



PARLIAMENTARY BUDGET OFFICE

NSW Parliament • Parliament House, Macquarie Street Sydney 2000

Referred by: Coalition **Proposal No:** C1407
Date Referred: 14/02/2023 **Date Published:** 20/03/2023
Proposal Title: Domestic and Family Violence Package
Cluster: Stronger Communities

General Government Sector Impacts

	2022-23 \$'000	2023-24 \$'000	2024-25 \$'000	2025-26 \$'000	4 year Total \$'000
Expenses (ex. depreciation)	808	33,944	34,709	2,495	71,956
Depreciation	-	-	57	-	57
Less: Offsets	-	-	-	-	-
Revenue	-	-	-	-	-
Net Operating Balance:	(808)	(33,944)	(34,766)	(2,495)	(72,013)

Capital Expenditure	-	2,000	-	-	2,000
Capital Offsets	-	-	-	-	-
Net Capital Expenditure:	-	2,000	-	-	2,000

Net Lending/(Borrowing):	(808)	(35,944)	(34,709)	(2,495)	(73,956)
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Total State Sector Impacts

Net Lending/(Borrowing):	(808)	(35,944)	(34,709)	(2,495)	(73,956)
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Notes and costing assumptions:

The policy proposes a domestic violence and courts package that is made up of the following initiatives:

1. Addressing the domestic and family violence (DFV) backlog in the Local Court – temporary funding for an additional five Magistrates.
2. A trial of specialist DFV court lists in three locations to trial further improvements to DFV Court processes.
3. Dedicated DFV Court – a feasibility study for a dedicated court.
4. A review of sentences for all domestic violence related offences.
5. Electronic Monitoring of DFV offenders – expanding the current trial of electronic monitoring to target high risk offenders being supervised in the community on parole or under a community-based sentence.
6. No-interest rental bond loans to victim-survivors of domestic violence – expanding the current Rentstart Bond Loan scheme.

The total cost of the policy is estimated to be \$74.0 million over the budget estimates. The cost of each individual initiative is broken down in *Table 1* below.

Notes and costing assumptions continued:

Table 1 Breakdown of policy cost by initiative

Recurrent expenses (\$'000)	2022-23	2023-24	2024-25	2025-26	4 Year Total
P1. Addressing the DFV backlog in the Local Court	-	14,600	14,970	-	29,570
P2. A trial of specialist DFV court lists	-	1,238	1,012	-	2,250
P3. Dedicated DFV Court Feasibility Study	-	300	-	-	300
P4. A review of sentences for all DFV	-	447	223	-	670
P5. Electronic Monitoring of DFV offenders	-	15,012	16,085	-	31,097
P6. expanding the current Rentstart Bond Loan scheme.	808	2,347	2,419	2,495	8,069
Total recurrent expenses	808	33,944	34,709	2,495	71,956

Depreciation expenses (\$'000)	2022-23	2023-24	2024-25	2025-26	4 year Total
P1. Addressing the DFV backlog in the Local Court	-	-	57	-	57
P2. A trial of specialist DFV court lists	-	-	-	-	-
P3. Dedicated DFV Court Feasibility Study	-	-	-	-	-
P4. A review of sentences for all DFV	-	-	-	-	-
P5. Electronic Monitoring of DFV offenders	-	-	-	-	-
P6. expanding the current Rentstart Bond Loan scheme.	-	-	-	-	-
Total depreciation expenses	-	-	57	-	57

Capital expenses (\$'000)	2022-23	2023-24	2024-25	2025-26	4 year Total
P1. Addressing the DFV backlog in the Local Court	-	1,000	-	-	1,000
P2. A trial of specialist DFV court lists	-	-	-	-	-
P3. Dedicated DFV Court Feasibility Study	-	-	-	-	-
P4. A review of sentences for all DFV	-	-	-	-	-
P5. Electronic Monitoring of DFV offenders	-	1,000	-	-	1,000
P6. expanding the current Rentstart Bond Loan scheme.	-	-	-	-	-
Total capital expenses	-	2,000	-	-	2,000

Key Assumptions

Program 1 – Addressing the DFV Backlog in the Local Court

The PBO has consulted the Department of Communities and Justice (DCJ), Office of the Director of Public Prosecutions (ODPP), Legal Aid Commission of NSW (Legal Aid) and NSW Police Force (NSWPF) in costing this program.

1. DCJ, including Corrective Services NSW (CSNSW, a division within DCJ), advised that the five additional magistrates would preside over the full range of matters currently heard in the Local Court jurisdiction.
2. The costing assumes that the five additional magistrates will be engaged from 1 July 2023. However, a three-month lead-time before the preside over the courts due to required training and inductions.
3. DCJ advised that the five new magistrates will sit at the following Courts:
 - a. 2 magistrates at Central Court.
 - b. 1 magistrate at Bankstown.
 - c. 2 magistrates, with a supporting team of court staff who would travel to various regional courts on a Fly in Fly Out (FIFO) basis.
4. The supporting team relates to case managers, listing teams and court appointed questioners.
5. DCJ advised that there will also be corporate overheads (estimated at 10 per cent of employee costs) and costs related to travel and accommodation (including flights, hire car and travel allowances).
6. DCJ has advised that capital expenditure would be required at Central Court for a safe rooms and remote witness rooms, estimated at \$1 million in 2023-24.

