 (Duration of engagement) and Graph 3 (Flow of approaches and active enquiries).

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53	63	The ACTING CHAIR	The ACTING CHAIR: Are you aware, Secretary, of the legal proceedings that was brought by Joshua Lees on behalf of the Palestine Action Group in the Supreme Court challenging the validity of the laws that were provided—I'm just trying to remember the actual amending legislation that amended the police powers—the Crimes Amendment (Places of Worship) Bill 2025 that amended the Law Enforcement (Powers and Responsibilities) Act. Are you aware of those legal proceedings? MICHAEL TIDBALL: I am. And I might add I believe Mr McKnight on my left is more aware than me. The ACTING CHAIR: I see. Mr McKnight, did the AG's department brief external solicitors to represent the State of New South Wales in that matter? Do you recall? PAUL McKNIGHT: I would have to take that on notice, but it would surprise me if that was briefed beyond the Crown Solicitor's Office. The ACTING CHAIR: Yes. I'm fairly certain it was probably Crown Sol's. Just in relation to that, was that yourself who provided materials to Crown Sol's or do they just kind of operate themselves in defending that matter? PAUL McKNIGHT: I'd have to take on notice the details, but typically they'd act on the Attorney General's instructions in a constitutional matter like that. The ACTING CHAIR: Was that you that provided them the assistance in preparing their case?	I am advised: The Crown Solicitor represents the State of New South Wales in Lees v State of New South Wales. The Crown Solicitor acts on joint instructions from the Attorney General and Minister for Police and Counter-Terrorism. The Department of Communities and Justice supports the Attorney General in constitutional challenges made before the Court.

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			PAUL McKNIGHT: The Crown Solicitor? The ACTING CHAIR: Yes. PAUL McKNIGHT: The Crown Solicitor would prepare the case themselves. The ACTING CHAIR: Did you have any input into the preparation? PAUL McKNIGHT: Me, personally? No. The ACTING CHAIR: Did anyone else in AG's that you're aware of? PAUL McKNIGHT: I'm not aware of whether our legal section had any input into that. I can take that on notice.	

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54	66	The Hon. NATASHA MACLAREN-JONES	The Hon. NATASHA MACLAREN-JONES: I'll continue on with the JusticeLink breach. If you could outline the six categories and how many people were in each? We've got six in number six. CHRIS D'AETH: As I say, there was a rising level of risk, with six being the highest category and one being the lowest. Items one, two and three were publicly available information, for example. I'll take on notice the exact breakdown in terms of each of the risk categories. I don't have that in front of me. That goes all the way up to number six. As I say, that number was six people who needed to be notified in that highest risk category. The Hon. NATASHA MACLAREN-JONES: And also the number in the other categories? CHRIS D'AETH: I'll take that on notice in terms of giving you the items, yes.	I am advised: The six categories were created from a risk assessment and review process. The review process was conducted on a "per document", as opposed to a "per person" basis. Each document may contain multiple people, but each person mentioned may not be in the same category. Document Risk categories and number of documents in each: 6- Immediate Risk to Life: 11 documents 5 - Serious risk of significant/ongoing harm: 134 documents 4- Evasion of justice and fraud: 1,284 documents 3- Personally Sensitive: 1,242 documents 2- Damaging to Agency, NSW Government or commercial partners: 3,344 documents 1- Risks not covered in Groups 6-2: 3,134

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55	66 & 67	The Hon. NATASHA MACLAREN-JONES	The Hon. NATASHA MACLAREN-JONES: How long was the data being able to be accessed before DCJ noticed? MICHAEL TIDBALL: Our response was quick. It was days. The Hon. NATASHA MACLAREN-JONES: But how long was the individual able to access the data before it was picked up? CHRIS D'AETH: There was a vulnerability, if you like, in the system so this person was able to access the information. When we saw the information being accessed, then we were able to act promptly. As the secretary said, initially this was picked up by DCJ. It wasn't picked up externally. The vulnerability would have been in the system. I don't know for how long that vulnerability may have existed. We would have to go back and look at the various updates to JusticeLink to try to identify when that particular vulnerability may have occurred. I don't have that information to hand. The Hon. NATASHA MACLAREN-JONES: If you're able to take that on notice, because what I'm trying to find out is, if that vulnerability was there for two months, you could have that vulnerability still in existence now, or a similar one, without DCJ knowing. That's what I'm trying to get to. CHRIS D'AETH: We certainly don't have that vulnerability. We've closed that particular vulnerability. We've closed a number of vulnerabilities. The system has gone through comprehensive assessment, which it had done to that point already. It was already meeting, of course, all of the cybersecurity guidelines that we needed to meet. But in any complex system there are occasionally vulnerabilities. Once this one was identified, it was closed and a series of	I am advised: The vulnerability was detected on the 4 March 2025 and on 8 April 2025 the vulnerability was resolved. During that time the Department of Communities and Justice (DCJ) undertook containment and testing to close the vulnerability. Updating technology and software can sometimes result in unforeseen vulnerabilities. DCJ remains committed to proactive monitoring and timely remediation to ensure the ongoing security and integrity of systems that are used by DCJ

