



LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEES

## **BUDGET ESTIMATES 2015-2016 Supplementary Questions**

**General Purpose Standing Committee No. 4**

Attorney General

Thursday 3 September 2015

**Answers due by: Thursday 29 September 2015**

**Budget Estimates Secretariat**

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**Questions from Shaoquett Moselmane [on behalf of the NSW Labor Opposition]**

**GPSC No : 4**

**Attorney General**

**NSW Courts**

1. How many magistrates were there in NSW Courts as at:
  - a) 1.8.15
  - b) 1.1.15
  - c) 1.1.14
  - d) 1.1.13
  - e) 1.1.12
  
2. How many Supreme Court Judges were there in NSW as at:
  - a) 1.8.15
  - b) 1.1.15
  - c) 1.1.14
  - d) 1.1.13
  - e) 1.1.12
  
3. How many District Court Judges were there in NSW as at:
  - a) 1.8.15
  - b) 1.1.15
  - c) 1.1.14
  - d) 1.1.13
  - e) 1.1.12
  
4. How many Crown Prosecutors were there in NSW as at:
  - a) 1.8.15
  - b) 1.1.15
  - c) 1.1.14
  - d) 1.1.13
  - e) 1.1.12
  - f) How many vacancies are there now?
  
5. How many Public Defenders were there in NSW as at:
  - a) 1.8.15
  - b) 1.1.15
  - c) 1.1.14
  - d) 1.1.13
  - e) 1.1.12
  - f) How many vacancies are there now?
  
6. How many Sheriff Officers were there in NSW as at:
  - a) 1.8.15
  - b) 1.1.15
  - c) 1.1.14
  - d) 1.1.13
  - e) 1.1.12
  - f) How many vacancies are there now?

7. How many separate Local Court Registries were there in NSW as at:
- a) 1.8.15
  - b) 1.1.15
  - c) 1.1.14
  - d) 1.1.13
  - e) 1.1.12
  - f) How many vacancies are there now?

8. How many Local Court registries have been closed since 1.1.13?

9. Why won't you proclaim the Court Security Act?

### **Legal Aid**

10. What is the current staffing level of the Civil Law Division of NSW Legal Aid?

11. How many people were employed as at:

- a) 1.8.15
- b) 1.1.15
- c) 1.1.14
- d) 1.1.13
- e) 1.1.12

12. What steps has NSW Legal Aid taken to deal with the decision in the case of Muldrock?

13. What extra expenditure or resources have been incurred or allocated as a result of the case of Muldrock?

### **Victims**

14. What is the estimated cost of reversing the retrospective changes to Victims Compensation Laws?

15. In relation to Victims Compensation:

- a) What is the expenditure on "financial assistance for economic loss" under the scheme for each of the last two financial years?
  - i. How many claims have been made for this type of support?
  - ii. What percentage are they of total claims?
  - iii. How many claims have been successful in receiving this type of support?
- b) In each of the last two financial years, how many "financial assistance for economic loss" needs claims have been made for domestic violence and sexual assault as a number and percentage of all financial assistance for economic loss claims?
  - i. How many of these have been successful?

16. What have been the reasons for claims for "financial assistance for economic loss":

- a) in general;
- b) relating to domestic violence; and
- c) for sexual assault?

17. What types of "financial assistance for economic loss" have been awarded so far?

- a) How much has been awarded for each type of assistance?

18. Have there been any claims for loss of actual earnings awarded in the last two financial years?
  - a) If so, what were the amounts for payments based on victim's earnings and the amounts of payments based on the earnings of someone the victim was dependent on:
    - i. in general;
    - ii. relating to domestic violence; and
    - iii. for sexual assault?
19. How many applications have been made for each of the different categories of recognition payments for each of the last two financial years?
  - a) What percentage is this of total claims, including counselling, financial assistance or immediate needs?
20. How many recognition payments have been successful for each of the different categories of recognition payments?
  - a) What percentage are these of total claims?
21. Of all claims in each of the last two financial years, how many and what percentage of each recognition payment category relates to:
  - a) domestic violence; and
  - b) sexual assault?
22. Where applications for recognition payments have not been successful, what was the reason given for not providing a recognition payment?
23. What is the average waiting time from the time a recognition payment application is received until the time it is paid?
  - a) What has been the shortest waiting time period?
  - b) What has been the longest waiting time period?
  - c) What is the average waiting period?
  - d) What reasons have been provided for the reason behind the waiting times?
24. What is the expenditure on "immediate needs" under the scheme for each of the last two financial years?
  - a) How many claims have been made for this type of support?
  - b) What percentage of total claims is this?
  - c) How many claims have been successful in receiving this type of support?
25. Of the successful claims, what number and percentage of all immediate needs claims have been related to:
  - a) domestic violence; and
  - b) sexual assault?
26. Of the unsuccessful claims, what number and percentage of all immediate needs claims have been related to:
  - a) domestic violence; and
  - b) sexual assault?
27. What have been the reasons for refusing immediate needs claims:
  - a) in general;
  - b) relating to domestic violence; and
  - c) relating to sexual assault?