Notes and costing assumptions continued:

7. ODPP and Legal Aid advised that their service delivery will need to increase in line with the increased number of cases heard by the five new magistrates. This includes the cost of salaries and wages and cost of technology and computer equipment.
8. NSWPF has advised that fifteen police officers will need to be taken away from their existing positions to meet the new demand in local courts. This results in additional overtime for existing police officers to cover these fifteen positions.
9. The policy assumes that costs relating to CSNSW will be absorbed within existing budgets. The PBO consider that these costs could be adequately covered by NSWPF (\$5.0 billion in 2022-23) and DCJ's recurrent budget (\$21.1 billion in 2022-23). Both agency's advised that this can only be achieved by re-prioritising funding away from existing service delivery. The PBO notes that absorbing the costs of the policy could be difficult in practice and may affect the delivery of some services.

Program 2 – Specialist DFV court lists

1. DCJ advised that the specialist DFV court lists will be trialled at the following locations, using existing court rooms and facilities (including remote witness rooms and audio visual links).
2. The final locations for the DFV court lists are yet to be confirmed.
3. The specialist DFV court lists would be presided over by existing Magistrates at each location, supported by existing registry staff, court officers, court appointed questioners and Sheriff's officers.
4. The specialist DFV court lists program would be evaluated after two years of operation, costed at \$200,000.
5. All staff would require specialist DFV training.
6. DCJ advised that there will also be corporate overheads (estimated at 10 per cent of employee costs)
7. There will be costs related to Legal Aid and NSWPF however, further planning and assessment will be needed to estimate these prior to implementing the policy.
8. DCJ has advised that the final location for the specialist DFV court lists may result in further capital expenditure to build out any safe rooms or remote witness rooms.

Program 3 – A Feasibility study for a DFV-dedicated court

1. DCJ has considered that the feasibility study would start in 2023-24.
2. DCJ advised that an independent consultant would need to be engaged to conduct a feasibility study into the establishment of dedicated domestic and family violence courts in NSW.
3. The review would be undertaken, and cost incurred by the Strategy, Policy & Commissioning within DCJ.
4. DCJ has estimated that a feasibility study for a DFV-dedicated court will cost \$300, 000.

Program 4 – A review of sentences for all domestic violence-related offences

1. DCJ advised that a review of all DFV-related offences would take place over a period of 18 months by the Law Reform and Legal Services team, within DCJ.
2. DCJ has estimated that the review would be conducted by a specialist team (consisting of 2.2 FTE).
3. DCJ advised that additional overhead of 15 per cent should be considered for incidental costs related to travel, transcripts and publications, as well as corporate overhead costs (estimated at 10 per cent of employee costs).
4. The total cost of the review is estimated to be \$670,000 over 18 months.

Program 5 – Electronic Monitoring of DFV offenders

The PBO has consulted Corrective Services NSW (CSNSW) in costing this program.

1. CSNSW has advised that having 200 additional electronic monitoring devices does not equal 200 offenders being electronically monitored each year (as a offender's order may not be for 12 months).

Notes and costing assumptions continued:

2. The average length of an offender's order and breach rate of offenders has been factored in to calculate the number of offenders that would be supervised under the program.
3. Based on existing offender numbers and the increase in devices, Corrective Services assumes an additional 370 offenders will be supervised each year.
4. CSNSW has estimated that the cost of delivering the 200 electronic monitoring devices will be \$1 million of capital expenditure in 2023-24.
5. Based on the number of additional offenders that will be supervised over the two-year extension of the program, CSNSW advised that this would be considered a large scale up of the existing program. As a result, a number of additional support roles will be required. This includes domestic violence officers, specialist managers, psychologists, quality assurance officers and administrative staff.

Program 6 – Expanding the current Rentstart Bond Loan scheme

1. DCJ has assumed that expanding the current scheme will increase the volume of bond loans and advance rent products (i.e., an accompanying product for bond loan) by 20 per cent.
2. Given the current scheme is underway, DCJ has assumed a start date of 1 April 2023.
3. DCJ has advised that there will further costs relating to:
 - a. Staff to manage the Rentstart Bond Loan related calls, applications and manage subsequent accounts.
 - b. 15 additional Client Service Officers (Clerk Grade 3/4), and 1 Team Leader (Clerk Grade 7/8) within the Housing contact Centre to address the 20 per cent increase in demand.
 - c. Other operational expenses including licencing for 16 additional staff.
 - d. Service set-up costs and all equipment for 16 additional staff
4. The cost of building the HOMES system is estimated to be \$1 million, however, this is indicative only. Further planning and assessment will be needed to estimate these prior to implementing the policy.
5. The policy specifies that these technology costs would be re-prioritised from existing Digital Restart Fund allocation.