



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2022-2023

Supplementary Questions

Portfolio Committee No. 5 – Regional NSW and Stronger Communities

Attorney General

Hearing: Monday 22 August 2022

Answers due by: Friday 16 September 2022

Budget Estimates secretariat

Phone (02) 9230 3783

BudgetEstimates@parliament.nsw.gov.au

Attorney General

Questions from Ms Abigail Boyd MLC

Victims Services

1. What is the estimated savings from auditing the Immediate Needs Support Package through Victim's Services?

Answer

I am advised:

Any requests to applicants for evidence of expenditure under the Immediate Needs Support Package are to ensure Government funds are used for the purpose provided - requests are not made for the purpose of making 'savings'. As a condition of Immediate Needs Support Package funding, victims are required to retain evidence of expenditure and produce to the Commissioner of Victims Rights on request.

Victims who are unable to provide evidence of expenditure are not automatically disentitled to further support payments, or necessarily asked to return funds unspent.

2. Do the estimated savings from Immediate Needs Support Package auditing outweigh the emotional cost for victim-survivors exposed to auditing?

Answer

I am advised:

I refer to response to supplementary question 1.

3. What is the breakdown of the additional \$45.1m/year announced in the budget for The Victim Services Scheme?

Answer

I am advised:

The additional \$45.1 million in 2022-23 referenced in 2022-23 NSW Budget Paper No 2 is to process and pay claims made under the Victims Support Scheme to meet increased demand.

4. Do the courts collect data on how many Part 6 of the Victims Rights Support Act compensation awards were made over the past 5 years? If yes, what is the response? If no, can data be collected on this?

Answer

I am advised:

Refer to previous answer to Supplementary Question 17 in November 2021 Budget Estimates hearing.

5. What amount was recovered through restitution in
- (a) 2018-19?
 - (b) 2019-20?
 - (c) 2020-21?
 - (d) 2021-22?

Answer

I am advised:

For (a) to (c), refer to LC QON 8619 question 1 and for (b) refer to response to supplementary question 7, March 2021 Budget Estimates hearing.

(d) figure not yet available.

6. For each financial year
- (a) 2018-19
 - (b) 2019-20
 - (c) 2020-21
 - (d) 2021-22
 - i. How many written objections to a notice of restitution order were made to the Commissioner pursuant to s62 of the Victims Rights Support Act?
 - ii. What were the grounds for objection?
 - iii. How many objections were:
 - (1) Allowed in whole?
 - (2) Allowed in part?
 - (3) Disallowed?
 - (4) Confirmed the decision?

- (5) Confirmed the decision with variation to reduce the payable?
- (6) Reversed the decision?
- iv. What were the reasons for the decision on the objection?

Answer

I am advised:

For (a) to (c), refer to LC QON 8614, LC QON 8619 and my answer to supplementary questions 19, 20 and 21 in November 2021 Budget Estimates hearing.

(d) For 2021-22:

- i. the number of objections to a notice of restitution order is 315.
- ii. the Department of Communities and Justice does not hold this information in a readily accessible format.
- iii. of objections determined in 2021-22, in 139 cases the order was confirmed, in 109 cases the order was reduced and in 15 cases the order was revoked.
- iv. the Department of Communities and Justice does not hold this information in a readily accessible format.

7. As outlined in the Victims Services data set on restitution 2017-18 (p2), “In some circumstances, victims may request that Victims Services waive issuing a provisional order [for restitution]. This is at the discretion of the Commissioner of Victims Rights and occurs on a case-by-case basis. For example, restitution was waived in one case where the offender continually breached an Apprehended Domestic Violence Order and there was evidence of continued threats to the victim. In this case, it was clear that proceeding with restitution would expose the victim to further violence”.