28. What types of “immediate needs” have been awarded in each of the last two financial years?
- How much has been awarded and for what purpose?
29. What is the average waiting time from the time an immediate needs application is received until the time it is paid?
- What has been the shortest waiting time period?
  - What has been the longest waiting time period?
  - What is the average waiting period?
  - What reasons have been provided for the reason behind the waiting times?
30. How many special grants have been made in each of the last two financial years?
- What is this as a percentage of all claims for these periods?
31. What percentage of those who have not received a special grant were:
- victims of domestic violence;
  - victims of sexual assault; and
  - victims classified in another category?
32. How many claims in each of the last two financial years have been rejected in the new victims support scheme because of the time limit on how long after the violence claims must be lodged?
- What percentage is this of total claims for these periods?
33. How many of these are claims relating to domestic violence and/or sexual assault?
- What percentage is this of total claims?
34. Are Victims Services keeping records on the number of calls they receive where the advice is that the victim does not currently qualify under the new scheme for any financial assistance because:
- they have not reported the violence to the police or other government agency?
  - the claim has not been made within the required timeframe?
- If yes, what are the figures for these in each of the last two financial years?
35. What number and percentage of claims have been unsuccessful:
- in general;
  - for “immediate needs”;
  - for “financial assistance for economic loss”; and
  - for “recognition payments”?
36. Of those applications that were unsuccessful, what number and percentage:
- sought an internal review;
  - were legally represented; and
  - had a successful outcome upon review?
37. Of those applications that were unsuccessful at first instance and succeeded at review, what number and percentage were legally represented?
38. What number and percentage of claims were filed at the NSW Administrative and Civil Tribunal but resolved in the client’s favour before the Tribunal made a decision.

39. It seems that far fewer domestic violence and sexual assault victims who apply for counselling are also accessing payments under the Scheme. Only 11% apply for recognition payments, only 3% apply for financial assistance for economic loss, and only 3% of sexual assault victims and 9% of domestic violence victims apply for immediate needs payments.
- Can you comment on the extraordinary difference between applications for payments in comparison to applications for counselling for victims of domestic violence and sexual assault?
  - How does this compare to the victims of other types of violence, and the rates of access to counselling and payments?
  - How does it compare to applications for counselling and compensation under the old scheme?
40. I am aware that some community legal centres' clients have told Centres it's not worth making an application for \$1,500 and they don't have necessary evidence for a higher category payment.
- Could evidentiary requirements or low recognition payments be preventing victims making applications for payments?
  - Are there victims that are applying for counselling that are out-of-time for applications for payments? If so, how many victims does this effect, in numbers and as a percentage of overall counselling applicants?
  - What other reasons account for such disparity in victims of domestic violence and sexual assault accessing all elements of a scheme, which then Attorney-General Hazzard described in his second reading speech as an "infinitely better response to victims than that provided by the Victims Compensation Scheme".
41. How many claims in each of the last two financial years have been unsuccessful because they did not meet the evidence requirements?
42. How many clients have been informed by Victims Services in advance of making an application that they do not meet the evidence requirements?
43. We are aware of an instance where community legal centre staff members have been told that Victims Services are only providing support coordinators where there is a safety issue. Could you tell us more about how that is working? How many people are given a support coordinator and in what circumstances?
44. The New South Wales Government's response of 17 February 2015 to the urgent complaint made to the United Nations Special Rapporteur on Violence Against Women and Girls about the Victims Support Scheme and the Victims Rights and Support Act 2013 refers to the role of the support coordinators to ensure victims are not retraumatized in repeating their stories to numerous agencies and to conduct a 'comprehensive assessment of each situation' (paras 1.15-1.16).
- Are applicants asked to gather their own evidence to support their victims support application?
  - How often has this occurred?
  - What is involved in a "comprehensive assessment"?
  - On how many occasions have support co-ordinators:
  - completed a victims support application on behalf of a victim of violence?
  - advised a victim they have multiple victims support claims?
  - assisted the victim in drafting submissions, particularly where s44 factors are relevant?

