



LEGISLATIVE COUNCIL

General Purpose Standing Committee No. 4

BUDGET ESTIMATES 2013-2014

Supplementary Questions on Notice

General Purpose Standing Committee No. 4

Attorney General, Justice

Wednesday 14 August 2013

Answers to be returned by: Monday 9 September 2013.

Budget Estimates Secretariat
Telephone 9230 3509
Fax 9230 2981
budget.estimated@parliament.nsw.gov.au

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Supplementary questions: Attorney General, Justice

Answers are to be returned to the Committee secretariat by: Monday, 9 September 2013.

Attorney General

1. Which Councils, if any were awarded crime prevention grants last financial year?
2. What is the current status of the Court Referral of Eligible Defendants into Treatment (CREDIT) program?
3. Does the Graffiti Management Strategy Group still exist? If so, when did it last meet?
4. Have you cut funding to or reduced FTE staff at the NSW Anti-Discrimination Board?
5.
 - (a) Is your Chief of Staff Mr Tudehope still practising at his old firm?
 - (b) Has Mr Tudehope performed any work for or received any income from the firm Tudehope and Partners since becoming your Chief of Staff?
 - (c) If so, who have been his clients?
6. At what stage is your defamation action against Ray Hadley?
7. Approximately how much time have you spent preparing your defamation case against Ray Hadley?
8.
 - (a) Have you attended any mediation session with Ray Hadley?
 - (b) If so, when were they and how long did they last?
9. Have any human or physical resources from either your department or your office- including the preparation of any briefs or legal advice- been used to further or support your claim against Ray Hadley?
10. How many applications have you made under the Extended Supervisions legislation for either sexual offenders or violent offenders?
11. When will the Government provide a response to NSW Law Reform Commission Report no 138?
12. When will the Government provide a response to NSW Law Reform Commission Report no 137?
13. When will the Government provide a response to NSW Law Reform Commission Report no 135?

14.
 - (a) How many contractors have been retained by your Department since 1/7/12?
 - (b) What are their identities?
 - (c) How much has each been paid?
15. Has the position of Chief Financial officer to the department of Attorney General and Justice been filled on a permanent basis?
 - (a) If so, when?
 - (b) If not, why not?
16. Granted that the payments of victims compensation can be recovered from perpetrators what is the amount that paedophile priests have been saved from repaying as a result of these changes to victims compensation changes?
17. What is the amount that Finian Egan has potentially been saved from having to repay as victims compensation as a result of your victims compensation changes?
18. What is the estimate of money that will now not be paid to relative of homicide victims as a result of your victims compensation changes?
19. Why are you only allowing referrals to Sydney Drug Court from a restricted area (persons must live within city of Sydney LGA-so Coogee, Randwick, Marrickville, Leichardt aren't included).
20. In response to a recent GIPA request regarding the submissions received by your department on the right to silence a number of submissions were no included – what was the justification for these exclusions?
21. In particular, what justification was there for not providing the NSW Police Right to Silence Submission?
22. How many convictions have there been for consorting since the laws went into operation?
23. How many of these convictions were for people in “bikie gangs”?
24. What data is being collected about the operation of these new laws?
25. How will the success of these laws be measured?
26. Since the changes to the move on orders, has there been any monitoring of the impact of these laws by your department on vulnerable groups such as Aboriginal people and the homeless? ?
27. How many move on orders were given to aboriginal people?
28. How many move on orders were given to homeless people?
29. How many prosecutions for breaches of move on orders were have been commenced?
30. What scoping did the department do to support its limiting CLCs from acting for political purposes?

31. What monitoring is being undertaken of people cut off from receiving any victims compensation payments?
32. How many people have contacted your office directly regarding their concerns about the changes?
33. How many people who had lodged claims were in the system have been entirely denied compensation payments because of:
 - (a) Retrospective time limits?
 - (b) Changed definitions of relevant acts?
 - (c) Documentary evidence requirements?
 - (d) How many of these are claims relating to domestic violence and/or sexual assault?
34. Are Victims Services keeping records on the number of calls they receive where the advice is that the victims does not currently qualify under the new scheme for any financial assistance because
 - (a) They have not reported the violence to the police or other government agency?
 - (b) The claim has not been made within the required timeframe?
 - (c) If yes, what are the figures for each?
35. Given the well-known barriers for victims of domestic and family violence and sexual assault in reporting to the police and government agencies, why are victims of these crimes required to report the crime to police or to a government agency to receive financial assistance for economic loss under sections 26 or 27 or for a 'recognition payments'?
36. Are claims to the new victims support scheme being made with the assistance of advocates such as lawyers or independent support workers?
37. Is the presence or absence of such assistance being recorded by Victims Services?
38. If so, what is the percentage of claimants assisted by these different advocates?
39. Have there been any incidents in which the removal of spousal privilege has had an effect?

