



Office of the Hon. Greg Smith SC MP
Attorney General
Minister for Justice

21 November 2011

BY HAND

The Hon. Matthew Mason-Cox MLC
Chair
General Purpose Standing Committee No. 4
C/- Budget Estimates Secretariat
Room 812, Parliament House
Macquarie Street
Sydney NSW 2000
Attention: Beverly Duffy


Dear Mr Mason-Cox

BUDGET ESTIMATES QUESTIONS ON NOTICE

I refer to the Budget Estimates Hearing on 26 October 2011.

I enclose the following:

1. answers to questions taken on notice at the Budget Estimates Hearing; and
2. answers to questions on notice lodged after the Budget Estimates Hearing.



Greg Smith SC MP
Attorney General

**ANSWERS TO QUESTIONS TAKEN ON NOTICE AT THE BUDGET ESTIMATES
HEARING**

1. TRANSCRIPT PAGE 3 – Speech given at FamilyVoice Forum

The Hon. PENNY SHARPE: Was the speech written, the speech that you gave to this forum?

Mr GREG SMITH: The speech to the forum, to the university?

The Hon. PENNY SHARPE: No, St Anne's Ryde Anglican Centre.

Mr GREG SMITH: No, I had bits and pieces from the original speech; I was just highlighting certain bits that I wanted to talk about. I also added some passages on another Victorian decision of the VCAT.

The Hon. PENNY SHARPE: Would you be willing to take on notice the written aspect of that speech and provide it to the Committee?

Mr GREG SMITH: If I can find it, I will make it available.

Answer

As I advised the Committee, the speech that I gave was an amended version of a speech that I delivered to the 13th Meeting of Experts of the International Religious Liberty Association on 24 August 2011. An edited version of that speech is published in the October 2011 edition of *Quadrant* magazine and is available online at that magazine's website. I also provided a factual explanation of the case of *Cobaw Community Health Services v Christian Youth Camps Ltd and Anor* [2010] VCAT 1613.

2. TRANSCRIPT PAGES 9-10 – Acting Judicial Officers

Mr DAVID SHOEBRIDGE: Not with your Cabinet, I am sure, Mr Attorney. On a different tack, how many acting justices are there currently in the New South Wales Supreme Court?

Mr GREG SMITH: I do not know.

Mr DAVID SHOEBRIDGE: I do not expect you to have the exact figure to hand. I wonder whether Mr Glanfield is in a position to answer it.

Mr GLANFIELD: We would take that on notice, but can I say that, following a High Court decision, we have endeavoured to keep the number of acting judges in the Supreme Court and the District Court and also acting magistrates to the minimum that is necessary. Although there is a legislative restriction on appointment for 12 months, and we appoint quite a number of them for 12-month periods, they are used only when in fact they are needed. Many of them might only sit for a couple of weeks during the year. It is a fairly small number though.

Mr DAVID SHOEBRIDGE: Could you take that on notice?

Mr GLANFIELD: We will.

Mr DAVID SHOEBRIDGE: I would like the number of acting judges, justices and magistrates.

Mr GLANFIELD: In the Supreme Court?

Mr DAVID SHOEBRIDGE: In the Supreme, District and Local courts and a comparison of the last financial year with the prior financial year, so we can see the change—or calendar year will be fine.

Mr GLANFIELD: Okay. It is going to be a very similar number.

Answer

I am advised that while many acting judges and magistrates hold a commission that is effective for a 12 month period, acting judges and magistrates preside over cases only when required, and do not sit for the entire duration of their commissions. The Supreme Court holds data on a calendar year basis while the District and Local Courts statistics are kept on a financial year basis. Comparative data for acting judicial officers are as follows:

Supreme Court	2009	2010
Acting Judges	13	13
District Court	2009/10	2010/11
Acting Judges	15	17
Acting Drug Court Judges	1	2
Acting Magistrates	2009/10	2010/11
	22	25

Further details regarding the actual number of sitting days for acting judges are published in the Annual Review of the Supreme Court.