45. What are Victim's Services guidelines when they can't get in contact with a client? What's the timeframe for following up with such applicants and how many times does Victims Services attempt to contact them?
46. Is Victims Services recording whether claims to the new victims support scheme are being made with the assistance of advocates?
- a) If so, what is the percentage of claimants:
    - i. assisted by some kind of advocate;
    - ii. assisted by lawyers;
    - iii. assisted by independent support workers; and
    - iv. are unrepresented?
47. How many police officers/staff from NSW Police are working at Victims Services to assist with GIPA requests for police records relating to acts of violence?
- a) If none have yet been appointed is there an intention to make such appointments?
48. How many new counsellors have been appointed to ensure counselling is more accessible and in what areas?
49. How many victims have requested that restitution not be pursued with the offender?
50. On how many occasions has the Commissioner of Victims Rights exercised her discretion not to pursue restitution?
- a) At what point in the proceedings did this occur?
  - b) At what point was it communicated to the applicant?
51. Is the Asbestos Injuries Compensation Fund adequately funded to meet claims?
- a) Have you received any advice concerning the adequacy of the Fund?
52. What further plans are there to expand the private provision of court reporting services in the Supreme Court?
53. When do you propose to appoint a Law Reform Commission Chair to replace Justice Wood who retired in December 2013?
54. When do you propose to appoint a Full-time Law Reform Commissioner?
55. When will the Government make a further referral to the NSW Law Reform Commission (the last being in 2013)?
56. Attorney General Smith used frequently argue that the process of sentencing in criminal matters had become too complex. What legislation do you propose to remedy this?
57. Funding for Community Legal Centres is reaching crisis point. What initiatives to you propose to deal with the crisis?
58. The Crimes Amendment (Consorting and Organised Crime) Bill was presented by the Government as a means to combating organised crime. Instead, the Ombudsman has revealed that a vast number of usages of the legislation were not against organised crime

figures. What legislative initiatives do you propose to rectify this unintended consequence?  
What steps have you taken since the Ombudsman's Report?

59. When will the review of the Listening Devices Act (due in 2012) be completed?
60. Isn't it entirely inconsistent with the rule of law for the Attorney General to be under the control of the Police Minister?
61. Do you support allowing barristers to incorporate their practices?
  - a) Have you been approached about it?
  - b) By whom?
62. Recommendation 8 of the NSW Government's Legal Services Blueprint (dated August 2011) requires Government agencies to report annual legal services expenditure to your Department from the end of 2011-12 financial year.
  - a) What has been the total Government expenditure on Legal Services each financial year from 2011-12?
  - b) Has this been an increase or decrease since 2011-12?
  - c) Has expenditure decreased or increased since the introduction of the Blueprint?
  - d) Please (on notice) provide details of the expenditure of each agency for each financial year from 2011-12 to date.
63. Does the Government require private legal practitioners who perform work for them to also perform pro bono work?
64. Have any Government Agencies, in defiance of the Blueprint:
  - a) Failed to use cluster panels for legal Services?
  - b) Failed to identify a Legal Services Manager?
65. Have Counsel's fees payable by the Government increased since the introduction of the Blueprint?
66. What was the total Government expenditure on legal services in 2014/5 (bearing in mind it was \$247.7m in 06/07 and \$42.2m more in 2008/9)?
67. Would you ever follow the example of AG Hazzard and observe court proceedings in a court room where the presiding officer was the subject of complaint by your parliamentary colleagues?

### **Courts**

68. What are you going to do about the unacceptable delays in District Court Criminal Trials in Wagga?
69. The Chief Judge of the District Court said he was considering a full-time District Court judge in Wagga. Will that happen? Will you provide appropriate funding resources for that to occur?
70. What are you going to do about the unacceptable delays in District Court Criminal trials in Dubbo which now have the largest wait between committal and result of any district court in the State?
71. What are you going to do about the unacceptable delays in District Court criminal trials in Lismore District Court?



72. Granted that the Law Reform Commission says that the District Court criminal trial system is broken and approaching a state of crisis will you now reinstate the criminal case conferencing scheme your Government scrapped in 2011 over the objection of prosecutors, defenders and the Attorney, merely to save \$1.5m?
73. What will you do with the recommendations of the Law Reform Commission Report on encouraging early guilty pleas, which your Government has had for 9 months (since December 2014)?
74. Will you reinstate the District Court judges positions that have been lost and provide the extra resources necessary to deal with extra defended criminal cases coming into the District Court?
75. When the 2nd Sydney Drug Court opened after the 2011 State election, the Government chimed that it would deal with drug dependent offenders in Sydney's CBD, inner west, and eastern suburbs, with referral from a range of courts, including Waverley. Why then has the Government restricted this 2nd Sydney Drug Court by prescribing that only people living within the City of Sydney Local Government area can appear before it?
76. Why have the Government restricted the 2nd Sydney Drug Court to dealing with only 40 defendants?
77. Does Vacluse not have drug-users? Doesn't the Eastern suburbs have drug users? Why won't the Sydney Drug Court extend to them?
78. How many local courts have ceased to have sittings in the last 12 months?
79. How many local courts will cease to have sittings or be closed in the next 12 months?
80. What will the affect be of the loss of 8 magistrates by 1 July 2016 compared to the 2012 figures?
81. What local courts will have reduced sittings in the next 12 months?
82. How many local court will close in the next 12 months?
83. How many court houses in NSW have court rooms not been used for hearings?
84. Why were the sittings of the Local Court at Coffs Harbour reduced at the same time as a new Court house was built?
85. Will Lithgow Court close or have its hours of operation altered in the next 12 months?
86. Will Rockdale Court be reopened in the next 12 months?
87. What do you propose for the future of Camden Court and Camden Court House?
88. If in a criminal matter, someone is convicted and ordered to pay compensation for theft or property damage to the victim by the Court, why is it up to the victim to chase the money?
89. Put another way, why does the criminal justice system force victims to pursue civil redress to enforce orders in criminal cases?