Justice

1. What is the highest number of full-time custody offenders during any one day in NSW Correctional Services in the period 1.7.2012 to date?
2. Has anyone been unlawfully detained at any correctional centre since 1/7/12? If so, how often, for how long and at which centres?
3. How many juveniles have been held in the prison system from 1/7/12 to 30/6/13?
4. What are the current figures for full-time custody prisoners in NSW jails?
5. How many:-
 - (a) Inmate searches; and

- (b) Visitor searches
have been carried out since 1/7/12 across the NSW Correctional Centre System?
6. How many contractors has Corrective Services retained since 1/7/12 and at what cost?
7. What has been the level of recruitment for Correctional Services since 1/7/12?
8. How many prospective employees have graduated from the Bush Farm facility since 1/7/12?
9. How many FTE Staff were employed by Corrective Services as at:-
(a) 1.7.12
(b) 30.6.13
10. As at 30/6/12 how many staff had accrued recreation leave greater than 40 days?
11. How many deaths in custody occurred in Correctional Services for the year ending 30/6/13
and at what times? How many of the deceased were aboriginal?
12. For the year ending 30/6/13 how many:-
(a) Inmate assaults on staff;
(b) Inmate assaults on inmates were there
in Correctional Centres?
13. Since 1/7/12 how many:-
(a) Erroneous releases;
(b) Escapes and absconding;
have there been?
And from which Correctional Services Centres?
14. How many offenders as at 30/6/12 were subject to:-
(a) Home detention;
(b) Intensive Corrections Orders?
15. Do you propose to pursue the phone jamming trial at Lithgow?
16. What has been the average time out of cells in each correctional Centre:-
(a) 1/7/12 – 31/12/12
(b) 1/1/13 – 30/6/13
(c) 1/7/13 to date
17. How many staff positions have been cut from Corrective Services since 1 July 2012?
18. How many voluntary redundancies have there been in Corrective Services since 1/7/12?
19. How many staff are there currently on the Ministerial Liaison Unit in Corrective Services?
20. Have any breaches of conditions or orders occurred since 1/7/12 while a supervised offender
was wearing an electronic ankle bracelet? If so, how many and what breaches occurred?

21. How many offenders are there as at 1/7/13 on extended supervision orders? How many of those are required to wear electronic ankle bracelets?
22. (a) How many malfunctions occurred in the period since 1/7/13 of electronic ankle bracelets used to monitor NSW Corrective Services community based offenders?

(b) When and where did such malfunctions occur?
23. How many random home visits of community based offenders were conducted by Corrective Services in these periods:
1/7/11-30/12/11
1/1/12-30/6/12
1/7/12-30/12/12
1/1/13-30/6/13
1/7/13 to date
24. How many random urinalysis examinations of community based offenders were carried out, outside of offices, by Corrective Services in these periods:
1/7/11-31/12/11
1/1/12-30/6/12
1/7/12-31/12/12
1/1/13-30/6/13
1/7/13 to date
25. How many FTE staff were employed to undertake offender supervision by Corrective Services as at these dates:
1/7/12
31/12/12
1/7/13
1/8/13
26. How many inmates are currently participating in CUBIT programs?
27. How many staff are currently allocated to the CUBIT program?
28. (a) Have any overdoses or other drug related health incidents or emergencies occurred at the Intensive Drug and Alcohol Treatment jail since 1 January 2013?

(b) If so, how many have occurred for how many inmates?
29. How many inmates are currently participating in the Intensive Drug and Alcohol Treatment Program at the John Moroney Correctional Complex?
30. How many inmates have successfully completed the program?
31. How many have failed?
32. Have any illicit drugs or other contraband been found on the possession of either inmates or visitors to the Intensive Drug and Alcohol Treatment centre at the John Moroney Correctional Complex? If so, on how many occasions and what action was taken?