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			vulnerabilities with that. MICHAEL TIDBALL: If I may supplement Mr D'Aeth's response, we are constantly testing for vulnerabilities. The Hon. NATASHA MACLAREN-JONES: That was my next question. MICHAEL TIDBALL: JusticeLink is a very large system. We detected this. There was ongoing testing and there is ongoing testing for vulnerabilities, as there should be.	

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56	67	The Hon. NATASHA MACLARE N-JONES	The Hon. NATASHA MACLAREN-JONES: I might move on to coercive control—and it was touched on briefly this morning—around the training that has been rolled out. I understand if you need to take it on notice, but I'm interested in any youth-focused training that's done with caseworkers and also with frontline staff. ANNE CAMPBELL: I can take it on notice, but I do know that ACWA has run a series of webinars and courses over the last year and a half. I think that would include some child protection workers and it would include some early childhood people, but I'm happy to take that on notice. The Hon. NATASHA MACLAREN-JONES: And also across other agencies, whether it's police, early childhood or the various agencies. ANNE CAMPBELL: Yes, I can take that on notice.	I am advised: All training delivered by justice agencies in relation to coercive control is detailed in the five Coercive Control Implementation and Evaluation Taskforce reports tabled in Parliament and published on DCJ's website.
57	67	The Hon. NATASHA MACLARE N-JONES	The Hon. NATASHA MACLAREN-JONES: In relation to the July coercive control report that came out, I'm specifically interested in the targeted community education campaign that was targeting different cohorts but particularly children and young people. ANNE CAMPBELL: I'd need to take that on notice. I know there have been tailored campaigns for First Nations people and people from CALD communities from 27 May and 4 June 2024. That was evaluated as well, and it's on the website. I'm just seeing if it's in my notes. Specifically for children? The Hon. NATASHA MACLAREN-JONES: For children and also for people with disability—and, if not, if there are any planned.	I am advised: Refer to response to supplementary question # 229.

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			ANNE CAMPBELL: I'll take that on notice.	
58	67	The Hon. NATASHA MACLAREN-JONES	The Hon. NATASHA MACLAREN-JONES: In the report it indicated that between July and December 2024, around 60 per cent of matters that were reported to police did not proceed to charges being processed in any way. Has any work been done around why that is, or is it just too early to do that sort of evaluation? I'm happy for you to take it on notice. ANNE CAMPBELL: The data I have is that between July 2024 and 31 March this year, 224 incidents of coercive control were recorded by police. Of these, five had charges laid for coercive control and a further 91 had charges laid for DFV offences, not coercive control. Of the 224 incidents, 206 involved a female victim. I don't have the detail. Of the five charges, two were proven, two are currently being considered and one was proven.	I am advised: Questions regarding police charging practices should be directed to the Hon. Yasmin Catley MP in her capacity as the Minister for Police and Counter-terrorism. The NSW Bureau of Crime Statistics and Research (BOCSAR) is reporting quarterly on the data, including reported incidents and matters charged. This data is presented to the Implementation and Evaluation Taskforce, who provide a monitoring function. The next report from BOCSAR is due late September 2025.

