



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2018-2019 Supplementary Questions

Portfolio Committee No. 4 – Legal Affairs

ATTORNEY GENERAL

Hearing: Tuesday 4 September 2018

Answers due by: Friday 28 September 2018

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ATTORNEY GENERAL

Questions from Mr David Shoebridge MLC

Bail

- 1. What is the current projected increase in the amount of people refused bail each year?**

Answer

I am advised:

Each quarter the NSW Bureau of Crime Statistics and Research (BOCSAR) publishes a 12 month forecast of the total prison population. The NSW Custody Statistics Quarterly Update June 2018 is available on the BOCSAR website at <http://www.bocsar.nsw.gov.au>.

- 2. What steps are being taken to review the bail laws to address this ongoing increase?**

Answer

I am advised:

The report from the statutory review of the *Bail Act 2013* (the Act) was tabled on 21 June 2018. A further review of the Act will be undertaken by December 2020. Ongoing monitoring of the Act is undertaken by the Bail Act Monitoring Group and through the NSW Sentencing Council's standing reference to monitor show cause offences.

3. What steps are being taken to improve access to bail for First Nations people?

Answer

I am advised:

Bail authorities are required to consider any special vulnerability or needs an accused person has, including being of Aboriginal or Torres Strait Islander descent before making a bail decision. The Aboriginal Legal Service is also required to be notified when an Aboriginal or Torres Strait Islander person is taken into custody through the Custody Notification Service.

In Dubbo, the NSW Government is trialling a new bail project – the Dubbo Bail Project – which helps offenders understand their bail conditions and how to vary them if their circumstances change. The trial also aims to help police and the courts to set realistic and accountable bail conditions, and uses local Aboriginal staff and Aboriginal community members to support offenders. This initiative is supported by the NSW Police Force, the Aboriginal Legal Service NSW/ACT and Legal Aid NSW.

4. What steps are being taken to improve access to bail for young people?

Answer

Bail authorities are required to consider any special vulnerability or needs an accused person has, including youth. Young people are exempt from the requirement to “show cause” if they were under the age of 18 at the time of the offence. Young people also have a right to release if the offence is being dealt with by conference under the *Young Offenders Act 1997*.

5. What steps are being taken to improve access to bail for women?

Answer

The *Bail Act 2013* (the Act) does not distinguish between genders. Bail authorities make assessments on a case-by-case basis in accordance with the requirements of the Act.

District Court delays

6. What are the current delays in the District Court?

Answer

I am advised:

At the end of June 2018, the median time between committal and sentence was 449 days for cases finalised by trial, down from 481 days in October 2017.

7. What is the current percentage of criminal cases that take more than 6 months to be finalised?

Answer

I am advised:

This information is not available.

8. What is the current percentage of criminal cases that take more than 12 months to be finalised?

Answer

I am advised:

Information on the finalisation and disposal of criminal cases in the District Court is contained in the Productivity Commission's Report on Government Services 2018 available at www.pc.gov.au.

9. What is the current percentage of civil cases that take more than 6 months to be finalised?

Answer

I am advised:

This information is not available.

10. What is the current percentage of civil cases that take more than 12 months to be finalised?

Answer

I am advised:

Information on the finalisation and disposal of civil cases in the District Court is contained in the Productivity Commission's Report on Government Services 2018 available at www.pc.gov.au.

11. What strategies are currently in place – beyond encouraging early guilty pleas – to address these delays?

Answer

I am advised:

Measures introduced by the NSW Government to address delays in the District Court include providing \$86 million in additional funding:

- For additional District Court judges,
- To Legal Aid and the Office of the Director of Public Prosecutions;
- For additional District Court sitting weeks;
- For additional public defenders; and
- For case management measures including Special Call Overs, Readiness Hearings and the Rolling List Court.

The Government has also introduced table offence reforms allowing some strictly indictable offences to be heard in the Local Court.

12. What additional resources would be required to reduce these delays by:

(a) 10%

(b) 50%

(c) 90%

Answer

I am advised:

This information is not available.

Children's Court

13. What is the current percentage of criminal cases that take more than 6 months to be finalised?

Answer

I am advised:

Information on the finalisation and disposal of criminal cases in the Children's Court is contained in the Productivity Commission's Report on Government Services 2018 available at www.pc.gov.au.

14. What is the current percentage of criminal cases that take more than 12 months to be finalised?

Answer

See response to supplementary question 13.

15. What is the current percentage of civil cases that take more than 6 months to be finalised?

Answer

I am advised:

Information on the finalisation and disposal of civil cases in the Children's Court is contained in the Productivity Commission's Report on Government Services 2018 available at www.pc.gov.au.

16. What is the current percentage of civil cases that take more than 12 months to be finalised?

Answer

See response to supplementary question 15.

Local court caseload

17. What percentage of local court matters are minor drug offences?

Answer

I am advised:

Information relating to matters finalised in the Local Court in 2017, including for illicit drug offences, is available in the NSW Criminal Courts Statistics 2017 on the BOCSAR website at <http://www.bocsar.nsw.gov.au>.

Legal Aid

18. How many people applied to Legal Aid in 2017/18?

(a) Of those, how many were accepted?

Answer

I am advised:

In 2017-18, Legal Aid received 48,879 applications for grants of legal aid from 37,696 clients. As of 13 September 2018, 31,574 clients who applied in the year 2017-18 had had their applications approved, and 2,137 applications were pending.

Civil Liberties

19. What laws have been passed since 2011 which have been identified as having a minor, moderate or severe impact on civil liberties in NSW?

Answer

I am advised:

The NSW Government seeks to enact legislation which appropriately balances protections of civil liberties, community safety and other considerations in the interests of the people of New South Wales.

Further, the NSW Legislation Review Committee reviews all bills introduced into the NSW Parliament and reports on the impact of these bills on personal rights and liberties as required under section 8A of the *Legislation Review Act 1987*. These reports can be found on the Parliament of NSW website at www.parliament.nsw.gov.au.

Information Privacy Commissioner

20. A complaint made last year to the IPC revealed that the NSWPF had been misinterpreting section 57(2) of the GIPA Act for over 10 years (July 2007 to November 2017).

- (a) Given that it took one person to highlight 10 years of non-compliance by the NSWPF. Can you be satisfied that this is not a systemic problem that extends to other NSW Government agencies that exercise functions under the GIPA Act.**
- (b) Miss Tydd has informed the original complainant that there is no evidence of a systemic problem because no one else has made a complaint. Do you accept this to be a satisfactory response from the Information Commissioner?**
- (c) As Attorney General do you accept the NSWPF decision not to conduct an audit of over 44,000 access application, given the NSWPF 10 years of misinterpreting an Act of Parliament which should have been oversighted by the Information Commissioner?**

Answer

I am advised:

Following an investigation, the Information and Privacy Commission (IPC) concluded in March 2018 that there was no evidence of systemic issues in the interpretation of section 57(2) of the *Government Information (Public Access) Act 2009* by other NSW Government agencies.

The IPC continues to engage with the NSW Police Force regarding timeframes under the *Government Information (Public Access) Act 2009* to ensure full compliance.

Aboriginal Impact Statement

21. What consideration has been given about the introduction of Aboriginal Impact Statements to consider the impact of potential legal measures on First Nations People?

Answer

I am advised:

The NSW Government is committed to engaging with Aboriginal stakeholders on issues that may impact the Aboriginal community and recognises that Aboriginal people are best placed to recommend ways to keep their communities safe.

The Department of Justice has long standing Aboriginal advisory groups in Corrective Services NSW (the Aboriginal Advisory Council), Juvenile Justice (the Corrective Services NSW Aboriginal Community Consultative Committees) and the NSW Police Force (the NSW Police Force Aboriginal Strategic Advisory Council) to affect better outcomes for those in contact with the justice system.