33. How many erroneous releases have there been from Correctional services Centres since 1/7/12
34. How many escapes and abscondings have there been from Correctional services Centres since 1/7/12?
35. (a) As at 1/7/13 at which Correctional centres has responsibility for perimeter security been transferred to private operators?
(b) How many escapes have occurred at each of these centres?
36. For the year ending 30/6/13 how many:
(a) Inmate assaults on staff;
(b) Inmate assaults on inmates were there in Correctional centres?
37. On how many occasions did Corrective Services staff require medical attention following an inmate assault?
38. How many inmate assaults involved the use of a weapon?
39. What weapons were used?
40. (a) Has compensation been paid to any inmates of staff following an assault within a prison?
(b) If so, how much in total has been paid out?
41. How many of the following were carried out in financial year 2012/13 across the NSW Correction Centre system:
(a) Inmate searches;
(b) Searches of inmate's cells; and
(c) Visitor searches
42. What was the total amount of contraband seized in the financial year 2013/13?
43. What was the Government's response to the ICAC Report entitled "Investigations into the smuggling of contraband into the Metropolitan Special Program Centres at the Long Bay Correctional Centre" dated January 2013?
44. (a) How many contractors have been retained by Corrective Services since 1/7/12?
(b) What are their identities?
(c) How much has each been paid?
45. How many of the 950 motor vehicles owned by Corrective services (NSW) which were due for registration on 18/10/12 were actually registered on that day?
46. Has the position of Ethics Officer in Corrective Services NSW which was advertised and for which applications closed on 30/10/12 been filled?
(a) If so, when?
(b) If not, why not?

47. Since 1/7/12 how much has been spent on charter air flights to transport detainees of Juvenile Justice? To and from which locations have the flights been?
48. How many unfilled vacancies are there for staff at Juvenile Justice, and how long have these vacancies been unfilled? What are these vacancies?
49. How many detainees over the age of 18 years were there in Juvenile Justice Centres as at:
 - (a) 1/1/13
 - (b) 1/7/13
50. Have there been any deaths of detainees in Juvenile Justice Centres since 1/7/12? If so, how many and in which centres?
51. What has been the rate of detainee self-harm since 1/7/12?
52. What is the average age of staff in Juvenile Justice Centres?
53. How many drug detections have there been in Juvenile Justice Centres since 1/7/12?
54. How many K9 searches have been conducted with Juvenile Justice Centres since 1/7/12?
55. How many visitors to Juvenile Justice Centres have been screened by K9 units since 1/7/12?
56. How many visitors have been refused access to Juvenile Justice Centres since 1/7/12 due to an indication of illicit substances following a K9 unit screen?
57. How many drug and alcohol test have been carried out since 1/7/12? How many of those returned a positive result?
58.
 - (a) How many contractors have been retained by Juvenile Justice since 1.7.12?
 - (b) What are their identities?
 - (c) How much has each been paid?
59. On 1 April 2013 two prisoners were found dead in the Metropolitan Remand and Reception Centre at Silverwater in an apparent murder suicide. There were allegedly screams and shouts but no one came to intervene. There are also claims about mental illness of one of the deceased.
 - (a) Have Corrective Services completed their investigation into this incident?
 - (b) What is the result of these investigations?
 - (c) What charges have been introduced as a result of this incident?
 - (d) Would this be the sort of incident an Inspector General (if such a position was funded) could investigate?
 - (e) What were the staffing levels on the night of the incident?

- (f) When will you respond to the Report of the Law Reform Commission into cognitive and mental health impairments in the criminal justice system?
 - (g) Is the reason that you haven't responded that you know you won't get Treasury support to implement any recommendations?
60. Has the wide review of adult and juvenile inmate transport that you referred to in Parliament in October 2012 been completed?
- (a) If not, when will it be completed?
 - (b) When will it be released?
 - (c) What did it recommend?
 - (d) Did it recommend privatisation?
 - (e) What did the review (recommended by the Hamburger Review) of Southern Court Escort Security recommend?
 - (f) Did it recommend further privatisation?
 - (g) When will the review be released?
61. What discussions have you had with Minister Roberts regarding Father Finian Egan?
62. Given the increasing number of aged prisoners in facilities in NSW what steps are being taken to identify alternative incarceration options for this group of people?
63. Have any analysis been undertaken regarding information sharing arrangements with Justice Health – particularly with a view to the safety of correctional officers?
64. How many inmates were held in segregation and protective custody units in the years:
- (a) 2011/2012
 - (b) 2012/2013?
65. What was the average time a person was held in segregation and protective custody in:
- (a) 2011/2012
 - (b) 2012/2013?
66. What was the longest time a person was held in segregation and protective custody in:
- (a) 2011/2012
 - (b) 2012/2013?
67. What periodic reviews are undertaken for prisoners held in segregation and protective custody?
68. What was the daily cost to the State of holding an individual in segregation or protective custody units during this period?