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59	67	The Hon. NATASHA MACLARE N-JONES	The Hon. NATASHA MACLAREN-JONES: What's the average length of time for a coercive control investigation? MICHAEL TIDBALL: We would need to take that on notice. Actually, Ms Campbell is saving me again. That is a question for the police. The Hon. NATASHA MACLAREN-JONES: That's fine. That's next week. Just around forced marriages, I'm interested in the number of reports over the last 12 months of underage and over 18, if you have that. ANNE CAMPBELL: I don't know if I have that level of detail. I'm happy to take that on notice.	I am advised: The question about the average length of time for a coercive control investigation should be directed to the Hon. Yasmin Catley MP in her capacity as the Minister for Police and Counter-terrorism. BOCSAR does not have information regarding police operations or investigations. BOCSAR reports that in the 12 months to March 2025 there were two victims of forced marriage recorded by NSW Police. Both of these victims were under 18 years of age.
60	67 & 68	The Hon. NATASHA MACLARE N-JONES	The Hon. NATASHA MACLAREN-JONES: I understand that there's a statutory review for coercive control legislation scheduled to commence mid next year. Is there a time frame for how long it will take or when it's likely to be concluded? PAUL McKNIGHT: I'd have to take that on notice. The coercive control legislation is constantly under review, and the Parliament gets six-monthly reports on its operation. That's how we're monitoring its operation in the world. The Hon. NATASHA MACLAREN-JONES: If you could take it on notice about the statutory review—I thought I read somewhere that it was next year.	I am advised: Section 54J of the Crimes Act requires statutory reviews of the coercive control offence. Three reviews are required, with the first to begin two years after the offence commenced (that is, in July 2026). A report on the outcome of the first review must be tabled by July 2027.

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61	68	The Hon. NATASHA MACLAREN-JONES	The Hon. NATASHA MACLAREN-JONES: My final question is in regard to—and this, again, came out of the 15 August meeting—the first action plan to end the abuse and mistreatment of older people and identifying the emerging jurisdictional priorities around this. I'm interested to know what we've highlighted. PAUL McKNIGHT: I'd have to take that on notice.	I am advised: At its 15 August 2025 meeting, the Standing Council of Attorneys-General agreed that the First Action Plan to End the Abuse and Mistreatment of Older People will be finalised following the launch of the Second National Plan. The Second National Plan is intended to be released as soon as practicable, following approval by all governments. The First Action Plan is currently under development, along with consideration of relevant NSW actions.
62	68	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: Mr D'Aeth, if I could go back to you and the matter in relation to the Children's Court, in further answers on notice, you indicated that the courts, tribunals and service delivery division in the Department of Communities and Justice did not cause the matter to be reported to the police. I found that a tantalisingly precise answer. I wonder if you do know who caused the matter to be reported to the police. CHRIS D'AETH: I don't, no. The Hon. SUSAN CARTER: What is the outcome of this investigation? There's disciplinary action or something for anybody who was involved. What's happening to make sure the damage that was done is repaired and that it doesn't happen again? CHRIS D'AETH: I think I'll take that on notice, if I may, Ms Carter. The Hon. SUSAN CARTER: Of course. I'm just a little surprised that there doesn't appear to be some really significant thinking done about how we protect the integrity of the justice system, of the independence of the judiciary and of the	I am advised: The Department of Communities and Justice is unable to comment on the specific matter, which is an internal matter for the ODPP.

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			operation of the Children's Court. I look forward to getting your answer to that on notice.	

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63	68 & 69	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: Mr Hyland, if I could come back to you, when we were talking about the issue in relation to the Children's Court before, I think we'd said that there had been a police investigation and that no criminal charges were recommended. You then had organised your own independent internal investigation and, on notice, you were going to provide us with the findings of that independent investigation. An independent delegate had made decisions in respect of those recommendations. Is that a fair summary of where we were at before? CRAIG HYLAND: I'm not sure that I said "provide findings" as a question on notice, but the record will reflect that. The Hon. SUSAN CARTER: I had that written down that you had done. Let's just clarify. CRAIG HYLAND: We can check the record. The Hon. SUSAN CARTER: Will you provide those findings on notice? CRAIG HYLAND: To a limited extent, yes. The Hon. SUSAN CARTER: Why to a limited extent? CRAIG HYLAND: We're not going to name names. We can say what the outcome was and leave it at that.	I am advised: The outcome of the investigation was that the staff member received a formal caution. With respect to the findings of the investigation, see answer to Question on Notice # 42.

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64	69	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: I have a range of questions in relation to the findings. Are you able to answer any of them? CRAIG HYLAND: I am not aware of what the findings were. The Hon. SUSAN CARTER: Would Ms Dowling have been able to answer any of them? CRAIG HYLAND: She may have. The way our office is structured is that I am responsible for about 850 staff and more than half of the budget. I would deal with a misconduct matter that was within my area. This was not within my area. Therefore, I'm not party to the process that occurred. The Hon. SUSAN CARTER: It puts us in a disappointing situation. I understand that Ms Dowling is on leave and is unavailable today. These are really important questions to get answered. CRAIG HYLAND: I notice that, yes. The Hon. SUSAN CARTER: There are a couple of lines of questions that we need to consider. The first is: At what level of staff does responsibility lie for this? Was it junior staff? Was it junior staff authorised by senior staff? How do we get answers to those questions, Mr Hyland? CRAIG HYLAND: You would have to do that on notice. We would have to take it on notice.	I am advised: The staff member held the role of Prosecution Officer (Administrative), Level 7.