3. TRANSCRIPT PAGE 10 – Aboriginal Land Claims

The Hon. JAN BARHAM: Can you provide the figure for the actual expenditure on litigation associated with Aboriginal land claims in the financial years 2009-10 and 2010-11?

Mr GREG SMITH: I will take that on notice. We do not have the figures at the moment. It is quite possible it is not our department's responsibility. I think the Department of Primary Industries normally deals with Aboriginal land claims. If we have the figures we will make them available, but I think perhaps the Minister for Primary Industries might be the one.

Mr DAVID SHOEBRIDGE: You are just hoping it is not from your budget, are you not?

Mr GLANFIELD: I can say that it is not from our budget, but the Crown Solicitor's Office may well have done some work. In fact if they are doing that as solicitor and client, the client would be the one who had that information so you would need to go to the principal department, and that is not us.

Answer

I am advised that the Department of Primary Industries (DPI) is the principal department responsible for Aboriginal Land claims and should provide the figures for actual expenditure on litigation.

However, I can confirm that the Crown Solicitor acted for DPI in a number of Aboriginal Land Claims and that his fees and disbursements in relation to litigation were met from the Core Legal Fund in the following amounts:

2009/2010	-	\$ 856,654.22
2010/2011		\$ 1,967,625.73

4. TRANSCRIPT PAGE 11 – Review of victim's compensation laws

Mr DAVID SHOEBRIDGE: What is the current status of the review of victims compensation laws in New South Wales?

Mr GREG SMITH: I will have to take that on notice. Mr Glanfield may be able to answer.

Mr GLANFIELD: I can answer that. At the moment we are just about to go out to tender to identify some consultants to assist us on the review. Our intention is to do a thorough consultative review, but I think we need some outside assistance to look at how the whole compensation scheme is working.

Answer

I am advised that the Director General's response is correct. A tender process is currently underway to engage experienced independent consultants to review the long term viability of the victims compensation fund and scheme. The successful tender will be expected to provide a final review and relevant recommendations prior to the end of the 2011/2012 financial year. The Government will then consider the recommendations.

5. TRANSCRIPT PAGES 11-12 – Victims Compensation Fund Levy

Mr DAVID SHOEBRIDGE: You have got to my next question. What is the additional revenue that has been obtained for the fund under the levy that was instituted at the end of last year?

Mr GLANFIELD: I will take that on notice and get the exact figure. It has certainly been an increase.

Mr DAVID SHOEBRIDGE: A significant increase?

Mr GLANFIELD: Millions of dollars, yes, not tens of millions.

Mr DAVID SHOEBRIDGE: Can you also include in the answer any impacts of recent changes that remove the levy from section 10 matters where charges have been found to be proved against a person but are dismissed under section 10?

Mr GLANFIELD: If we have that. We may have some figures on that.

Answer

I am advised that the additional revenue obtained by the fund under the increased levies totalled \$3.6 million in the 2010/2011 financial year.

The changes in relation to section 10 (1)(a) commenced on 17 October 2011 and it is too soon to gauge any impact of this change.

6. TRANSCRIPT PAGE 18 – Standing Committee on Law and Justice – ISSUE PAPER

The Hon. ADAM SEARLE: On 14 October you, the Minister for Finance and Services, and the Minister for Fair Trading made a joint reference to the Standing Committee on Law and Justice to inquire into and report on consolidating tribunals in New South Wales. Attached to that was a brief issues paper. Are you able to indicate who drafted that issues paper, or which agency?

Mr GREG SMITH: No, I am not. I think it might have been Minister Pearce's agency—it was not ours.

The Hon. PENNY SHARPE: Could you take that on notice and report to the Committee which agency it was?

Mr GREG SMITH: Yes. We can certainly say it was not ours.