69. In the 2013-2014 Budget, what is the amount allocated to diversionary programs for:
- (a) Young people
 - (b) Women
 - (c) People with mental health and cognitive impairments?
70. In the 2013-2014 Budget, what is the amount allocated to mental health care services for young people in juvenile justice centres?
71. Has any recurrent funding been allocated for this purpose?
72. In the 2013-2014 Budget, what is the total amount allocated to mental health care services for people in privatised correctional centres in NSW?
- (a) How much is allocated to Junee Correctional Centre?
 - (b) How much is allocated to Parklea Correctional Centre?
73. What progress has been made on State Plan objectives to ensure that all offenders are given access to a range of specialist programs which address the underlying causes of crime?
74. What monitoring is undertaken regarding the time it takes to receive health treatment in correctional facilities in NSW?
75. If the NSW Government outsources the provision of mental health care services in one or more privatised correctional facilities in NSW, what are the monitoring and oversight mechanisms established for this?
76. What is the current status of the trial in Lithgow Correctional Centre of smoking bans?
77. Are there any plans to expand this program?
78. Has there been any progress on plans to start a trial of computers in cells of some inmates?
79. What progress if any has there been on implementing a needle exchange trial in prisons to address the proliferation of blood borne diseases?

General

1. The Commonwealth government recently released new guidelines on the recognition of sex and gender, which “standardise the evidence required to change gender identity” and support the applicable *Sex Discrimination Act* amendments.¹ Among other changes, the new guidelines specify, “where sex and/or gender information is collected and recorded in a personal record, individuals should be given the option to select M (male), F (female) or X (indeterminate/intersex/unspecified)”.² The Commonwealth Attorney-General has indicated that he wishes to work with the states and territories to make nationally consistent guidelines.

¹ <http://www.attorneygeneral.gov.au/Mediareleases/Pages/2013/Second%20quarter/13June2013-Newguidelinesontherecognitionofgender.aspx>

² Guidelines, para 18.

<http://www.ag.gov.au/Publications/Documents/AustralianGovernmentGuidelinesontheRecognitionofSexandGender/AustralianGovernmentGuidelinesontheRecognitionofSexandGender.PDF>

Will the NSW government commit to implementing similar guidelines and/or definitions of sex and gender at a state level?

2. On how many occasions have you met with a lobbyist, and what were the dates of these meetings?
3. Which lobbyists have you met with, and what was discussed?
4. On how many occasions have you declined to meet with a lobbyist?
5. To deliver greater transparency and accountability, will you publish a monthly online diary of all meetings with lobbyists?
6. In order to deliver greater transparency and accountability, as promised by the Premier, will you commit to keeping a record of all lobbying activities and documentation and allow them to be subject to the Government Information (Public Access) Act?
7. Since becoming a Minister, have you taken any interstate or intrastate trips involving overnight accommodation or flights?
8. Will you provide a list to the committee of the details of all travel?
9. Have you taken any trips intrastate or interstate to attend Liberal/National Party functions? What are the details of the trips including dates and costs?
10. Have you taken any trips intrastate or interstate to attend lobbyists' functions? What are the details of the trips including dates and costs?
11. Were these trips paid for by the taxpayer?
12. Were these trips booked through the government travel management system?
13. Since becoming a Minister, have you paid back money to the state because you booked unauthorised travel with the government travel management system? How much? When did you travel? When did you pay back the money? How many occasions has this happened?
14. Have you had meetings scheduled interstate or intrastate on Fridays or weekends which involved you staying overnight?
15. Did you take your spouse/partner on these trips?
16. Have any members of your staff made complaints to or raised concerns with you, your Chief of Staff or the Department of Premier and Cabinet about bullying in your office?
17. If so, have any members of your staff resigned or been removed from their position after making such a complaint or raising such concerns?
18. How many blackberries or smart phones are assigned to your staff?

19. For each phone, how much was each bill in the 2012/13 financial year?
20. How many have phones have been lost in your office?
21. What is the cost of replacing those phones?
22. How many iPads or tablet computers does DPC assign to your Ministerial office and to whom have they been issued?
23. How many iPads or tablet computers have you purchased for your office and to whom have they been issued?
24. How many iPhones or other smart phones does DPC assign to your Ministerial office and to whom have they been issued?
25. How many iPhones or other smart phones have you purchased for your office and to whom have they been issued?
26. How many iPhones or other smart phones have been lost in your office?
27. How many iPads or tablet computers have been lost in your office?
28. What is the cost of replacing those phones or iPads or tablet computers?
29. How many media or public relations advisers are employed for each of your portfolio agencies?
30. What is the forecast for 2013/14 for the number of media or public relations advisers to be employed and their total cost?
31. Have any of your overseas trips in the past year been paid for in part or in full by using public money?
32. If so, did any of your relatives or friends accompany you on these trips?
33. What is the annual remuneration package for your chief of staff?
34. What is the annual remuneration package for your head media advisor?
35. What is the annual remuneration package for each of your staff?
36. What is the estimated expenditure for your office budget in 2012-13?
37. Have any office renovations or fit outs been undertaken in your ministerial office since April, 2011?
38. If so, could you give details of contracted costs?
39. What is your Ministerial office budget for 2013/14?