In addition to these efforts, the Minister for Aboriginal Affairs advocates for the social, economic and cultural wellbeing of Aboriginal people in relation to every proposal taken to the NSW Cabinet.

Victims Recognition

22. Is the government going to publicly release the evaluation report of the Domestic Violence Disclosure Scheme pilot, and if so when will it be released?

Answer

This question should be directed to the Minister for the Prevention of Domestic Violence and Sexual Assault.

23. The Victims Services data profile for 2016/17 states that the average time taken from lodgement to determination for Recognition Payment applications is just over a year, and even longer for victims of sexual assault. Given that when this scheme was introduced in 2013 one of the justifications was the length of time taken for determinations under the previous scheme, what steps is the government going to take to reduce the length of time victims are forced to wait for these determinations.

Answer

I am advised:

The introduction of the Victims Support Scheme has considerably cut the time it takes for victims to receive financial support. An independent report by PricewaterhouseCoopers found that under the previous victims compensation scheme, it took an average of 31 months for compensation claims to be finalised. In the 2017-18 financial year, it took an average of 41 working days for victims to receive financial support for their immediate expenses, such as medical and moving costs, and an average of 123 working days for their overall application to be finalised, including any recognition payments.

24. In 2016/17, 21 per cent of financial support determinations were dismissed. What proportion of these dismissals relate to domestic violence and sexual assault offences?

Answer

I am advised:

Of the 21 per cent of financial support determinations that were dismissed in 2016-17, approximately 10 per cent of these dismissals related to sexual assault and approximately 60 per cent of these dismissals related to domestic violence.

25. What percentage of people who report DV or SA apply for and complete victim compensation applications?

Answer

I am advised:

This information is not available.

26. What percentage of applications lapse?

Answer

I am advised:

Zero per cent. There is currently no ability under the *Victims Rights and Support Act 2013* to lapse applications. Upon commencement of the *Victims Rights and Support Amendment (Statutory Review) Act 2018*, applications will be able to be lapsed if evidence to support an application is not provided after 12 months has passed and the applicant has been requested to provide evidence on at least three separate occasions and the Commissioner for Victims Rights has decided that the applicant does not have a valid reason for failing to provide that evidence.

27. What percentage of applications lapse after the implementation of s41A(1) (3 request are to be made in a 12 month period prior to lapsing of application)? NB: It's likely they won't have stats on this yet since the bill just passed recently, but it would be interesting to see if s 41A(1) makes any difference.

Answer

See response to supplementary question 26.

28. On a similar note, has there been an increase in applications after the passing of the bill where NGO evidence (s 39 & 48) is now allowed to support the application?

Answer

The amendments to sections 39 and 48 of the *Victims Rights and Support Act 2013* have not yet commenced.

Births, Deaths and Marriages

29. How many completed and approved applications to record a change of sex lodged to the NSW Births Deaths and Marriages Registry over the period 1 July 2013 to 31st June 2018 inclusive, and from 1 July 2008 to 31st June 2013 inclusive?

Answer

I am advised:

207 changes of sex were registered in NSW between 1 July 2013 and 30 June 2018, and 31 registered in NSW between 1 July 2008 and 30 June 2013.

30. How many partially completed, incorrectly completed or rejected applications to record a change of sex lodged to the NSW Births Deaths and Marriages Registry over the period 1 July 2013 to 31st June 2018 inclusive, and from 1 July 2008 to 31st June 2013 inclusive?

Answer

I am advised:

21 partially completed, incorrectly completed, or rejected change of sex applications were lodged between 1 July 2013 and 30 June 2018, and 2 partially completed, incorrectly completed, or rejected applications between 1 July 2008 and 30 June 2013.

31. How many Medical Practitioners' statutory declarations in support of an application to record a change of sex, that have been rejected, investigated or found to have been in contravention of Section 57 of the Births, Deaths and Marriages Registration Act 1995 and liable for a maximum penalty of 100 penalty units or 2 years imprisonment, or both?

Answer

I am advised:

None.

32. What is the amount of funding assigned to training Registry staff in LGBTQI inclusive practices, especially regarding change of sex marker and name services?

Answer

I am advised:

All NSW Registry of Births Deaths and Marriages staff completed mandatory LGBTI inclusion training in April 2018. This training was funded by Births Deaths and Marriages.

33. What is the specific in-office policy and procedures developed to ensure that staff and the Registry are informed and practicing LGBTI inclusive practices, especially regarding change of sex marker and name services?

Answer

I am advised:

NSW Registry of Births Deaths and Marriages staff are trained to provide inclusive services to all citizens of NSW, including members of the LGBTI community.

Strangulation Review

34. DV Death Review Team Report 2015 - 2017, says that it has 'commenced consideration of the operation of the offences of strangulation..., including analysis of BOSCAR data on charges and convictions. Relevant stakeholders will be consulted on the existing offences and any potential amendment in early 2018'.

(a) Who will conduct the review?

(b) What is the time frame?

(c) The consultation process for the last review in 2013 did not seek submissions from women's organisations and key legal organisation, who will be consulted as part of this review?

(d) Will the review cover the implementation of the new laws?

i. If so, will the Review Committee recommend partnerships between NSW Department of Justice, the US Training Institute for Strangulation Prevention and NSW Health?

ii. If yes to the above, will the Review Committee consider recommending training on specific strangulation offences by the Training Institute for Strangulation Prevention from San Diego?

(e) Budget: Will the government provide an adequate budget for the implementation of the above activities?

- i. **Will the government allocate a specific budget to non-governmental organisations (e.g. the US Training Institute for Strangulation Prevention) for a specified range of activities (e.g. specialised training) related to the legislation's implementation?**
- (f) **What funding will be allocated specifically to programs relating to strangulation?**
- (g) **Will the government provide for and adequately fund a specific, multisectoral mechanism to oversee the implementation of this legislation and to report back to Parliament on a regular basis?**

Answer

I am advised:

- a) The Department of Justice, on behalf of the Attorney General, reviewed the operation of s 37 of the *Crimes Act 1900* (NSW) to determine if the offence was operating effectively as recommended by the Domestic Violence Death Review Team Report 2015-2017.
- b) The review was completed in August 2018.
- c) The Department of Justice consulted stakeholders including domestic violence advocacy organisations, victims' groups, women's organisations, relevant government agencies and legal stakeholders.
- d) See the response to supplementary question 34(a).
- e) The costs associated with the 2018 review were absorbed by the Department of Justice.
- f) NSW Health Education Centre Against Violence is responsible for delivering training on strangulation to Medical Forensic Examiners, and is developing a post-graduate program including modules on strangulation. Questions about budget allocations for NSW Health should be directed to the Minister for Health.
- g) The Department of Justice will establish a governance mechanism, in consultation with stakeholders, to oversee implementation of the legislation and monitor its impact.

Child sexual abuse

35. What process and policies are in place within the department for responding to the findings and recommendations released by the Royal Commission into abuse?

Answer

I am advised:

The NSW Government formally responded to the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) on 23 June 2018, accepting the overwhelming majority of its recommendations. The full response can be found at www.nsw.gov.au.

As recommended by the Royal Commission, the NSW Government has committed to report annually for the next five years on progress in implementing the Royal Commission's recommendations. The first progress update is due to be provided by December 2018.

36. How many cases is the department aware of where the Ellis Defence was used in each of the last 2 years?

Answer

I am advised:

The Department of Justice does not collect statistics on the use of the 'Ellis defence'.