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65	69	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: On notice, could you please provide details of any member of the staff of the ODPP who was found to have released information about a Children's Court proceeding to anyone in the media, the level of their employment and anybody they had conversations with who may have been seen to have encouraged or authorised the release of that information? CRAIG HYLAND: As I've said, we will not be giving names of staff. The Hon. SUSAN CARTER: No, but I've asked about levels. CRAIG HYLAND: We can give you levels.	I am advised: See answer to Question Taken on Notice # 64.
66	70	The Hon. SUSAN CARTER	Hon. SUSAN CARTER: What about the people who are involved? Are they still employed by the ODPP? CRAIG HYLAND: Again, I cannot tell you what the outcome of the disciplinary proceedings was because I don't know. The Hon. SUSAN CARTER: Will you provide that on notice? CRAIG HYLAND: Is the question are they still employed? The Hon. SUSAN CARTER: Yes. CRAIG HYLAND: Yes, we will provide that. The Hon. SUSAN CARTER: Can you also provide any particular training they may have received if they are still employed by the ODPP?	I am advised: The staff member is still employed by the ODPP. The staff member has received targeted training and counselling to clarify their role, expectations and compliance with the ODPP Code of Conduct and the Prosecution Guidelines.

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			CRAIG HYLAND: That is the outcome that you have previously asked for, I believe.	

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67	71	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: I was unable to find the question of costs being addressed in the prosecution guidelines. Is it there and I missed it? Where would we find the principles governing the ODPP's decision to challenge costs rulings? CRAIG HYLAND: It comes in the guidelines under—I was going to say you would look at the area that relates to appeals. It's guideline 10. The Hon. SUSAN CARTER: Perhaps you could read that, because I would have thought appeals governs appealing a decision rather than a costs ruling. CRAIG HYLAND: No, it's really a clarification on a point of law. The Hon. SUSAN CARTER: Perhaps you could read that if it's not too lengthy, if that's appropriate. CRAIG HYLAND: It's in 10.2. Let me take that on notice and I will come back to you. That is the relevant section; I just can't pick that up at the moment.	I am advised: Decisions concerning appeals are governed by Chapter 10 of the Prosecution Guideline. Chapter 10.2, which is applicable to all appeals, provides that the DPP will only lodge an appeal if satisfied that: 1. all applicable statutory criteria are established 2. there is a reasonable prospect that the appeal will succeed 3. it is in the public interest. An order granting a certificate under the <i>Costs in Criminal Cases Act 1967</i> is an interlocutory order (as determined in <i>Rodden v R</i> [2023] NSWCCA 202). Interlocutory orders are addressed in Chapter 10.3 of the Prosecution Guidelines.
68	73	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: How many matters were discontinued in the two months prior to the commencement of that audit? CRAIG HYLAND: I do not know. The Hon. SUSAN CARTER: Are you able to take that on notice? CRAIG HYLAND: I can take that on notice.	I am advised: See response to Supplementary Question, # 67, February 2025.

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69	73 & 74	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: Thank you. There is still an outstanding question as to whether everybody whose case was discontinued as a result of that audit has been communicated with adequately. Are you aware if in every single case the statement of facts has been provided to the relevant complainants? CRAIG HYLAND: The response to question 69 on notice from the February budget estimates— The Hon. SUSAN CARTER: Sorry, I don't have that in front of me. I don't even know what question 69 is. CRAIG HYLAND: I can give you question 69. The Hon. SUSAN CARTER: Thank you. CRAIG HYLAND: The answer was to your question. The answer given on notice is: The ODPP is satisfied that a summary of the reasons for discontinuance was provided to victims whose matters were discontinued as part of the SAR Report, as required by Chapter 5.6 of the Prosecution Guidelines. The Hon. SUSAN CARTER: Perhaps I could inform you that I have very different information, and I would encourage you to review the records. Mistakes happen. In this case, though, if there are women who were sexually assaulted, who bravely came forward to give evidence and whose cases were not continued, and they have not received a statement of facts—as I am reliably informed—they are victims who are being revictimised by a system. I would really encourage you to carefully review the records of what has been provided to all of those	I am advised: The ODPP has not been provided with any further information to identify the matter or matters to which this question relates. The ODPP is therefore unable to provide any further information than that contained in the transcript.