Answer:

I am advised that the Issues Paper entitled *Review of Tribunals in New South Wales* was prepared by the Department of Finance and Services, drawing upon contributions by a number of parts of Government.

7. TRANSCRIPT PAGE 18 – Discrimination matters in the ADT

The Hon. ADAM SEARLE: On page 7 there is a discussion in the context of potentially merging part of the Administrative Decisions Tribunal (ADT) and the Industrial Relations Commission. It says that only about 23 per cent of discrimination matter in the Administrative Decisions Tribunal are employment related. Are you able to indicate whether they are current statistics, because that is very different to information I have understood historically?

The Hon. GREG SMITH: No, I am not.

The Hon. ADAM SEARLE: Are you able to take on notice what the percentage of discrimination matters in the ADT are employment related?

Mr GREG SMITH: We will take that on notice.

Answer

I am advised that as at 31 October 2011, 51 per cent of the discrimination matters at the ADT are employment related.

8. TRANSCRIPT PAGE 19 – ODPP Resourcing

Mr DAVID SHOEBRIDGE: In terms of resourcing for the Office of the Director of Public Prosecutions [DPP], in the last 12 months are there any trials that have been adjourned or trial dates lost because of the unavailability of prosecutors from the DPP due to budget constraints?

Mr GREG SMITH: Not that I am not aware of.

Mr DAVID SHOEBRIDGE: Could you undertake to review that and answer it on notice with a degree of comfort?

Mr GLANFIELD: We have not been notified of it. I guess that would be my answer.

Mr GREG SMITH: I can only talk since April.

Mr DAVID SHOEBRIDGE: I am happy for it to be broken down pre and post April.

Mr GREG SMITH: We can have a look.

Answer

I am advised by the Office of the Director of Public Prosecutions that the answer is none.

9. TRANSCRIPT PAGE 20 – Overseas Commercial Surrogacy

Mr DAVID SHOEBRIDGE: It is looking like a difficult task. Do you know, Mr Attorney, if there have been any prosecutions commenced or advised to you under the new extraterritoriality provisions in relation to overseas commercial surrogacy?

Mr GREG SMITH: No, I do not know. I do not think so. I have not had any reported to me.

Mr DAVID SHOEBRIDGE: Could you take that on notice and review that?

Mr GREG SMITH: Yes.

Answer

I am advised that neither the NSW Police Force nor the Office of the Director of Public Prosecutions have commenced any prosecutions for commercial surrogacies overseas since the provisions about extraterritoriality commenced.

10. TRANSCRIPT PAGE 24 – Funding for drug treatment services

The Hon. ADAM SEARLE: I asked about drug treatment services earlier and Mr Glanfield indicated there was some new money in the budget to meet those services. Can you tell me where that program is funded in Budget Paper No 3? Is it in the Crime Prevention and Community Services Program or the Custody Management Program?

Mr GLANFIELD: I have to identify it, but the total amount over four years for a range of things, including education and re-offending was \$26.3 million.

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

Mr GLANFIELD: Yes.

The Hon. ADAM SEARLE: And point out where the money has been allocated in the Budget?

Mr GLANFIELD: Yes.

Answer

I am advised that the program is funded in Budget Paper No 3 on page 2-3 under the heading of budget highlights.

The service group/program is custody management with recurrent funding of \$21.3 million provided over four years (\$2.6 M 2011/12, \$4.2M 2012/13, \$6.2M 2013/14 and \$8.3M 2014/15).

Capital funding for the program is \$5 M for the 2011/2012 financial year.

11. TRANSCRIPT PAGES 24-25 – Savings from deleted positions at Grafton Correctional Centre

The Hon. ADAM SEARLE: I understand what you say about the agreement with the union, but in relation to the 13 positions to be lost at Grafton Correctional Centre, has any economic assessment been done of the consequences for Grafton and the surrounding areas of the loss of those jobs to that region?