- a) Any why are fees so high? To enforce what the court ordered, the victim has to register the debt at \$86 per offender, then pay a further \$78 per address for a writ of execution (which only works if the victim, not the Sherriff knows the address of the offender's goods).

90. The Minister for Police recently announced that a protocol had been agreed to allow police to wear guns in court complexes and while giving evidence in court.

Who were the signatories to the protocol?

- a) What were the terms of the protocol?
- b) Did the Courts all agree to this?
- c) In particular, did the Chief Magistrate agree?
- d) Has there been even one incident in the last two years of a judicial officer attacked in a court room in any way that would have justified intervention by an armed police officer?
- e) Has there been any incident directed at anyone in that time frame in a court room that would justify an armed intervention?
- f) The protocol was announced at least a week after the media expected its announcement. What was the reason for the delay?
- g) Do you oppose the change in policy?
- h) Did the heads of jurisdictions oppose the change in policy?

### **Dyson Heydon**

91. Why did you agree to give a vote of thanks to Dyson Heydon for giving a speech at the 2016 Garfield Barwick address that even he knows he shouldn't have given?

92. Who asked you to give the vote of thanks?

93. When were you asked?

94. When did you reply?

### **DV**

95. Why do you refuse to meet with the Women's Domestic Violence Court Advocacy Service?

96. Will you agree to meet with the Women's Domestic Violence Court Advocacy Service?

97. When was the funding to the Women's Domestic Violence Court Advocacy Service last increased?

98. Do you think is it acceptable that funding for the Women's Domestic Violence Court Advocacy Service hasn't increased in 6 years?

99. What additional funding will be allocated to the Women's Domestic Violence Court Advocacy Service for their role in the NSW Domestic Violence Justice Strategy?

100. Should the Women's Domestic Violence Court Advocacy Service be expected to pick up additional work under the NSW Domestic Violence Justice Strategy without an increase in funding?

101. In relation to the DV Disclosure Scheme,

- a) To what extent has the potential of such a scheme to support protections for workers including women lawyers working on cases of domestic violence been considered?
  - b) Has the importance and price on health and wellbeing of workers including women lawyers been properly considered?
102. Where in the budget have the additional resources required for the implementation of the Domestic Violence Strategy been allocated?
103. What additional resources will be allocated to Women's Domestic Violence Court Advocacy Services to enable them to meet the Domestic Violence Strategy standards from 1 July 2015?
104. Will the Blue Mountains Domestic Violence Advocacy Service received the additional \$30,000 needed to provide sufficient staffing to meet the Domestic Violence Justice Strategy standards and contact every victim referred to them by Police within one business day of receiving the referral?

### **Ministerial Office Administration**

105. How many staff are in your ministerial office?
- a) What was the average salary for staff members in your office during 2014-15?
  - b) What is the average salary for a ministerial staffer in your office based on current appointments?
106. How many blackberries/smart phones are assigned to your staff?
- a) For each phone, how much was each bill in the past financial year?
  - b) How many phones have been lost or replaced due to damage in your office?
    - i. What is the cost of replacing those phones?
107. How many iPads or tablets does DPC assign to your Ministerial office and to whom have they been issued?
- a) What is the cost of providing iPads or tablets to your Ministerial Office?
  - b) How many iPads or tablets have been replaced due to lost or damage?
    - i. What was the cost of replacing these devices?
108. Did any your or your ministerial staff incur data charges on a mobile phone or tablet device greater than \$1000 for a single billing period?
- a) If so, how many times did this occur?
    - i. What was the individual cost of each data charge over \$1000 for a single billing period?
109. Has any artwork been purchased or leased for display in your office?
- a) What is the cost of this?
110. Have any floral displays or indoor plants been hired or leased for display in your ministerial office?
- a) If so, what was the cost of these items?
111. What is the total cost of all subscriptions by you and your staff to online news services, newspapers, magazines, journals and periodicals?
- a) What are these services/newspapers/magazines/journals/periodicals?
    - i. Who is the subscriber for each of these?

112. What was the total value of all gifts purchased for use by you and your office?
- a) What were the gifts purchased?
    - i. Who were they gifted to?
113. Do you purchase bottled water or provide water coolers for your office?
- a) What is the cost of this?
114. Can you advise the names of all contractors/consultants employed and/or paid for by your office, under any agreement, contract or fee-for -service arrangement in 2014-15?
- a) Do they have ABN's?
    - i. If so, please provide details?
  - b) Details of paid or unpaid invoices and amounts?
  - c) Details of services and fees provided by each contractor and or consultant?
115. Details of the agreement between your office and any contractors/consultants engaged by your office?