37. What consideration has the office of the NSW Attorney General given to the allegations made at the Royal Commission into Institutional Responses to Child Sexual Abuse about the knowledge senior institutional leaders of religious institutions had about specific child sexual abuse allegations?

Answer

I am advised:

The NSW Government has introduced two new targeted offences to better protect children from abuse. The failure to reduce or remove a risk of a child becoming a victim of child abuse offence in section 43B of the *Crimes Act 1900* requires adults in organisations that work with children to take positive steps to protect children. The concealing child abuse offence in section 316A of the *Crimes Act 1900* requires an adult who knows, believes or reasonably ought to know that a child abuse offence has been committed to report that information to the NSW Police Force.

Justice Reinvest

38. Given the Government's stated support for justice reinvestment since 2015

Answer

This is not a question.

39. How much money has been diverted from the criminal justice system to initiatives to reduce engagement with the criminal justice system since that time?

Answer

I am advised:

A grant of \$250,000 was recently provided to Just Reinvest NSW from the NSW Community Safety Fund to assist communities across New South Wales to analyse available data, identify evidence based initiatives and realisable savings, and prepare robust monitoring and evaluation approaches that should underpin such projects.

Additionally, the NSW Government has committed \$330 million (\$237 million over 4 years from 2016/17, and an additional \$93 million over 3 years from 2017/18) towards reducing reoffending, including:

- Identifying and targeting priority (or persistent) offenders who are responsible for a disproportionate percentage of crime;
- Expanding rehabilitation and transitional support programs for offenders in custody and in the community;
- Providing better management of offenders throughout the criminal justice system; and
- Sentencing and parole reforms.

The Government has also invested \$89 million (\$45.9 million over 4 years from 2016/17, and an additional \$43.1 million over 3 years from 2018/19) on holding domestic violence offenders accountable and reducing their reoffending, and \$14.5 million over three years from 2016/17 on preventing young people who have early contact with the justice system from becoming entrenched through Youth on Track.

40. Where did that money come from?

Answer

See response to supplementary question 39.

41. What initiatives were supported with the diverted money (organisation, program, amount)?

Answer

See response to supplementary question 39.

42. Can you please outline the government's strategy for diverting future spending from the criminal justice system to initiatives to reduce engagement with the criminal justice system

(a) How much will be diverted?

(b) Where will it come from?

(c) Where is it going to?

Answer

I am advised:

The NSW Government is committed to ensuring community safety. Further work is needed to support the development of robust, evidence based justice reinvestment projects before any decisions about future funding are made. In June 2018, a grant of \$250,000 was provided to Just Reinvest NSW to assist communities across New South Wales to analyse available data, identify evidence based initiatives and realisable savings, and prepare robust monitoring and evaluation approaches that should underpin such projects.

Aboriginal contact with the criminal justice system

43. Given Aboriginal and Torres Strait Islander children and young people are 21 times more likely to be detained than non-Indigenous children and young people in NSW, can you outline the Government's strategy for

reducing the rate of contact for Aboriginal and Torres Strait Islander children and young people with the juvenile justice system?

Answer

I am advised:

The Department of Justice's strategic approach to reducing contact with the criminal justice system by Aboriginal and Torres Strait Islander persons, including children and young people, is set out in the 2018 Department of Justice Corporate Plan.

The Department is continuously re-evaluating and improving the responsiveness to engagement with the needs of and expectations of Aboriginal young people with the aim of decreasing their contact with the criminal justice system and increasing their capacity to successfully re-integrate into their communities.

One example of this work is the Youth Koori Court at Parramatta, a program designed to break the cycle of crime for young indigenous offenders. On 31 May 2018 the Treasurer and I announced \$2.7 million over three years to fund the expansion of the Youth Koori Court to the Surry Hills Children's Court.

A number of other programs to assist young indigenous people to reduce contact with the criminal justice system are the responsibility of the Minister for Corrections. One example is the Youth on Track early intervention scheme, which provides casework and family interventions to young people in early stages of interaction with the justice system. In 2016, the NSW Government announced a further \$14.5 million in funding to operate Youth on Track in the Central West, Coffs/Clarence, Blacktown, Hunter, Mid North Coast and New England areas, until 30 September 2019.

44. What has been the reduction in this rate so far this year as a result of the strategy?'

Answer

I am advised:

In the financial year 2017-18, the proportion of young people in detention in NSW who were of Aboriginal and Torres Strait Islander background was 47 per cent. This represents a six per cent decrease from 53 per cent in 2016-17.

Reducing offending

45. In 2016, the Government set a target to reduce the annual rate of adult re-offending by five percentage points by 2019. And invested \$237 million to reduce adult re-offending. Has there been a reduction and if so, by what percentage point?

Answer

I am advised:

See response to question taken on notice 32.

Domestic Violence in NSW (from DVNSW)

46. Why hasn't the NSW Government established specialist domestic and family violence courts?

Answer

I am advised:

Specialist domestic violence practice is being applied in all Local Courts across New South Wales. Instead of concentrating expertise and resources in specialist courts in a limited number of locations, this approach leads to better outcomes and more consistent access to justice for victims across the whole state. This is consistent with recommendation 71 of the Legislative Council Standing Committee on Social Issues report *Domestic violence trends and issues in NSW* (August 2012).

Victims support

47. What consideration has been given to improving victim support for victims of domestic violence and sexual assault as recommended by key stakeholders?

Answer

I am advised:

The Department of Justice recently completed a statutory review of the *Victims Rights and Support Act 2013*. The *Victims Rights and Support Amendment (Statutory Review) Act 2018* was passed by NSW Parliament on 20 June 2018.

These legislative amendments implement all the recommendations of the statutory review and will help provide improved access to services and support for victims under the Victims Support Scheme.

Victims Services Approved Providers

48. What steps have been taken to improve the accessibility of culturally appropriate counselling services for Aboriginal and Torres Strait Islander women and women in regional, rural and remote areas?

Answer

I am advised:

The *Victims Rights and Support Amendment (Statutory Review) Act 2018* will amend the Victims Rights and Support Regulation 2013 on commencement to provide the Commissioner of Victims Rights with the discretion to approve people with counselling qualifications and relevant experience to provide counselling services in any part of New South Wales where there is a shortage. This will assist in increasing accessibility of appropriate counselling services in regional, rural and remote areas, including culturally appropriate services for Aboriginal and Torres Strait Islander people.

Repeal of criminal offences

49. What current plans are there to repeal the criminal offences listed in sections 82-84 of the NSW Crimes Act 1900?

Answer

The NSW Government is not considering amendments to sections 82-84 of the *Crimes Act 1900* at this time.

50. How many prosecutions have occurred under s82-84 of the Crimes Act since 2011?

Answer

I am advised:

There have been two finalised charges under section 82 of the *Crimes Act 1900*, including one charge that was withdrawn by the prosecution.

51. How many prosecutions have been referred to the DPP under s82-84 of the Crimes Act since 2011?

Answer

I am advised:

Two.

Consultants and contractors

52. How much did your agency pay its consultants and contractors last year?

Answer

I am advised:

Consulting expenditure is detailed in agency annual reports.

Consultants are engaged on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision-making by management. They do not carry out activities that agency employees would have done.

Contractors are hired to provide short term resources as part of an agency's management of work level peaks.

53. How many consultants and contractors were there in the last financial year?

Answer

See response to supplementary question 52.

54. How many days of work were undertaken total by consultants and contractors in the last financial year?

Answer

See response to supplementary question 52.

55. Did they do work that traditionally agency employees would have done

Answer

See response to supplementary question 52.

56. Has there been an analysis of the costs for shifting work to contractors and consultants that could be done by employees?

Answer

See response to supplementary question 52.