Mr WOODHAM: Not externally. A number of voluntary redundancies are going to go ahead up there as well, which will take some of the positions we are talking about. I believe there are probably seven or eight of them, from memory.

The Hon. ADAM SEARLE: You will probably have to take this question on notice, and I am happy for you to do so. Are you able to indicate what aggregate salary amount will be saved from the 13 positions to be deleted at Grafton Correctional Centre?

Mr WOODHAM: I know it is around the vicinity of eight prison officer positions, an assistant superintendent and the rest would be senior correctional officers. I could not tell you the exact dollar value of that offhand. I will take that on notice.

The Hon. ADAM SEARLE: I am happy for you to take that on notice and to report back in the usual reporting period.

Mr WOODHAM: I can say it is approximately \$1.3 million.

The Hon. ADAM SEARLE: I am happy for you to come back with a more precise figure if that figure changes.

Answer:

I am advised:

The total employee-related expenditure involved in the Grafton deleted positions amounts to approximately \$1.2 million per annum.

12. TRANSCRIPT PAGES 25-26 – Violent and non-violent female inmates

The Hon. PENNY SHARPE: Are you able to give a breakdown to the Committee of the number of women on remand and who are serving a sentence, and a breakdown of sentences for violent and non-violent offences?

Mr WOODHAM: I believe it is around 470.

The Hon. PENNY SHARPE: On remand?

Mr WOODHAM: Yes.

The Hon. PENNY SHARPE: Are you able to give a breakdown of those serving sentences for violent and non-violent offences?

Mr WOODHAM: I could not give that offhand.

The Hon. PENNY SHARPE: Will you take that on notice?

Mr WOODHAM: Yes.

Answer:

I am advised:

On 30 June 2011, there was a total of 692 female inmates held in full-time custody in NSW, comprising 489 serving a sentence and 203 held on remand.

Of the 489 sentenced female inmates, 136 had a most serious offence that was classified as a violent offence, and 353 were serving a sentence where the most serious offence was classified as a non-violent offence.

The Committee is also referred to “Female Offenders: A Statistical Profile” on the Corrective Services NSW website at www.dcs.nsw.gov.au/information/research-and-statistics/Statistical_Profiles.

13. TRANSCRIPT PAGE 28 – Aboriginal incarceration in Juvenile Justice centres

The Hon. ADAM SEARLE: Are you able to tell the Committee the current level of Aboriginal incarceration in Juvenile Justice centres, both in proportional terms and in absolute numbers?

Mr HUBBY: In terms of numbers of Aboriginal and Torres Strait Islander, it continues to hover at about 50 per cent of the custodial population. If you give me a moment, I will be able to tell you the number on community supervision orders as well.

The Hon. PENNY SHARPE: Can you also give them to us by gender?

Mr HUBBY: I can. For the year ending 30 June 2011, 51.7 per cent of young people sentenced to detention were Aboriginal and Torres Strait Islander; for those remanded to custody it was 38.5 per cent; for those under community supervision it was 41.5 per cent; and for those attending a youth justice conference it was 24 per cent.

The Hon. PENNY SHARPE: If you cannot provide the information regarding gender, I am happy for you to take the question on notice.

Mr JOHN HUBBY: I think I can provide it now. It hovers across all services at about 92 per cent male and 8 per cent female, but it does vary a little bit by service line, as we would say. But if you give me a moment, I can tell you. For those sentenced to detention, it was 9.9 per cent female, remanded in custody 19 per cent female, under community supervision 19 per cent female, and for youth justice conferences about 23 per cent female.

The Hon. PENNY SHARPE: Does that include Indigenous young women, or is that in total?

Mr HUBBY: That is in total.

The Hon. PENNY SHARPE: Can you provide that figure?

Mr HUBBY: No, I cannot.

The Hon. PENNY SHARPE: Can you take that question on notice?

Mr JOHN HUBBY: I can take that on notice, yes.