### **Ministerial And Office Travel**

116. Have any of your overseas trips in the past year been paid for in part or in full by using public money?
- a) If so, did any of your relatives or friends accompany you on these trips?
117. Have you undertaken any official overseas travel that was privately funded?
- a) What were the nature of these trips?
  - b) Who paid for these trips?
118. What was the total bill for your office in 2014-15 for:
- a) Taxi hire
  - b) Limousine hire
  - c) Private hire care
  - d) Hire car rental
119. Have you ever used Uber?
- a) If yes, were any of these occasions in an UberX vehicle?
120. Have you or anyone in your office used Uber services travelling to or from work-related events, meetings or functions?
- a) Were any of those services in an UberX vehicle?
121. Have you or anyone in your office sought reimbursement for using Uber services to travel to or from work-related events, meetings or functions?
- a) What is the value of those reimbursements?
122. Have you used Airbnb?
123. Have you or anyone in your office used Airbnb as an accommodation solution whilst travelling on official business?

124. Have any planes or helicopters been chartered by you or your office and paid for with public money?
- a) If yes, will you please detail each trip, the method of transport and the cost?
125. What non-standard features are fitted to your ministerial vehicle?
- a) What is the cost of each non-standard feature?

### **Labour Hire Firms**

126. Do any Departments/agencies within your portfolio responsibilities utilise the services of Labour Hire Firms? If yes, please advise in table form:
- a) The names of the firms utilised
- b) The total amount paid to each firm engaged
- c) The average tenure period for an employee provided by a labour hire company
- d) The longest tenure for an employee provided by a labour hire company
- e) The duties conducted by employees engaged through a labour hire company
- f) The office locations of employees engaged through a labour hire company
- g) The highest hourly or daily rate paid to an employee provided by a labour hire company

### **Media And Public Relations**

127. How many media or public relations advisers are employed for each of your portfolio agencies?
128. What is the forecast for the current financial year for the number of media or public relations advisers to be employed and their total cost?
129. What is the total cost of media monitoring services used by Departments/agencies within your portfolio responsibilities?
130. Have you had media training or speech training?
- a) If yes, who paid for it?
- b) If paid by taxpayers, what was the amount?

### **Consultants, Lobbyists And Former Parliamentarians**

131. Have you, your office or your Departmental Officers had any meetings with former MP Chris Hartcher in the time since he has left the Parliament?
- a) Who attended those meetings?
- b) What was the nature of those meetings?
- c) What was discussed?
- d) Were any records of those meetings kept?
132. Have you, your office or your Departmental Officers had any meetings with former MP Andrew Stoner in the time since he has left the Parliament?
- a) Who attended those meetings?
- b) What was the nature of those meetings?
- c) What was discussed?
- d) Were any records of those meetings kept?
133. Have you, your office or your Departmental Officers had any meetings with former MP Tim Owen in the time since he has left the Parliament?
- a) Who attended those meetings?
- b) What was the nature of those meetings?

- c) What was discussed?
  - d) Were any records of those meetings kept?
134. Have you, your office or your Departmental Officers had any meetings with former MP Craig Baumann in the time since he has left the Parliament?
- a) Who attended those meetings?
  - b) What was the nature of those meetings?
  - c) What was discussed?
  - d) Were any records of those meetings kept?
135. Have you, your office or your Departmental Officers had any meetings with former MP Andrew Cornwell in the time since he has left the Parliament?
- a) Who attended those meetings?
  - b) What was the nature of those meetings?
  - c) What was discussed?
  - d) Were any records of those meetings kept?
136. Have you, your office or your Departmental Officers had any meetings with former MP Chris Spence in the time since he has left the Parliament?
- a) Who attended those meetings?
  - b) What was the nature of those meetings?
  - c) What was discussed?
  - d) Were any records of those meetings kept?
137. Have you, your office or your Departmental Officers had any meetings with former MP Darren Webber in the time since he has left the Parliament?
- a) Who attended those meetings?
  - b) What was the nature of those meetings?
  - c) What was discussed?
  - d) Were any records of those meetings kept?
138. Have you, your office or your Departmental Officers had any meetings with former MP Garry Edwards in the time since he has left the Parliament?
- a) Who attended those meetings?
  - b) What was the nature of those meetings?
  - c) What was discussed?
  - d) Were any records of those meetings kept?
139. Have you, your office or your Departmental Officers had any meetings with former MP Bart Bassett in the time since he has left the Parliament?
- a) Who attended those meetings?
  - b) What was the nature of those meetings?
  - c) What was discussed?
  - d) Were any records of those meetings kept?
140. Has the consultancy company Premier State done any consultancy work for the Department?  
If so what projects was Premier State consulted on?
- a) What was the cost of the consultancy work for each project?
  - b) Was there a tender process for these projects?

141. Does Premier State currently have any contract work with the Departments/agencies under your portfolio responsibility?
- a) If yes, what is their role in the project?