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			women. CRAIG HYLAND: I don't take issue with anything you've said. What I would ask—and this was asked at the last budget estimates—to advance this question is that we be provided with details of those people or those people who write requesting reasons under guideline 15. The Hon. SUSAN CARTER: My understanding is that those communications have come from affected individuals and have not received satisfactory answers. My understanding is that that has happened over an extended period of time and continues to cause extreme distress to the people who are involved. CRAIG HYLAND: I'm entirely empathetic with that position. Two questions—or one question is the review was for matters discontinued between 1 April and 31 December. This answer was given in response to matters within that review period. The matters of which you speak—matter or matters—I do not know whether they fell within that review or they're outside of that review period. I do not know whether they were included in the review. What I'm asking is we're more than happy to respond on notice if we know what we're responding to. To go through an entire—the question of the Attorney this morning was hundreds and hundreds of matters. If we can short-circuit this in some way to better utilise the expenditure of the DPP, I'm more than happy to assist with that process. The Hon. SUSAN CARTER: Perhaps two comments, if I may. I understand that that would be a significant undertaking. But if it was a significant undertaking that assisted victims to heal, I think it would be well worth the effort. Secondly, I	

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			will communicate with the principal case that I am discussing and, if I have permission, I will happily pass on a letter to you, if I may, with the details of the particular individual. CRAIG HYLAND: I'd be very happy to help out. The response of the director to the question on notice still stands that it is her belief that everyone has been advised. If there are exceptions or errors, I'm happy to hear about them.	

QON #	Page #	Member	Question on Notice	Answer
70	74	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: How is it being advertised to members of incorporated associations with disputes? CHRIS D'AETH: If a member of an incorporated association wants to refer a dispute for mediation, there's a referral form available on the DCJ website. The Hon. SUSAN CARTER: How does the member of that association know to look there? It's a relevant question, isn't it? It's a new service. Their constitution probably says "community justice centre" because, if it's the standard constitution, it hasn't been rewritten. How do they know to look there for this new service? Do you have any plans to advertise this to incorporated associations? CHRIS D'AETH: I think incorporated associations are a different Minister, but I can take that on notice. The Hon. SUSAN CARTER: If you could take it on notice, because this affects I think a very large number of people in the State, so I think it's important. How many locations does the new service operate?	I am advised: Members of incorporated associations can continue to access mediation services via the Department of Communities and Justice (DCJ). Information and the referral form are available on the DCJ website. NSW Fair Trading also provides information about mediation and refers users to the DCJ website for further details.

QON #	Page #	Member	Question on Notice	Answer
71	75	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: What has happened with Lotus Notes? CHRIS D'AETH: In what respect? The Hon. SUSAN CARTER: Have they been decommissioned? CHRIS D'AETH: I'll take that on notice. It's presumably in relation to the particular service? The Hon. SUSAN CARTER: Yes. CHRIS D'AETH: I'll take that on notice.	I am advised: The Department of Communities and Justice has commenced work to decommission Lotus Notes.
72	75	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: What happened to the physical assets held by the CJC at Parramatta Justice Precinct and the Campbelltown court? CHRIS D'AETH: I'll take that on notice.	I am advised: The assets remain the property of the Department of Communities and Justice.
73	75 & 76	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: Are CJC's mentioned on government websites at all or that has all been cleansed? CHRIS D'AETH: I don't know that I've done a full scan of all government websites. I'm not sure I can answer that question. The Hon. SUSAN CARTER: It is important if members of the public are looking at those websites, isn't it? Is anybody responsible for that work? CHRIS D'AETH: I'll take that on notice.	I am advised: Information about Community Justice Centres has been removed from NSW Government websites as appropriate.

QON #	Page #	Member	Question on Notice	Answer
74	74	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: If I'm in Boggabilla, where is the mediation likely to occur? CHRIS D'AETH: I might take that on notice.	I am advised: Mediations are held in venues throughout NSW including in regional and rural locations (including Boggabilla), online or by phone depending on the location of the parties and mediator, the nature of the dispute, and any other considerations identified by the mediator.
75	74	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: Perhaps you could also take on notice what would be considered a reasonable travel distance for somebody in a regional area to access the mediation. CHRIS D'AETH: I'm happy to take that on notice.	I am advised: See response to question on notice # 74.
76	74	The Hon. SUSAN CARTER	The Hon. SUSAN CARTER: Have you been able to repurpose the existing investment in the Resolve CHRIS D'AETH: I don't have any specific information on that, so I'll take that on notice.	I am advised: The Department of Communities and Justice continues to explore options to repurpose the Resolve computer system.