

# GENERAL PURPOSE STANDING COMMITTEE NO. 4

Wednesday 20 August 2014

Examination of proposed expenditure for the portfolio area

ATTORNEY GENERAL, JUSTICE

UNCORRECTED PROOF

The Committee met at 2.00 p.m.

## MEMBERS

The Hon. S. Mitchell (Chair)

The Hon. R. Borsak (Deputy Chair)  
The Hon. T. Khan  
The Hon. C. J. S. Lynn

The Hon. A. Searle  
Mr D. M. Shoebridge  
The Hon. E. K. C. Wong

---

## PRESENT

**The Hon. Brad Hazzard**, *Attorney General, and Minister for Justice*

---

**CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS**

Corrections should be marked on a photocopy of the proof and forwarded to:

**Budget Estimates secretariat  
Room 812  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000**

**CHAIR:** Good afternoon and welcome to the public hearing for the inquiry into budget estimates for 2014-15. Before I commence, I acknowledge the Gadigal people, who are the traditional custodians of this land. I also pay respect to the elders, past and present, of the Eora nation and extend that respect to other Aboriginals present. I welcome Attorney General Hazzard and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Attorney General, Justice. Today's hearing is open to the public and is being broadcast live via the Parliament's website.

In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I would also remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at the hearing. I urge witnesses to be careful about any comments they may make to the media or to others after they complete their evidence, as such comments would not be protected by parliamentary privilege if another person decided to take an action for defamation. The guidelines for the broadcast of proceedings are available from the secretariat.

There may be some questions that witnesses could answer only if they had more time or with certain documents to hand. In these circumstances witnesses are advised that they can take a question on notice and provide an answer within 21 days. Any messages from advisers or members' staff seated in the public gallery should be delivered through the Chamber and support staff or the Committee clerks. Attorney, I remind you and the officers accompanying you are that you are free to pass notes and refer directly to your advisers seated at the table behind you. Transcripts of this hearing will be available on the web from tomorrow morning. I remind everybody to turn off their mobile phones for the duration of the hearing. All witnesses from departments, statutory bodies or corporations will be sworn prior to giving evidence. Attorney, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament.

**ANDREW CAPPIE-WOOD**, Secretary, Department of Attorney General and Justice, and

**PETER SEVERIN**, Commissioner, Corrective Services NSW, Department of Justice, sworn and examined:

**VALDA RUSIS**, Chief Executive, Juvenile Justice, Department of Justice, affirmed and examined:

**CHAIR:** I now declare the proposed expenditure for the portfolio of Attorney General, Justice open for examination. For the information of the Attorney and witnesses, there will be no questions from Government members and the Committee has resolved that questioning in the portfolio of Attorney General will run from 2.00 p.m. until 3.30 p.m. The Committee then intends to take a 10-minute break. Questioning in the portfolio of Justice will run from 3.30 p.m. to 4.40 p.m. As there is no provision for a Minister to make an opening statement before the Committee commences questioning, we will begin with questions from the Opposition.

**The Hon. ADAM SEARLE:** Is the Asbestos Injuries Compensation Fund sufficiently funded to meet future James Hardie asbestos claims as and when they arise?

**Mr BRAD HAZZARD:** That issue should be more appropriately addressed to the Premier but I can add that the understanding is that as the issues evolve—I was certainly involved in some discussions peripherally—the funding will depend on funding coming from James Hardie, which is largely dependent upon the success of its business. At the time, going back some months, when I first became aware of it, there were issues around the North American market. Those issues pertained to the downturn—they were not being quite as successful as we were here in New South Wales under this magnificent Coalition Government that has turned housing around in New South Wales, it having been abysmally low under the former Labor Government.

North America was still having problems—I understand the North American property market has now turned around—therefore the total percentage remains the same; it comes from the profits of James Hardie in North America, but the total quantity of funds now flowing, and anticipated to flow, is far greater. I do not think there is a high level of concern about that at the moment but you should certainly take that up with the Premier or put it on notice if you want to check. I do not think there is an issue.

**The Hon. ADAM SEARLE:** As Attorney General have you received any advice regarding the financial viability of that fund?

**Mr BRAD HAZZARD:** I was involved in discussions on it with the representatives of James Hardie—to be honest, I cannot remember whether it was as Attorney General or as Minister for Planning. Certainly there were some discussions—the joys of changing portfolios—but I do not think I have received any briefings from the Attorney General's office. However, I am sufficiently aware of the issues and I do not think you need to be overly concerned.

**The Hon. ADAM SEARLE:** Do you know what the estimated peak for these mesothelioma claims is, given that the previous peak turned out to have not been correct?