### **Consulting**

142. How much have the Department/agencies under your portfolio responsibility spent in legal costs?
- a) For what specific purposes or matters was legal advice sought?
143. Have Department/agencies under your portfolio engaged any consultants to provide the following services or advice:
- a) Social media  
i. And the cost of these services
- b) Photography  
i. And the cost of these services
- c) Acting training  
i. And the cost of these services
- d) Ergonomics  
i. And the cost of these services

### **Department/Agency Administration**

144. How many redundancies were processed by Departments/agencies within your portfolio responsibilities during 2014-15?
- a) Of these redundancies, how many were:
- i. Voluntary
- ii. Forced
- b) What was the total cost of all redundancies?
145. Have any staff who received a redundancy in the last two years undertaken any paid work or provided any paid services for the agency with which they were formerly employed?
- a) What was the nature of these works/services?
- b) What was the total cost of these works or services?
146. Are any staff formerly employed by your ministerial office now employed by Departments/agencies under your portfolio responsibility?
147. How many staff were dismissed from Departments/agencies under your portfolio responsibilities in 2014-15?
- a) What were the reason/s for each dismissal?
148. How much was spent on corporate hospitality by Departments/agencies within your portfolio responsibilities during 2014-2015?
149. How much was spent on indoor plant hire and maintenance by Departments/agencies within your portfolio responsibilities during 2014-2015 year?
150. How much did Departments/agencies within your portfolio responsibilities spend on restaurant bills during the year 2014/2015?
- a) How much of these bills were alcohol?

151. Were instances of internal fraud detected by Departments/agencies within your portfolio responsibilities during 2014-2015?
- What was the sum total of any such fraud and what was the result of any investigations?
152. How large is the Department's vehicle fleet?
- What is the composition of this fleet in terms of engine size?
  - How many of the fleet were involved in an accident during the year 2014-2015?
  - What was the total cost of insurance claims and repairs?
153. How much did departments/agencies spend on newspaper and journal subscriptions during 2014-2015?
154. How many SES employees are employed within departments/agencies under your ministerial portfolio?
- What is their remuneration band?
  - For each SES employee, how many have:
    - 0 staff reporting to them;
    - less than 2 staff reporting to them; and
    - less than 5 staff?
155. How many sick days, leave days or days attributable to workers compensation were lost for each department/agency within your portfolio responsibility during 2014-15 for:
- workplace bullying;
  - stress leave; and
  - sick leave?
156. Do any of the departments/agencies under your portfolio area employ actors for staff training?
- If so, what is:
    - the size of the contract for the provision of actors for staff training in your departments?
    - the term of the contracts for the provision of actors for staff training in your departments?
    - the tender numbers for each of the contracts?

### **Department/Agency Travel**

157. What was the total expenditure in 2014-15 by Departments/agencies within your portfolio on:
- Taxi hire
  - Limousine/private car hire
  - Hire car rental
158. Do the Departments/agencies within your portfolio have a policy on utilising Uber services for travel on official business?
159. Have staff in your Department/agencies either paid for with departmental funds or been recompensed for official travel using Uber services?
- Were any of these payments for UberX services?
160. Have staff in your Department/agencies either paid for with departmental funds or been recompensed for official travel using Airbnb services?



161. Did any officers within departments/agencies under your ministerial portfolio use charter aircraft during the year 2014-2015?
- a) If so what was the purpose and cost?

### **Departmental/Agency IT**

162. Do the Departments/agencies within your portfolio have an iTunes account?
- a) What was the total expenditure in 2014-15 on iTunes?
- i. What applications/subscriptions/services were purchased through iTunes?
163. Do the Departments/agencies within your portfolio have an Android account?
- a) What was the total expenditure in 2014-15 on Android?
- i. What applications/subscriptions/services were purchased through Android?
164. How many Department/agency mobile phones, tablets and laptops were replaced due to loss or damage during 2014-2015?
- a) What was the total cost of replacing these items?
165. Did any staff within departments/agencies within your portfolio responsibilities incur data charges on a mobile phone or tablet device greater than \$1000 for a single billing period?
- a) If so, how many times did this occur?
- i. What was the individual cost of each data charge over \$1000 for a single billing period?

### **Efficiency Dividend**

166. What was the efficiency dividend required of the department in the 2014/15 financial year?
167. What is the efficiency dividend required of the department in the 2015/16 financial year?
168. What savings measures were implemented by the Department for:
- a) 2014/15 financial year
- b) 2013/14 financial year
- c) 2012/13 financial year?
169. What actual savings were achieved by each strategy in:
- a) 2014/15 financial year
- b) 2013/14 financial year
- c) 2012/13 financial year?
170. What reduction of staff occurred and at what cost as a result of each strategy in:
- a) 2014/15 financial year
- b) 2013/14 financial year
- c) 2012/13 financial year?
171. For the 2015/16 financial year:
- a) What savings measures will the Department save?
- b) What is the expected saving to be achieved for each measure?
- c) Will they require a reduction in staffing?
- d) How many positions within the Department remain unfilled due to the imposition of savings measures?