Coronial investigations

57. How many deaths were reported to the Coroner each financial year from 2010/11 to date?

Answer

I am advised:

See response to question taken on notice 18.

58. How many deaths were subject to an inquest by the Coroner each financial year from 2010/11 to date?

Answer

I am advised:

See response to question taken on notice 18.

24/7 counselling service

59. What consideration has been given to the proposal submitted by Rape & Domestic Violence Services Australia to establish a 24/7 telephone trauma counselling service for Emergency Services workers?

Answer

This question should be directed to the Minister for Police and Emergency Services.

60. Given the high level of mental distress and bullying identified as afflicting emergency service workers in the recent Parliamentary inquiry, what steps are being taken to provide appropriate support?

Answer

This question should be directed to the Minister for Police and Emergency Services.

Domestic Violence Death Review

61. Have any funds been allocated for the trial the government agreed to fund in response to recommendation 23 of the Domestic Violence Death Review Team's most recent Report concerning supporting Aboriginal women attending court in relation to domestic violence?

- (a) If they have:
- i. How much has been allocated?
 - ii. Over what period are the funds allocated?
 - iii. By whom are the funds managed?

Answer

I am advised:

The NSW Government response to recommendation 23 of the Domestic Violence Death Review Team's 2015-17 Report is available at www.coroners.justice.nsw.gov.au.

WDVCAS

62. What allocation has been made for the funding for case management for Court Advocacy Services by WDVCAS beyond the pilots in Wagga Wagga and Macarthur?

Answer

I am advised:

This question should be directed to the Minister for the Prevention of Domestic Violence and Sexual Assault.

63. Why is the allocation for 2018-9 from 1.11.18 to 30.6.19 to the Hunter WDVCAS \$30,000 less than for the comparable part of the 2019-20 period?

Answer

I am advised:

It was decided to discontinue the WDV CAS tender process. This decision was communicated to all WDV CAS service providers and tenderers on 20 September 2018.

Legal Aid NSW is looking to extend current contracts with existing providers until 30 June 2020. Legal Aid NSW will consult with service providers and other stakeholders from 2019 in preparation for a new tender process in 2020.

Funding for the Hunter WDV CAS is expected to remain at the current level during the remainder of the current contract.

Criminal Infringement Notices

64. What guidelines (if any) do the NSW Police have in issuing CINs and charging individuals for offensive language and offensive behaviour that inform them as to what conduct constitutes offensive language and offensive behaviour?

Answer

This question should be directed to the Minister for Police and Emergency Services.

65. What is the total number and value of Criminal Infringement Notices (CINs) issued for the period 1 January 2017 to 31 December 2017, disaggregated on the basis of:

(a) Offence type?

(b) Gender?

(c) Age group?

(d) Indigenous status?

Answer

This question should be directed to the Minister for Police and Emergency Services.

66. What is the total number and value of CINs issued for the period 1 January 2017 to 31 December 2017, disaggregated on the basis of local government area?

Answer

This question should be directed to the Minister for Police and Emergency Services.

67. What is the total number of appeals against CINs issued for the period 1 January 2017 to 31 December 2017?

Answer

This question should be directed to the Minister for Police and Emergency Services.

68. What is the total number of individuals who failed to pay a CIN within the allotted time period for repayment for the period 1 January 2017 to 31 December 2017?

Answer

This question should be directed to the Minister for Police and Emergency Services.

Payments of Debts/Fines

69. What is the average cost to the State Debt Recovery Office for pursuing a \$150 debt (the typical fine for an occasion of offensive language) when the individual pays:

(a) Within the allotted time period for repayment?

(b) After the allotted time period for repayment has passed?

Answer

This question should be directed to the Minister for Finance, Services and Property.

70. What is the total cost to the State Debt Recovery Office for pursuing debts from CINs for the period 1 January 2017 to 31 December 2017?

Answer

This question should be directed to the Minister for Finance, Services and Property.

Children's Magistrate

71. Did the Chief Magistrate execute or sign the instrument to appoint Debra Maher a Children's Magistrate?

Answer

See response to question taken on notice 7.

72. On what date did the Chief Magistrate execute or sign the instrument to appoint Debra Maher a Children's Magistrate?

Answer

See response to question taken on notice 7.

73. Why is the name of Debra Maher not included on the list of Children's Magistrates maintained by the Children's Court?

Answer:

See response to question taken on notice 8.

AVOs

74. How many AVOs were issued against people with a cognitive and mental health impairment in NSW?

Answer

I am advised:

This information is not available.

75. How frequently are these AVOs breached?

Answer

See response to supplementary question 74.

Staffing and operating levels

76. How many, FTE Sheriff Officers were there in this state:

(a) NSW as at

i. 31.12.17

ii. 31.12.16

iii. 31.12.15

(b) How many vacancies are there now?

Answer

I am advised:

There are approximately 280 FTE uniformed Sheriff's Officers. There is a continual recruitment process to fill vacant positions as required. Two recruit classes have graduated to date in 2018 and a third class will graduate in December 2018.

77. How many, FTE Public Defenders were there in:

(a) NSW as at

i. 31.12.17

ii. 31.12.16

iii. 31.12.15

(b) How many vacancies are there now?

Answer

I am advised:

The Public Defenders Annual Review includes a list of Public Defenders and their date of appointment. The Annual Reviews are available at www.publicdefenders.nsw.gov.au.

78. How many Local Court registries have been closed since 1.1.17?

Answer

I am advised:

None.

79. How many people were employed in the Civil Law Division NSW Legal Aid as at:

(a) 31.12.17

(b) 31.12.16

(c) 31.12.15

Answer

I am advised:

There were approximately 206 people employed as at 31.12.17. This represents an increase of approximately 36 people since 31.12.15.

Additional information about staffing can be found in Legal Aid's Annual Review at www.legalaid.nsw.gov.au.

80. How many, FTE District Court Judges were there in this state as at:

(a) 31.12.17

(b) 31.12.16

(c) 31.12.15

Answer

I am advised:

- (a) 68
- (b) 67
- (c) 63

These figures do not include Judges serving in other Jurisdictions.

81. How many, FTE Supreme Court Judges were there in this state as at:

- (a) 31.12.17
- (b) 31.12.16
- (c) 31.12.15

Answer

I am advised:

- (a) 50
- (b) 50
- (c) 49

These figures do not include acting Judges, Associate Justices or Judges serving in other jurisdictions.

82. How many, FTE magistrates were there in this state as at:

- (a) 31.12.17
- (b) 31.12.16
- (c) 31.12.15

Answer

I am advised:

- (a) 133

- (b) 125
- (c) 125

These figures do not include Magistrates serving in other jurisdictions in NSW.

83. What local courts will have reduced sittings in the next 12 months?

Answer

I am advised:

Local Court sitting arrangements are a matter for the Chief Magistrate.

A comprehensive list of all Local Court sittings is available at www.justice.nsw.gov.au.

84. How many local courts will cease to have sittings or be closed in the next 12 months?

Answer

See response to supplementary question 83.

85. How many,

- (a) FTE Crown Prosecutors were there in the state as at:
 - i. 31.12.17
 - ii. 31.12.16
 - iii. 31.12.15
- (b) Vacancies are there as at 1.7.18?

Answer

I am advised:

The Office of the Director of Public Prosecutions Annual report includes information in relation of Crown Prosecutors recruited each year. The Annual reports are available at www.odpp.nsw.gov.au.

Surety Bond Scheme

86. KPMG conducted a review of the Surety Bond Scheme imposed by Trustee and Guardian. It commenced well over a year ago.

(a) Has the Review been completed yet?

i. If not, why not?