40. How many political advisors are in your office?
41. How many administration staff?
42. How many Department Liaison Officers are assigned to your office?
43. How many staff in the Department are assigned to Ministerial support duties?
44. Are any contractors or consultants working in your ministerial office? If so, in what capacities?
45. How much did your Ministerial office spend on contractors or consultants?
46. How much did your Ministerial office spend on taxi fares, including Cabcharge in the 2012/13 financial year?
47. Are any of your portfolio agencies undergoing a restructure?
48. How many jobs are expected to be cut as a result of that restructure?
49. How many people are expected to have their wages cut as a result of that restructure?
50. How many voluntary redundancies were offered in your Departments since April 2011?
51. How many voluntary redundancies were accepted from employees in your Departments since April 2011?
52. How many voluntary redundancies are expected to be offered in 2013/14?
53. How much did your Department(s) spend on catering in 2012/13?
54. How much did your Department(s) spend on stationary in 2012/13?
55. What is your Department's catering budget?
56. What is your Department's stationary budget?
57. Since April 2011 have any of the agencies in your Department(s) changed their branding?
58. If so, how much was spent on rebranding the agency?
59. How long is the average turnaround for responding to correspondence in your Department(s)?
60. How many pieces of correspondence have been outstanding for more than 60 days?
61. In 2012/13 how many invoices has your Department(s) failed to pay a supplier or contractor for more than 30 days?
62. As a result of late payment, how much penalty interest has been paid to contractors since 1 January 2011?

63. How many invoices have been outstanding for longer than 60 days?
64. Does your department provide recurrent grant funds to non-government organisations? If yes,
(a) What are the names of all organisations in receipt of funding?
(b) What is the total amount of funding received by each organisation including goods and services tax?
(c) On what date was the funding advanced?
(d) What was the purpose for each grant or funding advance?
(e) Was any funding withheld or returned?
(f) If so, what were the reasons for withholding or requiring the funding to be returned?
(g) What is the indexation rate applied to non-recurrent grant funds in 2013/2013?
(h) What are the details of any costs involved in each study, audit, taskforce or review?
(i) Have any provisions been included in grant agreements to prohibit these organisations from criticising the Government or any of its policies?
65. How many contractors has your Department(s) retained since 1 July 2013 and at what cost?
66. What is the current level of Aboriginal employment within your Department(s)?
67. How has that changed since 1 July 2012?
68. Since 1 July 2011, how much has been spent on charter air flights by your Department(s)?
69. Is your department currently undertaking any feasibility studies, audits, taskforces or reviews? If so; then;
(a) What are the terms of reference or details of each study, audit, taskforce or review?
(b) Who is conducting the study, audit, taskforce or review?
(c) Was each study, audit, taskforce or review was publically advertised seeking expression of interest or competitive tenders?
(d) Is there a contract in place detailing terms of engagement for the study, audit, taskforce or review?
(e) What is the timeline of each study, audit, taskforce or review?
(f) What are the details of any costs involved in each study, audit, taskforce or review?
70. Can you please list all travel related costs for your Parliamentary Secretary incurred in their capacity as Parliamentary Secretary since 1 July 2012
(a) kilometres travelled
(b) accommodation,
(c) air fares
(d) meals/entertaining?
71. Can you please provide details of the following activities undertaken by your Parliamentary Secretary since 1 July 2012;
(a) meetings attended in their capacity as Parliamentary Secretary?
(b) functions attended in their capacity as Parliamentary Secretary?
72. How often do you meet with your Parliamentary Secretary?
(a) Are these meetings documented?
(b) Who attends these meetings?

73. Who provides instructions and direction to your Parliamentary Secretary, you or your Chief of Staff?
74. Has the Minister been provided with Speech, Voice or Media Training since becoming Minister? If so, then;
- (a) Who conducted the training?
 - (b) When was it conducted?
 - (c) Where was it conducted what were the costs of the training?
 - (d) Who paid for the training?
75. Has the Parliamentary Secretary been provided with Speech, Voice or Media Training since becoming Parliamentary Secretary? If so, then;
- (a) Who conducted the training?
 - (b) When was it conducted?
 - (c) Where was it conducted what were the costs of the training?
 - (d) Who paid for the training?