## Questions from David Shoebridge

**GPSC No : 4**

**Attorney General**

### **Custody Notification Service**

172. What is the current NSW funding allocate to the Custody Notification Service?
173. What is the projected funding for the Custody Notification Service?
174. Given the CNS implements a recommendation from the Royal Commission into Aboriginal Deaths in custody, why have cuts been made to the program?
175. Have any other changes been made to ensure the safety of Aboriginal people in police custody (particularly given that since the CNS was implemented there have been no Aboriginal deaths in police cell custody)?

Nb the cost of the CNS is estimated at being the same as incarcerating two juveniles for a year.

### **Child sexual abuse**

176. What process and policies are in place within the department for responding to the findings and recommendations released by the Royal Commission into abuse?
177. How many cases is the department aware of where the Ellis Defence was used in each of the last 5 years?
178. What advice have you sought about possible breaches of s316 of the Crimes Act relating to the practice of “blind reporting” as used by the NSW Police regarding child sexual abuse?
179. Are you aware of any other bodies who employ this practice?

### **WIPAN**

180. What is the current status of consideration of the funding request from WIPAN?
181. What will you as Attorney General do to ensure ongoing funding for WIPAN?

### **Victims Compensation**

182. Only 11% of DV and sexual assault victims apply for recognition payments, only 3% apply for financial assistance for economic loss, and only 3% of sexual assault victims and 9% of domestic violence victims apply for immediate needs payments.<sup>1</sup>
  - a) What detail is there on why there is such a difference between applications for payments in comparison to applications for counselling for victims of domestic violence and sexual assault?
  - b) How does this compare to the victims of other types of violence, and the rates of access to counselling and payments?
  - c) How does it compare to applications for counselling and compensation under the old scheme?

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<sup>1</sup> Data available from the NSW Government response to the United Nations Special Rapporteur on Violence Against Women and Girls

### **Immediate needs**

183. What is the expenditure on “immediate needs” under the scheme for each of the last two financial years?
- How many claims have been made for this type of support?
  - What is the average value of such claims?
  - What percentage of total claims is this?
  - How many claims have been successful in receiving this type of support?
184. Of the successful claims, what number and percentage of all immediate needs claims have been related to:
- domestic violence; and
  - sexual assault?
185. Of the unsuccessful claims, what number and percentage of all immediate needs claims have been related to:
- domestic violence; and
  - sexual assault?
186. What have been the reasons for refusing immediate needs claims:
- in general;
  - relating to domestic violence; and
  - relating to sexual assault?
187. What types of “immediate needs” have been awarded in each of the last two financial years?
- How much has been awarded and for what purpose?
188. What is the average waiting time from the time an immediate needs application is received until the time it is paid?
- What has been the shortest waiting time period?
  - What has been the longest waiting time period?
  - What is the average waiting period?
  - What reasons have been provided for the reason behind the waiting times?

### **Financial assistance:**

189. What is the expenditure on "financial assistance for economic loss" under the scheme for each of the last two financial years?
- How many claims have been made for this type of support?
    - What percentage are they of total claims?
  - How many claims have been successful in receiving this type of support?
190. In each of the last two financial years, how many “financial assistance for economic loss” needs claims have been made for domestic violence and sexual assault as a number and percentage of all financial assistance for economic loss claims?
- How many of these have been successful?
191. What have been the reasons for claims for "financial assistance for economic loss":
- in general;
  - relating to domestic violence; and
  - for sexual assault?
192. What types of "financial assistance for economic loss" have been awarded so far?

- a) How much has been awarded for each type of assistance?
193. Have there been any claims for loss of actual earnings awarded in the last two financial years?
- a) If so, what were the amounts for payments based on victim's earnings and the amounts of payments based on the earnings of someone the victim was dependent on:
    - i. in general;
    - ii. relating to domestic violence; and
    - iii. for sexual assault?

**Recognition payments:**

194. How many applications have been made for each of the different categories of recognition payments for each of the last two financial years?
- a) What percentage is this of total claims, including counselling, financial assistance or immediate needs?
195. How many recognition payments have been successful for each of the different categories of recognition payments?
- a) What percentage are these of total claims?
196. Of all claims in each of the last two financial years, how many and what percentage of each recognition payment category relates to:
- a) domestic violence; and
  - b) sexual assault?
197. Where applications for recognition payments have not been successful, what was the reason given for not providing a recognition payment?
198. What is the average waiting time from the time a recognition payment application is received until the time it is paid?
- a) What has been the shortest waiting time period?
  - b) What has been the longest waiting time period?
  - c) What is the average waiting period?
  - d) What reasons have been provided for the reason behind the waiting times?

**Special payments:**

199. How many special grants have been made in each of the last two financial years?
- a) What is this as a percentage of all claims for these periods?
200. What percentage of those who have not received a special grant were:
- a) victims of domestic violence;
  - b) victims of sexual assault; and
  - c) victims classified in another category?

**Time limit**

201. How many claims in each of the last two financial years have been rejected in the new victims support scheme because of the time limit on how long after the violence claims must be lodged?
- a) What percentage is this of total claims for these periods?
202. How many of these are claims relating to domestic violence and/or sexual assault?
- a) What percentage is this of total claims?