(b) If not, will you comment releasing it publically?

i. If not why not?

(c) If it's been complete why haven't you released it?

(d) If it's not complete, what stage is it up to?

Answer

(a) Refer to the previous answer to question on notice LA 8250.

(b) Yes.

(c) Refer to the previous answer to question on notice LA 8250.

(d) Refer to the previous answer to question on notice LA 8250.

87. What was the total cost of the Surety Bond Scheme and its withdrawal to the Trustee and Guardian?

Answer

I am advised:

Private managers were reimbursed a total of \$827,163.87 plus interest of \$41,620.78.

NSW Trustee and Guardian legal fees were \$68,890.61

NSW Trustee and Guardian incurred other administrative costs, which included communications with private managers about the cancellation of the scheme, of \$15,554.52.

A confidential settlement was reached with Willis Towers Watson.

NSW Trustee and Guardian made an insurance claim, leaving a residual cost to it of \$48,863.14, being some legal fees and administrative costs.

A review was requested to be undertaken by KPMG. The cost of this review is currently \$114,510 which will be borne by NSW Trustee and Guardian.

88. Was there any public money apart from that from Trustee and Guardian paid to anyone in relation to the Scheme and its finalisation?

Answer

I am advised:

All costs were met by NSW Trustee and Guardian and its insurance claim.

89. What were the savings achieved by the 2015/16 restructure?

- (a) What is the estimated cost of the current restructure which intended to undo the damage of the previous restructure?**
- (b) How many roles will be returned to regional NSW to support local communities?**
- (c) How many staff who were made redundant have been asked to return?**

Answer

I am advised:

The 2015-16 restructure achieved savings of approximately \$6.1 million per year. One staff member who was made redundant in the restructure has since been asked to return to the organisation.

Justices of the Peace

90. When will you amend the law to allow Justices of the Peace in NSW to witness proof of life documents for other jurisdictions?

- (a) Granted this has been a problem for some years, why has it gone so long without a solution?**
- (b) Why did you tell JPs that you'd resolve this when you haven't?**

Answer

I am advised:

The Department of Justice is currently reviewing the Justices of the Peace scheme in NSW to consider how the scheme might be reformed to ensure that it continues to meet changing community needs, and that its operation and administration are efficient and sustainable. The Department of Justice has issued a consultation paper which considers whether NSW Justices of the Peace should be permitted under NSW law to witness interstate and/or overseas documents.

Class Actions

91. The Federal and Victorian Attorneys General have requested their respective law reform bodies to consider the increasing phenomena of class actions. Why have you been so disinterested in this issue?

(a) Do you support greater regulation of litigation funders?

(b) What representations have you received to limit the availability of class actions in NSW

Answer

I am advised:

Part 10 of the *Civil Procedure Act 2005* provides a comprehensive regime for representative proceedings, otherwise known as class actions.

The Australian Law Reform Commission is currently inquiring into class action proceedings and third-party litigation funders. The NSW Government will consider whether any changes to NSW legislation are appropriate after reviewing the final recommendations from this inquiry.

The Department of Justice has no record of receiving representations requesting that class actions be limited in NSW.

Yass

92. Do you propose to reduce further the opening hours of the Local Court Registry at Yass?

- (a) This type of reduction in services was precisely what happened at Camden Local Court before it was all but completely closed. Why should anyone believe this won't happen with Yass?
- (b) Local Court users said the closure was done by stealth – why did you do that?
- (c) In defence of your position you've said that online services can be used instead – why should people who aren't computer literate get such second rate service?
 - i. Aren't they as important as everyone else in our community?

Answer

Refer to my previous answer to question on notice 8568 in the Legislative Assembly.

Medical Professionals

93. What is the number of medical professionals prosecuted under Division 12 of the Crimes Act 1900 (NSW), and what were the outcomes, over each of the last three financial years?

Answer

I am advised:

The Department of Justice does not hold this information.

Prosecutions

94. What is the number of people prosecuted under Division 12 of the Crimes Act 1900 (NSW), over the periods:

- (a) 31 June 1970 to 1 July 1975 inclusive,
- (b) 31 June 1975 to 1 July 1980 inclusive,
- (c) 31 June 1980 to 1 July 1985 inclusive,
- (d) 31 June 1985 to 1 July 1990 inclusive,

- (e) 31 June 1990 to 1 July 1995 inclusive,**
- (f) 31 June 1995 to 1 July 2000 inclusive,**
- (g) 31 June 2000 to 1 July 2005 inclusive,**
- (h) 31 June 2005 to 1 July 2010 inclusive, and**
- (i) 31 June 2010 to 1 July 2015 inclusive?**

Answer

I am advised:

Data on finalised charges in NSW Criminal Courts under Division 12 of the Crimes Act 1900 (NSW) is only available from 1994, and is as follows:

- 1 January 1994 to 30 June 1995 – 0
- 1 July 1995 to 30 June 2000 – 2
- 1 July 2000 to 30 June 2005 – 4
- 1 July 2005 to 30 June 2010 – 2
- 1 July 2010 to 30 June 2015 – 0.

95. How much police revenue was spent on investigating, following up on or prosecuting people under Division 12 of the Crimes Act over the last three financial years?

Answer

This question should be directed to the Minister for Police and Emergency Services.

96. How much the Police Prosecutors revenue was spent on investigating or prosecuting people under Division 12 of the Crimes Act over the last three financial years?

Answer

This question should be directed to the Minister for Police and Emergency Services.

97. How much of Office of the Director of Public Prosecutions revenue was spent on investigating or prosecuting people under Division 12 of the Crimes Act over the last three financial years?

Answer

I am advised:

Approximately \$8,000.

Criminality of Abortion

98. NSW is the only state in Australia in which abortion remains a criminal offence. All other Australian jurisdictions have modernised their laws in relation to abortion. Women should have reasonable and safe access to abortion services. Why is NSW Government yet to repeal the criminal offences listed in sections 82-84 of the NSW Crimes Act 1900?

Answer

I am advised:

In NSW, abortion is lawful where there is a reasonable belief that it is necessary to preserve the woman from serious danger to her life or physical or mental health at any time during or after the pregnancy, taking into account social and economic factors.

Domestic Violence and NSW Courts

99. Why hasn't the NSW Government established specialist domestic and family violence courts?

Answer

See response to supplementary question 46.

100. In terms of responding to domestic and family violence, why aren't prosecutors being trained to identify attempted strangulation and related injuries?

Answer

I am advised:

The Office of the Director of Public Prosecutions is not an investigatory agency. It is responsible for prosecuting offences referred to it by investigatory agencies such as the NSW Police Force. Questions relating to training for members of the NSW Police Force should be directed to the Minister for Police and Emergency Services.

101. Why hasn't the NSW Government improved victim support for victims of domestic violence and sexual assault?

- (a) such as introducing specific categories of recognition payments for domestic**
- (b) violence and multiple counts of domestic violence?;**
- (c) removing upper time limits for recognition payments for victims of domestic violence, sexual assault and child abuse?; and**
- (d) removing the two year time limit for financial assistance for victims of domestic violence, sexual assault, child sexual assault and child abuse?**

Answer

I am advised:

The *Victims Rights and Support Act 2013* (the Act) required a review of the Act to commence three years from the date of assent, in June 2013. A key feature of the Victims Support Scheme is that applications for victims support remain open for five years, to allow ongoing claims for financial assistance to be made as needed. As such, at the time of the review, the majority of applications were still open and there was insufficient data available to judge the overall efficacy of the Scheme and assess the need to make substantial changes.