Answer

For the year ending 30 June 2011:

- * 33 Indigenous young women were sentenced to detention
- * 152 Indigenous young women were remanded in custody
- * 163 Indigenous young women were under community supervision
- * 120 Indigenous young women were referred for youth justice conferencing

Note: This counts individual unique young people by legal status category. A young person can be counted once in each category.

14. TRANSCRIPT PAGE 28 – Aboriginal incarceration in Juvenile Justice centres

The Hon. ADAM SEARLE: In relation to all those categories that you have just addressed us on – and I expect you to take this on notice – are you able to compare the information that you have already given us in each of those categories with that for the prior two years?

Mr HUBBY: We can.

Answer

For the year ending 2008-09:

- * 49.9% of young people sentenced to detention were Aboriginal and Torres Strait Islander
- * 36.4% of young people remanded in custody were Aboriginal and Torres Strait Islander
- * 38.6% of young people under community supervision were Aboriginal and Torres Strait Islander
- * 22.3% of young people referred for youth justice conferencing were Aboriginal and Torres Strait Islander

For the year ending 2009-10:

- * 49.8% of young people sentenced to detention were Aboriginal and Torres Strait Islander
- * 38.8% of young people remanded in custody were Aboriginal and Torres Strait Islander
- * 40.1% of young people under community supervision were Aboriginal and Torres Strait Islander
- * 21.6% of young people referred for youth justice conferencing were Aboriginal and Torres Strait Islander.

15. TRANSCRIPT PAGE 29 – Aboriginal incarceration in Juvenile Justice centres

The Hon. ADAM SEARLE: How many young offenders have been detained in Juvenile Justice centres since 1 July 2010?

Mr HUBBY: I may have to take that on notice

Answer

From 1 July 2010 until 26 October 2011 3155 young people have been detained in juvenile justice centres.

Note: This counts individual unique young people.

16. TRANSCRIPT PAGE 29 – Aboriginal incarceration in Juvenile Justice centres

The Hon. ADAM SEARLE: And from 1 January this year?

Mr HUBBY: Again, I will take that on notice.

Answer

From 1 January 2011 - 26 October 2011 2399 young people have been detained in juvenile justice centres.

Note: This counts individual unique young people.

17. TRANSCRIPT PAGE 29 – Staff employed by Juvenile Justice

The Hon. ADAM SEARLE: How many new staff have been employed by Juvenile Justice since about April this year?

Mr HUBBY: How many new staff?

Mr DAVID SHOEBRIDGE: You mean net?

The Hon. ADAM SEARLE: Yes, net.

Mr HUBBY: I would have to take that on notice.

Answer:

The Department of Attorney General & Justice, Juvenile Justice Division, has made 47 permanent full time and 10 permanent part time appointments.

18. TRANSCRIPT PAGE 29 – Charter flights for Juvenile Justice detainees

The Hon. ADAM SEARLE: Since April this year how much has been spent on charter flights to transport detainees of Juvenile Justice?

Mr HUBBY: Again, we have this information. It depends on what period of time you are asking for.

The Hon. ADAM SEARLE: Say since 1 April this year.

Mr HUBBY: That information is readily available, but I will have to take the question on notice.

Answer

From 1 April to 31 October this year \$255,031 has been spent on charter flights transporting detainees of Juvenile Justice.

19. TRANSCRIPT PAGE 41 – Funding for drug treatment services

The Hon. ADAM SEARLE: I asked about drug treatment services earlier and Mr Glanfield indicated there was some new money in the budget to meet those services. Can you tell me where that program is funded in Budget Paper No 3? Is it in the Crime Prevention and Community Services Program or the Custody Management Program?

Mr GLANFIELD: I have to identify it, but the total amount over four years for a range of things, including education and re-offending was \$26.3 million.

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

Mr GLANFIELD: Yes.

The Hon. ADAM SEARLE: And point out where the money has been allocated in the Budget?

Mr GLANFIELD: Yes.