**Mr BRAD HAZZARD:** I do not recollect the figures but I do recollect that there have been various forecasts. I recollect being advised that it was a bit of an unknown quantity because clearly there were still people making claims and assessments.

**The Hon. ADAM SEARLE:** There are now third wave claims too?

**Mr BRAD HAZZARD:** Yes. You probably know—I hope you know—that it was your Government and the Federal Labor Government that established this scheme. They didn't think through the issues—I am surprised that the former State Labor Government in New South Wales did not think through the issues—and those issues are now left to the Coalition Government to try to resolve. It struck me in all the meetings I had that there was a maturity and willingness to try to find ways to address any issues that might unfold. I was disappointed to think that there had been enthusiasm by the former State Government to resolve issues but they did not look at them in the way that needed to be done.

They left open, unfortunately, whopping, great gaping holes in how the system should operate. I am satisfied, was satisfied and remain satisfied from my latest knowledge—I can say that I have not been briefed at least in the past two or three months, because I think I can remember that amongst all the other issues—that the

issues were being appropriately addressed by various people within the State Government. As I said, they are trying to address the shortfalls that were left, and I appreciate that it was not your fault, by some of your predecessors who are no longer in this place—Labor Party people.

**The Hon. ADAM SEARLE:** But what steps have you taken then, Mr Attorney, to address any concerns?

**Mr BRAD HAZZARD:** As I said, I do not have any current concerns because the issue is not being looked after in the sense of me addressing those more substantive issues—they are not being dealt with by the Attorney General's office; the issue is being dealt with, I think, by the Department of Premier and Cabinet. Adam, address your questions to them if you want more substance. I hope that they can give you more information. As far as I am concerned, the last knowledge I had was that there was unfolding improvement in the North American market.

**The Hon. ADAM SEARLE:** So as Attorney General you do not have responsibility for the fund?

**Mr BRAD HAZZARD:** That is not the issue; the issue is that it is being handled by the Department of Premier and Cabinet. I think from memory Treasury was involved along with the Department of Premier and Cabinet. It was a holistic government response to try to address, as I said, the rather challenging issues that the former Labor Government left us.

**The Hon. ADAM SEARLE:** Mr Attorney, you say that is not the issue. But as Attorney General do you have responsibility for the fund?

**Mr BRAD HAZZARD:** I have indicated to you that if you want more information then you should address your questions to the Treasurer's office or to the Department of Premier and Cabinet. I will take it on notice. If you have some specifics then give them to me in writing and I will find out what I can for you.

**The Hon. ADAM SEARLE:** I will do that.

**The Hon. ERNEST WONG:** Minister, which local courts has the Government closed since it was elected in March 2011?

**Mr BRAD HAZZARD:** Mr Wong, even your question shows that you do not understand how it works, which is a bit unfortunate. The Government does not close courts. The Government obviously works with the courts and the judiciary to look at the broad issues of what is needed in particular areas within the financial constraints that were left to us by a government that was unfortunately in power for 16 years and did an atrocious job of looking after the economy. People who make those decisions are the Chief Justice of the Supreme Court, the Chief Judge of the District Court and the Chief Magistrate of the Local Court.

Particularly in the Local Court there have been some measures taken that addressed, in some cases, an effort to make better use of taxpayers' dollars, which I applaud them for doing. There are issues that relate to what is the most productive court to be hearing matters, for example. That relates in some part to what was not addressed by the former government—that is, a holistic approach to the legal system. If you have a court that is open and a police station that is not or vice versa, for example, if there are no police within a reasonable distance—then that is not entirely logical. So we are encouraging a more holistic approach in an effort to be more efficient and to make better use of taxpayers' dollars.

For example, there have been some efforts made by the Chief Magistrate to strike that appropriate balance. For example, there was some suggestion that Hornsby Local Court may have had to close. In fact the Chief Magistrate looked at the issue and how he could find the right balance. In the case of Hornsby Local Court it went from sitting 16 days per month to sitting 10 days per month. That satisfied the local community—they are happy with that. There are other courts that the Chief Magistrate will make decisions about, and some that he has made decisions about. But that is entirely an issue for the Chief Magistrate.

**The Hon. ADAM SEARLE:** Mr Attorney, the Chief Magistrate would only close courts if he does not have enough money to run them.

**Mr BRAD HAZZARD:** Adam, I enjoyed reading your words of wisdom in transcripts of estimates from last year. I note your enthusiasm for the same questions. I encourage you to find different questions in future.