The review of the Act concluded it was too early to recommend any major changes to the Victims Support Scheme, such as introducing new categories of recognition payments or removing time limits for applications for recognition payments or financial assistance. A fuller data picture will be available after five years of operation of the Act. A further review of the Act is required to commence between June 2019 and June 2021.

102. What has the NSW Government done to expand the criteria for Victims Services Approved Providers to increase the accessibility of culturally appropriate counselling services for Aboriginal and Torres Strait Islander women and women in regional, rural and remote areas?

Answer

See response to supplementary question 48.

Funding for Women's Domestic Violence Court Advocacy Service

103. How many women were assisted by the WDV CAS in the 2015 – 2016 financial year?

Answer

I am advised:

Approximately 39,000.

104. How many women were assisted by the WDV CAS during the 2017 – 2018 financial year?

Answer

I am advised:

Approximately 44,000.

105. How much funding was allocated to WDV CAS in 2016 – 2017?

Answer

I am advised:

Approximately \$17 million (GST exclusive).

106. How much funding will be allocated to WDV CAS in the 2018 – 2019 financial year?

Answer

I am advised:

Approximately \$29 million (GST exclusive).

107. How many Women's Domestic Violence Court Advocacy Services (WDVCAS) were funded in 2017 – 2018?

Answer

I am advised:

29.

108. How many will be funded in the 2018 – 2019 financial year?

Answer

I am advised:

29.

109. The footprint of the Nepean – Blue Mountains WDVCAS has merged-courts which were previously part of separate Blue Mountains, Penrith and Hawkesbury Local Area Commands. This staffing in this newly merged service has been reduced from approximately 21 FTE to 12.24 FTE.

(a) What are the savings of this newly tendered service?

(b) How will this reduced capacity impact on the provision of services to women and children requiring protection from Domestic Violence?

Answer

I am advised:

It has been decided to discontinue the WDVCAS tender process. This decision was communicated to all WDVCAS service providers and tenderers on 20 September 2018.

Legal Aid NSW will seek to extend current contracts with existing providers until 30 June 2020. Legal Aid NSW will consult with service providers and other stakeholders from 2019 in preparation for a new tender process in 2020.

As a result, no services will be merged.

110. In 2017 – 2018 how much funding was allocated to case management for women and children who are experiencing the impacts of domestic violence?

Answer

I am advised:

Approximately \$900,000 (GST exclusive).

111. In 2018 – 2019 how much funding will be allocated to case management?

Answer

I am advised:

Approximately \$920,000 (GST exclusive) will be allocated for additional victim support, including case management.

Newcastle LGA Classification

112. Do you or your department/s consider Newcastle LGA to be regional?

(a) If not, why not?

113. Do you or your department/s consider Newcastle LGA to be metropolitan?

(a) If not, why not?

114. Is the Newcastle LGA considered regional for the purposes of grant funding programs operated by your department/s?

(a) If not, why not?

115. Is the Newcastle LGA considered metropolitan for the purposes of grant funding programs operated by your department/s?

(a) If not, why not?

Answer (112-115)

I am advised:

There is no standard methodology for defining a Local Government Area as metropolitan or regional. Agencies consider individual community needs and characteristics, as they relate to specific programs or projects.

Efficiency dividends

- 116. What is the forecast efficiency dividend saving for each agency within your portfolio in 2018- 19?**
- 117. What is the forecast efficiency dividend saving for each agency within your portfolio in 2019- 20?**
- 118. What is the forecast efficiency dividend saving for each agency within your portfolio in 2020- 21?**
- 119. What is the forecast efficiency dividend saving for each agency within your portfolio in 2021- 22?**
- 120. What was the total efficiency dividend that was achieved for each agency within your portfolio between 2011-12 and 2017-18 inclusively?**

Answer (116-120)

I am advised:

Savings from the NSW Government's efficiency dividend are outlined in the Budget Papers.

Ministerial Travel/Meal Allowance

- 121. How many nights' travel were claimed by the Minister during the 2017-18 period?**
- 122. How many nights' travel were claimed by the Minister's spouse during the 2017-18 period?**
- 123. What was the total amount of travel allowances claimed by the Minister and their spouse (if applicable) during 2017-18?**
- 124. What is the total amount of meal allowances claimed by the Minister and their spouse (if applicable) during 2017-18?**

Answer (121-124)

I am advised:

In 2017/18, total expenditure by the Ministry on domestic travel was \$676,372 – compared with \$852,187 in 2009/10 under Labor. This is 20 per cent less than under Labor.

Office Administration

125. How many staff are in your ministerial office?

(a) What was the average salary for staff members in your office during 2017-18?

(b) What is the estimated average salary for a ministerial staffer in your office in 2018-19 based on current appointments?

Answer

I am advised:

Ministers' Office staff numbers and salary bands are available on the DPC website. Refer to:

<https://www.dpc.nsw.gov.au/publications/premiers-and-ministers-staff-numbers>.

126. How many blackberries/iPhone/smart phones are assigned to your staff?

(a) For each phone, how much was each bill in 2017-18?

(b) How many phones have been lost or replaced due to damage in your office?

i. What is the cost of replacing those phones?

Answer

I am advised:

There were 303 smart phones allocated across the Ministers' IT Network in 2017-18. The total usage cost of these smart phones and other mobile devices (including iPads) was \$236,984, a 46% per cent reduction on the 2009-10 expenditure of

\$434,854. There were 3 devices lost/stolen across the Ministerial Offices during the 2017/2018. The cost of replacing any lost or stolen devices is claimed through the NSW Treasury Managed Fund. Repairs are funded by the Department of Premier and Cabinet, Corporate and Ministerial Services.

127. How many iPads or tablets has DPC assigned to your Ministerial office and to whom have they been issued?

(a) What was the cost of providing iPads or tablets to your Ministerial Office in 2017-18?

(b) How many iPads or tablets have been replaced due to lost or damage in 2017-18?

i. What was the cost of replacing these devices?

Answer

I am advised:

There were 135 iPads in use across the Ministers' IT network in 2017-18. The cost of replacing any lost or stolen devices is claimed through the NSW Treasury Managed Fund. Repairs are funded by the Department of Premier and Cabinet, Corporate and Ministerial Services.

128. Has any artwork been purchased or leased for display in your ministerial office in 2017-18?

(a) What is the cost of this?

Answer

I am advised:

Artwork in the Attorney General's office includes art donated at no cost and artwork on loan from the Art Gallery of NSW for which the Gallery charges a nominal subscription fee.

129. Have any floral displays or indoor plants or pot plants been hired or leased for display in your ministerial office in 2017-18?

(a) If so, what was the cost of these items?

Answer

I am advised:

Floral arrangements purchased by the Ministry are managed within Ministerial office budgets.

130. Have any floral displays or indoor plants or pot plants been purchased for display in your ministerial office in 2017-18?

(a) If so, what was the cost of these items?

Answer

See response to supplementary question 129.

131. What was the total cost of all subscriptions by you and your staff to online news services, newspapers, magazines, journals and periodicals in 2017-18?

(a) What are these services/newspapers/magazines/journals/periodicals?

i. Who is the subscriber for each of these?

Answer

I am advised:

The Attorney General's office subscribes to a modest number of publications, the costs of which are managed within the office's budget.

132. What was the total value of all gifts purchased for use by you and your office in 2017-18?

(a) What were the gifts purchased?

i. Who were they gifted to?

Answer

I am advised:

Gifts are presented to dignitaries during overseas missions and to dignitaries visiting NSW.

133. Do you purchase bottled water or provide water coolers for your office?

(a) What is the monthly cost of this?

Answer

I am advised:

No.

134. What non-standard features are fitted to your ministerial vehicle?

(a) What is the cost of each non-standard feature?