Answer

I am advised that the program is funded in Budget Paper No 3 on page 2-3 under the heading of budget highlights.

The service group/program is custody management with recurrent funding of \$21.3 million provided over four years (\$2.6 M 2011/12, \$4.2M 2012/13, \$6.2M 2013/14 and \$8.3M 2014/15).

Capital funding for the program is \$5 M for the 2011/2012 financial year.

20. TRANSCRIPT PAGE 42 – Penalties for private operator

Mr DAVID SHOEBRIDGE: Mr Woodham, I was asking you about escapes from private prisons. What, if any, contractual entitlement does the State have to recover damages from private prison operators who have allowed inmates to escape?

Mr WOODHAM: In the worst case scenario their contract could be withdrawn.

Mr DAVID SHOEBRIDGE: What are the other contractual entitlements? Do they include the recovery of costs the State has incurred to recapture escapees?

Mr WOODHAM: We do not recoup anything from the company in that regard but we can penalise them. If there is a breach of the contract to the degree of cancellation being required that can happen.

Mr DAVID SHOEBRIDGE: Notwithstanding there have been four escapes there has only been one instance where a private operator has been penalised this year.

Mr WOODHAM: I will find the other incidents as well.

Mr DAVID SHOEBRIDGE: Could you take that on notice?

Mr WOODHAM: There is no incident there that does not happen in the public system as well.

Mr DAVID SHOEBRIDGE: Could you take on notice the instances of escapes and any instances where penalties have been imposed?

Mr WOODHAM: I will give you the details.

Answer:

I am advised:

The GEO Group Australia Pty Ltd (which operates Parklea Correctional Centre) was penalised \$10,000 in respect of the escape of a Parklea Correctional Centre inmate from a hospital escort on 27 November 2010. The inmate was recaptured within the hospital grounds.

No penalty was imposed in respect of the escapes from minimum security custody at Parklea Correctional Centre on 21 November 2010 or 19 January 2011 (which involved 3 inmates). A Performance Improvement Notice was issued in respect of the escape of a minimum security inmate on 5 October 2011.

21. TRANSCRIPT PAGE 43 – Mental health corrections budget

Mr DAVID SHOEBRIDGE: Attorney, in the 2011-12 budget do you know the amount allocated to mental health care services for people in New South Wales correctional centres?

Mr GREG SMITH: No, I do not.

Mr DAVID SHOEBRIDGE: Does either Mr Glanfield or Mr Woodham know the amount allocated?

Mr WOODHAM: I cannot tell you the exact dollar figure, but I can relate to the programs that we have, which are very expensive and very intense.

Mr DAVID SHOEBRIDGE: Could you give the dollar figure on notice?

Mr WOODHAM: Yes, I can give you that.

Mr DAVID SHOEBRIDGE: Could you include whether any recurrent funding has been allocated for that purpose?

Mr WOODHAM: It is there every year, because large sections of our remand jails are involved with mental health.

Answer:

I am advised:

The estimated cost to CSNSW for providing mental health services to inmates of correctional centres is \$16,633,712 per annum.

This estimate is based on 50% of the salary costs for all general psychologist positions, and the custodial costs of running Mental Health Screening Units and Mental Health Step-Down Units at the Metropolitan Remand and Reception Centre (MRRC) and Silverwater Women's Correctional Centre (SWCC); Acute Crisis Management Units at Bathurst Correctional Centre and the Metropolitan Special Programs Centre (MSPC); the Mental Health Unit at Long Bay Hospital; the Mum Shirl Unit at SWCC; the Area 5 Behavioural Unit at the MSPC; and the Risk Assessment Intervention Team at the MRRC.

However, it does not include additional cost to be incurred when the new Mental Health Unit at Cessnock Correctional Centre opens early in 2012.

22. TRANSCRIPT PAGE 43 – Mental health Juvenile Justice budget

Mr DAVID SHOEBRIDGE: Mr Hubby, could I ask you to provide the same figures and details in relation to young people in Juvenile Justice centres?