For each financial year

- (a) 2018-19
- (b) 2019-20
- (c) 2020-21
- (d) 2021-22

- i. How many requests did Victims Services receive from applicants not to pursue

restitution/requested waivers for restitution actions not to be pursued against the offender

- (1) in total?
 - (2) in relation to domestic violence (as a number and percentage)?
 - (3) in relation to sexual assault and child sexual abuse (as a number and percentage)?
- ii. How many requests were granted and on what basis
- (1) in total?
 - (2) in relation to domestic violence (as a number and percentage)?
 - (3) in relation to sexual assault and child sexual abuse (as a number and percentage)?
- iii. How many requests were denied and on what basis
- (1) in total?
 - (2) in relation to domestic violence (as a number and percentage)?
 - (3) in relation to sexual assault and child sexual abuse (as a number and percentage)?

Answer

I am advised:

There are no provisions under the *Victims Rights and Support Act 2013* for receiving requests from applicants for victims support not to pursue or to waive restitution. While it is possible that victims may nonetheless from time to time request restitution not be pursued, the Department does not hold information on any such requests in a readily accessible form.

8. How many applications have been attempted to be lodged with Victims Services that are not accepted for any reason during financial year 2021-2022? If this data is not currently being collected, will it be collected?

Answer

I am advised:

The Department of Communities and Justice does not hold this information, as data on reasons for not accepting an application is not available in a readily accessible form.

Applications may not be accepted for reasons including, but not limited to: incomplete application forms; unsigned application forms; duplicate applications; failure to attach

government-issued identification; or failure to include bank account details.

9. During financial year 2021-2022 and in relation to
- (a) the Victims Access Line
 - (b) the Aboriginal Contact Line
 - i. How many calls have been received?
 - ii. What was the nature of the call and what was the response?
 - iii. How many people have been assisted to collect evidence to support their claim for Victims Support?
 - iv. How many people have been assisted by the service contacting a counsellor on their behalf and organising a counselling appointment?

Answer

i. During 2021-2022:

(a) the Victims Access Line received 65,728 calls

(b) the Aboriginal Contact Line received 4,301 calls.

For (ii) to (iv), the Department of Communities and Justice does not hold this information.

10. During financial year 2021-2022, how many Victims Support Scheme applications were
- (a) received,
 - (b) awarded,
 - (c) pending,
 - (d) dismissed

for each of the components of Victims Support relating to:

- i. people living in regional, rural and remote areas?
- ii. people who are homeless/risk of homelessness?
- iii. people currently in prison/detention/closed setting?

Answer

I am advised:

The Department of Communities and Justice does not hold information on applicants' locations, including whether in custody or detention, in a readily accessible form.

The Department of Communities and Justice does not hold information relating to applications from people who are homeless/at risk of homelessness.

11. Once a person submits their Victims Support application to Victims Services that person has 12 months to collect their evidence to support their claim before Victims Services closes their application. As a matter of procedural fairness, does Victims Services advise applicants in writing the earliest date by which their matter will be determined if it is before the end of the 12 month period so they know the date by which they need to provide any relevant evidence or to ask for more time?

Answer

I am advised:

Refer to my previous answer to question 1 in LC QON 8611.

Drink Spiking

12. What are the specific legal obligations that licensed venues have, in regards to duty of care and negligence risks related to ensuring their venues are safe environments for patrons?

Answer

I am advised:

This question should be directed to the Minister for Hospitality and Racing, as the Minister responsible for licensed venues.

13. Do licensed venues have a legal obligation to report incidents of drink spiking in either an alcohol or prohibited drug incident report, so that it is logged in the incident registry?

Answer

I am advised:

This question should be directed to the Minister for Hospitality and Racing, as the Minister responsible for licensed venues.

14. When a licensed venue is alerted of a drink spiking incident, what are their specific legal obligations to ensure additional incidents do not happen?

Answer

I am advised:

This question should be directed to the Minister for Hospitality and Racing, as the Minister responsible for licensed venues.

15. Does the NSW Government currently have any strategies in place to shift the focus from the responsibility of young women to ensure their own safety and the safety of their friends, to dealing with the perpetrators?

Answer

This question should be directed to the Minister for Police and the Minister for Hospitality and Racing.

16. The Victorian Government recently dedicated funding to conduct research into drink spiking over the next two years, for which the goal is to improve crime prevention, education measures and address underreporting. Has the NSW Government considered doing something similar?