203. Are Victims Services keeping records on the number of calls they receive where the advice is that the victim does not currently qualify under the new scheme for any financial assistance because:
- a) they have not reported the violence to the police or other government agency?
  - b) the claim has not been made within the required timeframe?
- If yes, what are the figures for these in each of the last two financial years?

### **Review**

204. What number and percentage of claims have been unsuccessful:
- a) in general;
  - b) for “immediate needs”;
  - c) for “financial assistance for economic loss”; and
  - d) for “recognition payments?
205. Of those applications that were unsuccessful, what number and percentage:
- a) sought an internal review;
  - b) were legally represented; and
  - c) had a successful outcome upon review?
206. Of those applications that were unsuccessful at first instance and succeeded at review, what number and percentage were legally represented?
207. What number and percentage of claims were filed at the NSW Administrative and Civil Tribunal but resolved in the client’s favour before the Tribunal made a decision.

### **Evidentiary requirements**

208. How many claims in each of the last two financial years have been unsuccessful because they did not meet the evidence requirements?
209. How many clients have been informed by Victims Services in advance of making an application that they do not meet the evidence requirements?

### **Staffing and applicant support**

210. The [New South Wales Government’s response](#) of 17 February 2015 to the [urgent complaint](#) made to the United Nations Special Rapporteur on Violence Against Women and Girls about the Victims Support Scheme and the *Victims Rights and Support Act 2013* refers to the role of the support coordinators to ensure victims are not retraumatised in repeating their stories to numerous agencies and to conduct a ‘comprehensive assessment of each situation’ (paras 1.15-1.16).
- a) Are applicants asked to gather their own evidence to support their victims support application?
    - i. How often has this occurred?
  - b) What is involved in a “comprehensive assessment”?
  - c) On how many occasions have support co-ordinators:
    - i. completed a victims support application on behalf of a victim of violence?
    - ii. advised a victim they have multiple victims support claims?
    - iii. assisted the victim in drafting submissions, particularly where s44 factors are relevant?
211. What are Victim’s Services guidelines when they can’t get in contact with a client? What’s the timeframe for following up with such applicants and how many times does Victims Services attempt to contact them?

212. Is Victims Services recording whether claims to the new victims support scheme are being made with the assistance of advocates?
- a) If so, what is the percentage of claimants:
    - i. assisted by some kind of advocate;
    - ii. assisted by lawyers;
    - iii. assisted by independent support workers; and
    - iv. are unrepresented?
213. How many police officers/staff from NSW Police are working at Victims Services to assist with GIPA requests for police records relating to acts of violence?
- a) If none have yet been appointed is there an intention to make such appointments?
214. How many new counsellors have been appointed to ensure counselling is more accessible and in what areas?

### **Restitution**

215. How many victims have requested that restitution not be pursued with the offender?
216. On how many occasions has the Commissioner of Victims Rights exercised her discretion not to pursue restitution?
- a) At what point in the proceedings did this occur?
  - b) At what point was it communicated to the applicant?

### **Regarding the Domestic Violence Disclosure Scheme**

217. What criteria is being used to select locations for the pilot Domestic Violence Disclosure Scheme?
218. What consideration is being given to regional and rural areas?
219. Will there be additional funding allocated to specialist legal services, including free legal services?
220. Will there be additional training for existing specialist family violence support workers, police officers, court staff and magistrates?
221. Have you considered the Spent Convictions Scheme in relation to the Domestic Violence Disclosure Scheme, as a way to support and encourage rehabilitation of offenders?

### **Regarding the Domestic Violence Justice Strategy**

222. Will there be additional funding to the Women's Domestic Violence Court Advocacy Service in those areas where their work has significantly increased given the increase in the number of police referrals to the service?
- a) If yes, what areas will this funding flow to?
  - b) If no, why not, given the increase in their workload?

### **Regarding ADVOs**

223. What is the average turnaround time from an ADVO being breached and an arrest?
224. What is the range (minimum-maximum) turnaround time from an ADVO being breached and an arrest?

**Regarding Domestic Violence Death Review Team (DVDRT) reporting**

225. The Domestic Violence Death Review Team (DVDRT) was established in 2010 under the Coroners Act 2009 (NSW) to systematically review deaths occurring in the context of domestic violence in New South Wales. The last report was 2012-2013. Considering it is September 2015, when should we expect to see the 2013-2014 and 2014-2015 reports?

**Questions from:** Hon Robert Borsak MLC  
**GPSC No:** 4  
**Portfolio:** Attorney General

226. How many magistrates does the Department intend to cut in the Local Court of NSW in 2015-2016, and what will be the effect of these cuts on rural courts and access to justice in these areas?
227. Why has the NSW government not considered mandatory sentencing for gun related crimes?
228. Under the proposed Commonwealth and State and Territory national partnership agreement on government funded legal assistance services, will Legal Aid NSW be in a better or worse financial situation, and how many community legal centres will likely be closed down due to any restructuring?