Mr HUBBY: I will. I would note though that health services in Juvenile Justice centres are generally provided by NSW Health. So some costs are incurred directly by our agency, but some are incurred by MSW Health.

Mr DAVID SHOEBRIDGE: Could you give the NSW Health figures to the extent they are available to you?

Mr HUBBY: I will take that on notice.

Answer

23. Justice Health is the primary provider of mental health care services in juvenile justice centres. Juvenile Justice employs a range of positions supporting mental health care services including psychologists and counsellors who work in juvenile justice centres. Since these professionals deliver a variety of services to detainees it is not possible to determine the specific budget for mental health issues.

24. TRANSCRIPT PAGE 43-44 - Mental health budget for privatised correctional centres

Mr DAVID SHOEBRIDGE: Mr Woodham, could you give the same figures (ie, the mental health budget) for the amount allocated for mental health care services for people in privatised correctional centres in New South Wales, and include the recurrent figures?

Mr WOODHAM: Yes.

Mr DAVID SHOEBRIDGE: So that is a separate figure for the privatised correctional centres.

Mr WOODHAM: What the whole facility costs?

Mr DAVID SHOEBRIDGE: No, the amount allocated to mental health services.

Mr WOODHAM: Our main programs are not there.

Mr DAVID SHOEBRIDGE: Which is why I am asking can you give the amount allocated in those privatised centres, including by centre, so Parklea and Junee.

Mr WOODHAM: Yes.

Answer:

I am advised:

Health services (including mental health services) at Junee Correctional Centre are provided by the GEO Group Australia Pty Ltd, which operates the correctional centre. The cost of providing health services is a component of the contract, and is confidential.

Health services at Parklea Correctional Centre are provided by Justice Health. CSNSW also employs 2 psychologists at Parklea Correctional Centre for delivery of the Violent Offender Treatment Program, but does not employ any staff there with a mental health role and does not have a mental health budget for Parklea Correctional Centre.

25. TRANSCRIPT PAGE 44 – Diversionary programs for Aboriginal people

The Hon. JAN BARHAM: Attorney, can you advise how much is in the budget specifically to address the disproportionate rates of incarceration of Aboriginal people?

Mr GREG SMITH: No, I cannot. I do not know whether we have a specific allocation for that in the budget.

Mr GLANFIELD: The questions you are asking require us to do fairly detailed analyses and guesstimates, because many of these programs are in baseline programs and some are effectively outsourced to other agencies, such as Justice Health. So we would have to take that sort of detailed question on notice to work that out. And, at the end of the day, as I say, it would be partly an estimate to the extent that it was not our people who were actually delivering the services.

The Hon. JAN BARHAM: I am happy for you to do that. Could you also define how much is allocated to operational and how much to the delivery of an access to diversionary programs specifically for Aboriginal people? I am interested in that breakdown.

Mr GLANFIELD: Access to diversionary programs from what?

The Hon. JAN BARHAM: Access to diversionary programs.

Mr GLANFIELD: Are you talking about to courts before they go to prison, or are you still talking about prisons?

The Hon. JAN BARHAM: Before.

Mr GLANFIELD: So we are talking about court diversion programs?

The Hon. JAN BARHAM: Court diversion, yes.

Mr GLANFIELD: Yes, we can do that.

ANSWER

I am advised:

The budget allocation for the Circle Sentencing program for the 2010/2011 financial year was \$1.139 million.

In addition it is estimated that the following amounts were spent in the 2010/2011 financial year on court diversionary programs for Aboriginal clients as follows:

MERIT (18 per cent participation rate)	\$1,922,474
Forum Sentencing (5.5 per cent participation rate)	83,447
CREDIT (32.4 per cent participation rate)	\$155,690

All funding for these programs is allocated to service delivery costs.