Answer

I am advised:

Ministers, the Leader of the Opposition, other nominated public office holders and certain former office holders are provided with official cars and drivers. During 2017-18 all costs associated with these vehicles were paid from the relevant office's budget.

135. What was the total bill for your office in 2017-18 for:

(a) Taxi hire

(b) Limousine hire

(c) Private hire care

(d) Hire car rental

(e) Ridesharing services

Answer

I am advised:

Expenditure on taxis, hire cars and ride share services in 2017-18 across the Ministry was \$89,496. This compares with 2009-10 expenditure of \$175,776.

136. Were any planes or helicopters chartered by you or your office and paid for with public money in 2017-18?

(a) If yes, will you please detail each trip, the method of transport and the cost?

Answer

I am advised:

Expenditure on charter flights for the Ministry totalled \$18,695 in 2017-18. This compares with expenditure in 2009-10 of \$281,567.

Agile Workspaces/Activity Based Working/Hot-desking

137. Has your department adopted “agile working environment/activity based working” practices – e.g. hot-desking?

(a) If not, are there plans to introduce activity based working practices in 2018-19?

138. How much has your department spent in the roll-out of the agile working environment including laptops, furniture, lockers and other equipment?

Answer (137-138)

I am advised:

The Department of Justice is currently reviewing its office accommodation requirements and technology needs to assess the feasibility of introducing activity based working practices. The feasibility, costs and benefits of adopting activity based working practices will be considered in the Justice Cluster Infrastructure Strategy and supporting business cases.

Hospitality

139. How much did your ministerial office spend on hospitality, including catering and beverages, in 2017-18?

Answer

I am advised:

Expenditure on hospitality across the Ministry totalled \$25,350 in 2017-18 – which includes catering for stakeholder meetings and courtesy calls with visiting dignitaries.

140. How much did your Department/agency spend on hospitality, including catering and beverages, in 2017-18?

Answer

I am advised:

Costs are managed within each agency's recurrent budget.

Labour Hire Firms

141. Do any Departments/agencies within your portfolio responsibilities utilise the services of Labour Hire Firms?

142. If yes, please advise in table form for 2017-18:

- (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

Answer (141-142)

Answer

I am advised:

The Justice Cluster uses Labour Hire firms, in accordance with NSW Public Service policies and mandated schemes to cover temporary vacancies and positions with temporary funding. Reporting is not available for the whole of the Justice Cluster as the management of the contingent workforce is devolved to the individual Agencies, to manage as they see fit, in line with the overall labour expense cap.

Media and Public Relations

143. How many media or public relations advisers are employed for each of your portfolio agencies?

Answer

I am advised:

Justice Cluster staff numbers are included in agency's Annual Reports.

144. 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?

Answer

I am advised:

Justice Cluster staff numbers undertaking media or public relations activities are commensurate with need and can go down or up as required.

145. What is the total cost of media monitoring services used by Departments/agencies within your portfolio responsibilities?

Answer

I am advised:

The NSW Government purchases all commercial media monitoring centrally through the Department of Premier and Cabinet which delivers significant savings through aggregated procurement.

146. Have you had media training or speech training?

(a) If yes, who paid for it?

(b) If paid by taxpayers, what was the amount paid in 2017-18?

Answer

No.

Facebook

147. How much did your ministerial office spend on Facebook advertising or sponsored posts in 2017-18?

Answer

I am advised:

No taxpayer money has been spent on Facebook advertising or sponsored posts.

148. How much did your Department/agency spend on Facebook advertising or sponsored posts in 2017-18?

Answer

I am advised:

Where appropriate social media is used by agencies alongside other forms of advertising as a cost effective medium of communication.

Overseas Trips

149. Were any of your overseas trips in the last financial year paid for in part or in full by using public money?

150. Have you undertaken any official overseas travel that was privately funded?

Answer (149-150)

I am advised:

Details of overseas travel including costs are published on the Department of Premier and Cabinet's website.

Department / Agency Travel

151. What was the total expenditure in 2017-18 by Departments/agencies within your portfolio on:

- (a) Taxi hire**
- (b) Limousine/private car hire**
- (c) Hire car rental**
- (d) Ridesharing services**

Answer

I am advised:

All departmental and agency travel is undertaken in accordance with NSW policies and guidelines and agency budgets.

Drivers

- 152. Are any of the senior executives in the relevant Department provided drivers?**
- (a) If so, can you please specify which positions are provided drivers?
Attorney General 20**
 - (b) In total, how many drivers are used by senior executives in the Department?**
 - (c) What is the total cost of drivers for senior executives in the Department?**

Answer

I am advised:

No senior executives in the Department of Justice are provided drivers.

Consulting

- 153. How much did the Department/agencies under your portfolio responsibility spend in legal costs in 2017-18?**
- (a) For what specific purposes or matters was legal advice sought?**
- 154. Have Department/agencies under your portfolio engaged any consultants to provide the following services or advice in 2017-18:**
- (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

Answer (153-154)

I am advised:

Financial statements, including expenditure on consultants, are available in annual reports.

Department/Agency Staffing

155. How many redundancies were processed by Departments/agencies within your portfolio responsibilities during 2017-18?

(a) Of these redundancies, how many were:

i. Voluntary

ii. Forced

(b) What was the total cost of all redundancies?

156. 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?

157. Are any staff formerly employed by your ministerial office now employed by Departments/agencies under your portfolio responsibility?

158. How many staff were dismissed from Departments/agencies under your portfolio responsibilities in 2017-18?

(a) What were the reason/s for each dismissal?

Answer (155-158)

I am advised:

Voluntary redundancies are a component for agencies to achieve their efficiency dividends. Redundancy figures across the sector for 2017/18 are anticipated to be in the order of 736, totalling 13,075 since July 2011. The Labour Expense Cap introduced in the 2012-13 Budget also continues to give Secretaries as much

flexibility as possible to achieve these savings in the most appropriate ways to meet the service requirements of their agencies. Frontline staff such as, nurses, police officers and school teachers have been quarantined from this measure.

Smart Phone Accounts

159. Do the Departments/agencies within your portfolio have an iTunes account?

(a) What was the total expenditure in 2017-18 on iTunes?

i. What applications/subscriptions/services were purchased through iTunes?

160. Do the Departments/agencies within your portfolio have an Android account?

(a) What was the total expenditure in 2017-18 on Android?

i. What applications/subscriptions/services were purchased through Android?

Answer (159-160)

I am advised:

IT costs are managed within each agency's budget and in accordance with NSW Government's ICT and procurement policies and frameworks.

Merchant fees

161. Please provide a list of all transactions where customers need to pay a merchant fee on credit and/or debit card payments in your Department/agency.

162. Please provide the percentage and/or amount of the merchant fees applied to all credit and/or debit card payments/transactions in your Department/agency.

163. What was the total amount paid in merchant fees on credit and/or debit card payments in your Department/agency in 2017-18?

Answer (161-163)

I am advised:

All NSW Government agencies are required to impose surcharges to recoup their merchant interchange fees, pursuant to Treasury Circular TC12/13.

Department of Justice staff only use their Pcards for the purchase of goods and services for official business purposes. If particular vendors elect to impose a merchant fee on card transactions, that is an unavoidable cost of doing business. It would not be possible to determine the transactions and fees charged to departmental cards, as these would either be embedded in individual transaction costs, or if separately disclosed would require each monthly card statement for each user to be reviewed.

Probity Auditor

164. Has your office or department used a Probity Auditor or Probity Advisors, or similar, in the past five years? if so please list the company and/or individual, the project, the engagement dates, and their total remuneration in tabular format.