Answer

I am advised:

This question should be directed to the Minister for Police and the Minister for Hospitality and Racing.

Attorney General

Questions from Ms Sue Higginson MLC

Raise the Age of Criminal Responsibility

17. Which State is taking the lead responsibility for Raising the Age of Criminal Responsibility in the Meeting of Attorneys-General process?

Answer

I refer to my evidence to Estimates on 22 August 2022, at page 14 of the transcript.

18. When will the next meeting of the National Age of Criminal Responsibility Working Group take place?
- (a) How often will that Working Group meet?
 - (b) Who, in terms of their position, is on that Working Group?
 - (c) What are the Terms of Reference for that Working Group?
 - (d) When will that Working Group complete its work and finally report with a proposal to the Meeting of Attorneys-General?

Answer

It is not appropriate to comment on Cabinet in Confidence matters.

19. How many children of the following ages are currently in detention in NSW?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old

Answer

I am advised:

As at midnight on 31 August 2022, the following number of children and young people were in held in detention in NSW:

- a) 10 years old – 0
- b) 11 years old – 2

- c) 12 years old – 1
- d) 13 years old– 5

20. How many First Nations children of the following ages are currently in detention in NSW?

- (a) 10 years old
- (b) 11 years old
- (c) 12 years old
- (d) 13 years old

Answer

I am advised:

As at midnight on 31 August 2022, the following number of First Nations children and young people were in held in detention in NSW:

- a) 10 years old – 0
- b) 11 years old – 1
- c) 12 years old – 1
- d) 13 years old - 4

21. How many children of the following ages are currently in custody in NSW?

- (a) 10 years old
- (b) 11 years old
- (c) 12 years old
- (d) 13 years old

Answer

I refer to my answer to supplementary question 19.

22. How many First Nations children of the following ages are currently in custody in NSW?

- (a) 10 years old
- (b) 11 years old
- (c) 12 years old
- (d) 13 years old

Answer

I refer to my answer to supplementary question 20.

23. How many children of the following ages have been in detention in NSW in the past 12 months or the most recent 12 month period available?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old

Answer

I am advised:

From 1 July 2021 to 30 June 2022, the following number of children and young people were in held in detention in NSW:

- a) 10 years old – 1
 - b) four (4) 11 years old – 4
 - c) twenty-five (25) 12 years old – 25
 - d) 13 years old – 71.
24. How many First Nations children of the following ages have been in detention in NSW in the past 12 months?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old

Answer

I am advised:

From 1 July 2021 to 30 June 2022, the following number of First Nations children and young people were in held in detention in NSW:

- a) 10 years old – 1
- b) 11 years old – 1

- c) 12 years old – 13
- d) 13 years old – 38.

25. How many children of the following ages have been in detention in NSW in the most recent 12 month period available?

- (a) 10 years old
- (b) 11 years old
- (c) 12 years old
- (d) 13 years old

Answer

I refer to my answer to supplementary question 23.

26. How many children of the following ages have been in custody in NSW in the past 12 months?

- (a) 10 years old
- (b) 11 years old
- (c) 12 years old
- (d) 13 years old

Answer

I refer to my answer to supplementary question 23.

27. How many children of the following ages have been in custody in NSW in the most recent 12 month period available?

- (a) 10 years old
- (b) 11 years old
- (c) 12 years old
- (d) 13 years old

Answer

I refer to my answer to supplementary question 23.

28. How many First Nations children of the following ages have been in custody in NSW in the past 12 months?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old

Answer

I refer to my answer to supplementary question 24.

29. How many First Nations children of the following ages have been in custody in NSW in the most recent 12 months period available?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old

Answer

I refer to my answer to supplementary question 24.

30. How many children of the following ages have been subjected to diversionary programs upon a finding of guilt by a court in NSW in the past 12 months?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old

Answer

I am advised:

Between April 2021 to March 2022, the following number of juvenile dismissal outcomes were issued to children with a proven court appearance aged 10 to 13 years old at finalisation. Juvenile dismissal outcomes include 'Dismissed with or without caution' under the *Children (Criminal Proceedings) Act 1987*, 'Dismissed with caution' under the *Young Offenders Act 1997*, and 'Dismissed after Youth Justice Conference' the *Young Offenders Act 1997*.