26. TRANSCRIPT PAGE 45 – Homelessness and bail

Mr DAVID SHOEBRIDGE: Attorney, given one of the key issues facing juveniles, including that one of the key reasons they are refused bail can be their homelessness and their inability to find accommodation, has any State funding been allocated in this budget to provide housing for juveniles who are bail refused because they cannot access stable accommodation?

Mr GREG SMITH: I thought we were giving funding to some of the non-government organisations that provide homes for the homeless. Mr Hubby might respond.

Mr HUBBY: It is one of our key funding areas in what we call our community funding program, under which we fund non-government agencies for accommodation support to help young people meet bail conditions, and for those who are homeless. Some funding comes through the National Homelessness Partnership.

Mr DAVID SHOEBRIDGE: Can you give a breakdown of the funding last year and the funding allocation for this financial year?

Mr HUBBY: I can take that on notice.

Answer

Juvenile Justice funds several projects that provide accommodation support to homeless young people on bail. In the 2010-11 financial year Juvenile Justice provided bail accommodation support services in partnership with Non Government Providers to the total values of \$864,676. In 2011/12 \$1,036,591 has been allocated to providing bail accommodation support services.

2010/11	
Bail Assistance Line	\$748,700
Southern Youth and Family Services Association Inc.	\$115,976
Total	\$864,676

2011/12	
Bail Assistance Line	\$768,541
Southern Youth and Family Services Association Inc.	\$119,050
Marist Youth Care Ltd	\$149,000
Total	\$1,036,591

27. TRANSCRIPT PAGE 45 – Hearing assessments for inmates

Mr DAVID SHOEBRIDGE: One of the key recommendations that came out of the inquiry by the Senate Community Affairs References Committee, which was contained in the report “Hear us: Inquiry into hearing health in Australia”, was that there be hearing assessments for all Australians serving custodial sentences, and most particularly for Aboriginal inmates. What has the Government done to implement that recommendation?

Mr WOODHAM: That really is a Corrections Health issue. I am not aware of a dedicated program for assessing hearing defects, but it is a question I am willing to take up with Corrections Health.

Mr DAVID SHOEBRIDGE: Will you include taking on notice any response?

Mr WOODHAM: Yes.

Answer:

I am advised:

Corrective Services NSW will bring this issue to the attention of Justice Health at the next Corrective Services and Justice Health Directors Meeting.

28. TRANSCRIPT PAGE 45 – Juvenile Justice hearing assessments

Mr DAVID SHOEBRIDGE: Mr Hubby, in terms of particular concern, of which you would be aware, of hearing loss and hearing deficit being a substantial reason for particularly Aboriginal juvenile disadvantage, what programs are in place within Juvenile Justice to do that kind of hearing assessment early on?

Mr HUBBY: Again, we do that through partnership with NSW Health and Justice Health, which provide health services in detention centres. So, in terms of the number of young people screened, I could take the question on notice and get that information from Health. But it is through providing facilities and resources to Justice Health. They do the screening.

Mr DAVID SHOEBRIDGE: Will you undertake, in order to live up to your commitment to reduce recidivism and the sheer numbers of Aboriginal juveniles in detention, to do that initial screening of Aboriginal juveniles as they come into detention?

Mr HUBBY: We have that commitment in place now. Especially to the extent that it is any sort of national commitment around screening Aboriginal young people, we work with NSW Health now, and we will continue to do so.

Mr DAVID SHOEBRIDGE: Do you screen every single juvenile, particularly Aboriginal juveniles, who come into the system for hearing loss at the time they enter the system?

Mr HUBBY: I cannot tell you whether we have screened every young person who has come into custody, but I can certainly take that on notice.

Answer

Health services provided to young people in Juvenile Justice Centres are the responsibility of the Minister for Health and are delivered through Justice Health. Justice Health provides health screening to all young people entering juvenile justice centres. This includes a screening for possible hearing deficits. Justice Health screens every detainee within 48 hours of admission. This screening identifies any hearing concerns.