Answer

I am advised:

In accordance with the NSW Procurement Board's Direction (PBD-2013-05), Justice Cluster agencies have internal mechanisms in place to ensure that probity considerations are routinely taken into account in its procurement decisions, and the use of external probity advisers and auditors is the exception rather than the rule. Agency annual reports include all consultancies valued more than \$50,000.

Domestic Violence Leave Policies, Awareness and Usage

165. For each department, statutory agency and/or other bodies in the Minister's portfolio please report:

- (a) A copy of the entity's policy or web link to the entity's domestic violence leave policy;**
- (b) Date of introduction of domestic violence leave into enterprise agreements/contracts of employment, awards as applicable;**

- (c) Whether or not all employees and/or contractors are eligible for domestic violence leave;
- (d) Number of days of domestic violence leave that have been taken in each financial year since the introduction of such leave;
- (e) Number of days available for eligible staff to access domestic violence leave in each financial year;
- (f) Number of other personal days of leave that have been taken in each financial year since the introduction of domestic violence leave;
- (g) Number of sick days available for eligible staff to access domestic violence leave in each financial year;
- (h) Whether or not all staff and/or contractors have access to Employee Assistance Programs?

166. What training has been undertaken with management and administration for those involved in approving and/or processing domestic violence leave on issues such as?

- (a) Privacy and confidentiality of information about domestic violence
- (b) Access to emotional, psychological, financial and medical support which may be required

167. Who has provided training on domestic violence in the workplace?

168. What percentage of staff in each agency has undertaken domestic violence training?

169. What efforts have been made to ensure that perpetrators (or their accomplices) within the staffing profile are not able to access personal information of victims in order to identify their location, or other information which may assist in committing domestic violence against them, including changing or accessing records in such a way as to disadvantage them financially or legally?

Answer (165-169)

I am advised:

Section 6.18 of the Public Service Industrial Relations Guide provides guidance to staff and management on appropriate strategies for supporting a staff member experiencing domestic violence. This guidance further references Section 84A of the Award (leave for matters arising from domestic violence) and Treasury Circular 14-

16 Support for Employees Experiencing Domestic Violence. Section 84A was added to the Award in 2011.

All staff members employed under the Award in a cluster agency are entitled to be absent from the workplace due to an incident of domestic violence if required. Similar clauses apply to agencies covered by their own negotiated agreements. It is not a separate leave type.

In accordance with the Award, staff may utilise all available Family and Community Service Leave, Sick Leave and Carer's Leave to assist with managing domestic violence circumstances. If this leave is unavailable, special leave may be granted up to five days per calendar year.

The Department of Justice promotes and has available on its Intranet site the NSW Department of Premier and Cabinet Support for Employees Experiencing Domestic Violence Guidelines. These guidelines have been developed to assist managers working in NSW public sector agencies in the implementation of leave and other provisions for employees experiencing domestic violence. Additionally, all staff, their families and contractors have access to the Employee Assistance Program.

Information on domestic violence, the Employee Assistance program and related award entitlements is regularly communicated to staff via the intranet.

The Justice Cluster complies with the highest levels of document and privacy management consistent with the *Privacy and Personal Information Act 1998*.

Sexual harassment and Anti-bullying training and awareness programs

170. For each department, statutory agency and/or other bodies in the Minister's portfolio please report:

- (a) Date of introduction of sexual harassment and anti-bullying training and awareness programs and a copy of such documentation.**
- (b) Whether or not all employees and/or contractors have received such training?**
- (c) Is this course mandatory for all employees/ contractors?**
- (d) How long for each session, how many sessions?**
- (e) Who delivers it?**

(f) Is the program tailored to take into consideration specific needs of LGBTQIA, ATSI and CALD or other at risk groups?

i. How?

171. What percentage of staff in each agency has undertaken sexual harassment and anti- bullying training and awareness programs?

172. How many complaints have been initiated in relation to:

(a) Sexual harassment

(b) Bullying

(c) Workplace violence

Answer (170-172)

I am advised:

Such training is a mandatory module as part of the Department of Justice induction program.

Upon commencement with the Department of Justice all staff and contractors are also required to read and sign the Code of Conduct. The Code of Conduct addresses the need for all staff to treat each other with dignity and respect, reinforcing professional standards of behaviour.

Participation of women in Government

173. For each department, statutory agency and/or other bodies in the Minister's portfolio please report:

(a) What number and percentage of women are employed within the agency?

(b) What number and percentage of women are employed within the management levels of the agency?

(c) What number and percentage of women are employed in the top ten leadership positions of the agency?

(d) How is this data publicly reported on a regular basis?

(e) What strategies does the agency use to encourage women in to management and leadership positions?

(f) What is the gender pay gap within your agency?

(g) Does the agency report participation of women figures to Women NSW on a regular basis?

Answer (173 a-g)

I am advised:

This information is publicly available in each agency's Annual Report.

All agencies use gender balance on interview panels as well as offering flexible working arrangements to allow better management of work and home commitments. Agencies continue to promote diversity and inclusion strategies which promote a workplace free from social biases of any kind.

All equivalent positions determined by an objective assessment of their work value are paid the same salary within all agencies. The relevant distribution of women in each classification of work across the sector is reported by the Public Service Commission (PSC) but is also available in the agency's Annual Report.

The workforce profile data collected by the PSC is made available to Women NSW.

Energy

174. For each agency in your portfolio by name, how much electricity did it consume for each of:

(a) 2014-15?

(b) 2015-16?

(c) 2016-17?

(d) 2017-18?

175. What proportion of the electricity consumed by each agency in your portfolio by name for those years came from renewable sources? Please name each source of energy (coal, solar, wind, etc.) and the proportion of the total electricity used.

176. How much money was spent on electricity for each agency in your portfolio by name in each of the above financial years?

- 177. What was the name of the energy supplier to each agency in your portfolio by name for those financial years?**
- 178. How much electricity is it estimated that each agency in your portfolio will consume in:**
- (a) 2018-19?**
 - (b) 2019-20?**
 - (c) 2020-21?**
 - (d) 2021-22?**
- 179. What proportion of that electricity is it estimated will come from renewable sources, for each year?**
- 180. For each agency in your portfolio by name, please provide the estimated proportion of energy to be used from each kind of energy (coal, gas, solar, wind etc.)?**
- 181. What is the name of the energy supplier to each agency in your portfolio for each of:**
- (a) 2018-19?**
 - (b) 2019-20?**
 - (c) 2020-21?**
 - (d) 2021-22?**

Answer (174-181)

I am advised:

NSW Government Agencies procure their energy supplies under whole of government contracts 776 (small sites under 100,000 kwh per annum) and 777. Under these contracts the following suppliers are mandated:

- 776 – Origin Energy Electricity Limited
- 777 - ERMPower Retail Pty Ltd

The NSW Government Resource Efficiency Policy was introduced in 2014 to reduce the NSW Government's operating costs and lead by example in increasing the efficiency of the resources it uses. This policy ensures NSW Government agencies:

- meet the challenge of rising costs for energy, water, clean air and waste management

- use purchasing power to drive down the cost of resource-efficient technologies and services
- show leadership by incorporating resource efficiency in decision-making.

The Policy's energy measures, targets and standards include:

- E1: Targets to undertake energy efficiency projects
- E2: Minimum NABERS Energy ratings for offices and data centres
- E3: Minimum standards for new electrical appliances and equipment
- E4: Minimum standards for new buildings
- E5: Identify and enable solar leasing opportunities
- E6: Minimum fuel efficiency standards for new light vehicles
- E7: Purchase 6% GreenPower

NSW Government agencies are required to report on energy use under the Government Resource Efficiency Policy. The Office of Environment and Heritage publishes progress reports on compliance with the policy.