- a) 10 years old - 0
- b) 11 years old - 0
- c) 12 years old - 5
- d) 13 years old - 32

31. How many children of the following ages have been subjected to diversionary programs upon a finding of guilt by a court in NSW in the most recent 12 months period available?

- (a) 10 years old
- (b) 11 years old
- (c) 12 years old
- (d) 13 years old

Answer

I refer to my answer to supplementary question 30.

32. How many First Nations children of the following ages have been subjected to diversionary programs upon a finding of guilt by a court in NSW in the past 12 months?

- (a) 10 years old
- (b) 11 years old
- (c) 12 years old
- (d) 13 years old

Answer

I am advised:

Between April 2021 to March 2022, the following number of juvenile dismissal outcomes were issued to Aboriginal children with a proven court appearance aged 10 to 13 years old at finalisation. Juvenile dismissal penalties include 'Dismissed with or without caution' under the *Children (Criminal*

Proceedings) Act 1987, 'Dismissed with caution' under *Young Offenders Act 1997*, and 'Dismissed after Youth Justice Conference' under *Young Offenders Act 1997* (where this was the final outcome of the court finalisation).

- a) 10 years old - 0
- b) 11 years old - 0
- c) 12 years old - 0
- d) 13 years old - 14

33. How many First Nations children of the following ages have been subjected to diversionary programs upon a finding of guilt by a court in NSW in the most recent 12 month period available?

- (a) 10 years old
- (b) 11 years old
- (c) 12 years old
- (d) 13 years old

Answer

I refer to my answer to supplementary question 32.

34. How many children of the following ages were convicted in NSW in the past 12 months?

- (a) 10 years old
- (b) 11 years old
- (c) 12 years old
- (d) 13 years old

Answer

I am advised:

Between April 2021 to March 2022, the following number of proven court appearances involved children aged 10-13 years at finalisation:

- a) 10 years old - 0
- b) 11 years old - 0
- c) 12 years old - 9
- d) 13 years old - 76

35. How many children of the following ages were convicted in NSW in the most recently available 12 months period?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old

Answer

I refer to my answer to supplementary question 34.

36. How many First Nations children of the following ages were convicted in NSW in the past 12 months?
- (a) 10 years old
 - (b) 11 years old
 - (c) 12 years old
 - (d) 13 years old

Answer

I am advised:

Between April 2021 to March 2022, the following number of proven court appearances involved Aboriginal children aged 10-13 years at finalisation:

- a) 10 years old - 0
- b) 11 years old - 0
- c) 12 years old - 2
- d) 13 years old - 39

37. How many First Nations children of the following ages were convicted in NSW in the most recently available 12 month period?
- (a) 10 years old

(b) 11 years old

(c) 12 years old

(d) 13 years old

Answer

I refer to my answer to supplementary question 36.

38. How many children of the following ages were charged with offences in NSW in the past 12 months?

(a) 10 years old

(b) 11 years old

(c) 12 years old

(d) 13 years old

Answer

I am advised:

Between April 2021 to March 2022, the following number of children aged 10-13 years were proceeded against to court by NSW Police:

a) 10 years old - 17

b) 11 years old - 38

c) 12 years old - 205

d) 13 years old - 626

39. How many children of the following ages were charged with offences in NSW in the most recently available 12 month period?

(a) 10 years old

(b) 11 years old

(c) 12 years old

(d) 13 years old

Answer

I refer to my response to supplementary question 38.

Attorney General

40. How many First Nations children of the following ages were charged with offences in NSW in the past 12 months?

(a) 10 years old

(b) 11 years old

(c) 12 years old

(d) 13 years old

Answer

I am advised:

Between April 2021 to March 2022, the following number of Aboriginal children aged 10-13 years were proceeded against to court by NSW Police:

a) 10 years old - 13

b) 11 years old - 14

c) 12 years old - 103

d) 13 years old - 352

41. How many First Nations children of the following ages were charged with offences in NSW in the most recently available 12 month period?

(a) 10 years old

(b) 11 years old

(c) 12 years old

(d) 13 years old

Answer

I refer to my answer to supplementary question 40.

Questions from the Hon Mark Buttigieg MLC (on behalf of the Opposition)

Disability Employment

42. What is the percentage and number of employees who currently identify as having a disability employed by:
- (a) Department of Communities and Justice
 - (b) Community Justice Centres
 - (c) Director of Public Prosecutions
 - (d) Legal Aid Commission
 - (e) Law Reform Commission
 - (f) Personal Injury Commission
 - (g) NSW Trustee and Guardian

Answer

I am advised

See response to March Budget Estimates 2021-2022 Supplementary Questions, Attorney General answer 27.

43. What is the percentage and number of senior managers who currently identify as having a disability employed by:
- (a) Department of Communities and Justice
 - (b) Community Justice Centres
 - (c) Director of Public Prosecutions
 - (d) Legal Aid Commission
 - (e) Law Reform Commission
 - (f) Personal Injury Commission
 - (g) NSW Trustee and Guardian

Answer

I am advised:

See response to March Budget Estimates 2021-2022 Supplementary Questions, Attorney General answer 28.

Counter Terrorism funding in Department of Communities and Justice (DCJ)

44. How many people are employed by the NSW Government in the area of counter terrorism activity as of 22 August 2022 within the Department of Communities and Justice (DCJ)?

Answer

I am advised

This question should be directed to the Premier, as the Minister responsible for counter terrorism.

45. How much funding has been allocated to counter terrorism by the NSW Government as of 22 August 2022 within DCJ?

Answer

I am advised

This question should be directed to the Premier, as the Minister responsible for counter terrorism.

46. For each of the following years, how many people were employed by the NSW Government in the area of counter terrorism within DCJ:

(a) 2021

(b) 2020

(c) 2019

(d) 2018

(e) 2017

Answer

I am advised

This question should be directed to the Premier, as the Minister responsible for counter terrorism.

47. For each of the following years, how much funding has been allocated by the NSW Government to counter terrorism within DCJ:

(a) 2021

(b) 2020

(c) 2019

(d) 2018

(e) 2017

Answer

I am advised

This question should be directed to the Premier, as the Minister responsible for counter terrorism.

Counter terrorism programs

48. How many counter terrorism programs are administered by DCJ?

Answer

I am advised

This question should be directed to the Premier, as the Minister responsible for counter terrorism.

49. Which other NSW Departments and agencies administer counter terrorism programs in conjunction with DCJ?

Answer

I am advised

This question should be directed to the Premier, as the Minister responsible for counter terrorism.

NSW Counter Terrorism Plan

50. When was the last update of the NSW Counter Terrorism Plan and did DCJ contribute to its update?

Answer

I am advised

This question should be directed to the Premier, as the Minister responsible for counter terrorism.

Attorney General

Counter Terrorism Legislation and DCJ advice

51. Have DCJ recommended changes to the specific legislation, which it administers, to assist in prevention, response, and recovery relating to terrorism?

Answer

I am advised:

Under the Allocation of the Administration of Acts, legislation is administered by relevant portfolio Ministers, not Departments.

It is not appropriate to comment on Cabinet in Confidence matters.

52. If so, what changes has DCJ recommended for the Acts that it administers:

- (a) Terrorism (Police Powers) Act 2002 (NSW)
- (b) State Emergency and Rescue Management Act 1989 (NSW)
- (c) Terrorism (High Risk Offenders) Act 2017 (NSW)
- (d) Crimes (Administration of Sentences) Act 1999 (NSW)
- (e) Criminal Procedures Act 1986 (NSW)
- (f) Bail Act 2013 (NSW)

Answer

I refer to my answer to question 51.

53. On what date were changes recommended?

- (a) By which department or agency?

Answer

I refer to my answer to question 51.

54. What is the legislative program for implementing these changes to any of the legislation in (52)(a)-(f)?

Answer

I refer to my answer to question 51. The NSW Government has delivered an extensive legislative program, as detailed in Hansard and the NSW Legislation website.