**The Hon. ADAM SEARLE:** My question is: Apart from Windsor, North Sydney, Camden, Ryde, Balmain and Kogarah what other courts have been closed in your term of office—not your term personally, but your Government's term of office?

**Mr BRAD HAZZARD:** That was not the question that was asked. I was asked what my Government had done. I have said that those are issues—

**The Hon. ADAM SEARLE:** Mr Attorney, I just asked you another question.

**Mr BRAD HAZZARD:** I am sorry. Well, you give me your version of the same question.

**The Hon. ADAM SEARLE:** It is a different question.

**Mr BRAD HAZZARD:** Which is the same type of question that you asked in the last estimates.

**The Hon. ADAM SEARLE:** Since your Government came to office, Windsor, North Sydney, Camden, Ryde, Balmain and Kogarah courts have closed. Apart from those, what other courts have closed since your Government came to office?

**Mr BRAD HAZZARD:** Not too many. There are a lot of courts in New South Wales. First of all, when I spoke earlier about a court going from 16 sitting days to 10 sitting days that was not Hornsby Local Court—I was mixing that up with another court where we are doing some work—it was Windsor Local Court. I think it is fair to say that the Government has a responsibility to wisely expend funding for courts across the court system. That is the sum total of the message really that goes to the Chief Magistrate. The Chief Magistrate then makes decisions about where it is appropriate to have courts open or not open. Of course, since New South Wales first became a State there have been courts opened and closed. Over the years some courts closed under Labor governments as a result of that sort of decision being made by the then Chief Magistrate.

**The Hon. ADAM SEARLE:** Mr Attorney, my question was: Which courts have closed since your Government came to office?

**Mr BRAD HAZZARD:** I am just answering that question. Adam, as you would know from the rules, I can answer the question in any way that I like to answer it, and I am doing that.

**The Hon. ADAM SEARLE:** I am giving you the opportunity to actually give a responsive answer.

**Mr DAVID SHOEBRIDGE:** Provided it is generally relevant.

**Mr BRAD HAZZARD:** That is exactly right, thank you for that. That is exactly what I am doing. Of course there has been a drop in workload, which you may or may not be aware of, Adam. I think the number of cases in the local court have gone down from about 460,000 to about 410,000. So one would expect that a wise and sensible Chief Magistrate, which he certainly is, would make decisions from time to time about which courts may or may not have as much activity as they did previously. At this stage, what I would say is that any decision that the Chief Magistrate has made is a matter for the Chief Magistrate not for the Government. He will continue to make those decisions as matters progress.

**The Hon. ERNEST WONG:** Minister, do you have the number of courts that have been closed? Is the Minister able to tell us which courts have closed? How many courts have closed? Does the Minister have that figure?

**Mr BRAD HAZZARD:** I think the issue here is that we would need to look at what the Chief Magistrate currently has in his head, and I have not asked the Chief Magistrate that at the moment. If Mr Wong wants to ask me a question on notice then I will convey it to the Chief Magistrate. I know that you might refer to them as closures, but one man's closure is another man's suspension. As I said before, Hornsby Local Court is currently not doing everything it has done previously because there are building works going on. I think North Sydney Local Court and Ryde Local Court have had some suspensions while they are looking at issues. If

Mr Wong wants to put something in writing to me later then I will certainly convey that to the Chief Magistrate and ask him to give you the precise detail.

I think the short answer here is that it about doing things in a logical and sensible way, and I have complete faith in Chief Magistrate Graeme Henson in that regard. It is about the best use of taxpayers' dollars. Hopefully the Labor Party has learnt that that is what it did not do during its 16 years in office—when the economy dived and went from leading every other State and Territory on all economic indicators. Hopefully the Labor Party has learnt now that wise decisions require wise and balanced consideration. Mr Wong, I know that you have not been here very long, but you have had the opportunity to be active on Burwood Council. You found out how hard it is to raise money for your political party. I think you would expect that there would be wise consideration of the use of taxpayers' dollars, and that is what we are doing.

**The Hon. ADAM SEARLE:** In relation to the decision to close Kogarah Local Court, what arrangements are being put in place to assist domestic violence victims who will no longer be able to apply for an apprehended domestic violence order [ADVO] at Kogarah courthouse?

**Mr BRAD HAZZARD:** The Chief Magistrate has considered all aspects and will consider all aspects if he moves to suspend or close particular activities. He will be considering all of those issues, and I am satisfied that he will make appropriate arrangements. This Government place a very high priority on domestic violence issues, and women and children in domestic violence situations. I am ensuring—I would not not ensure—that people who need assistance assistance in a domestic violence situation will get it. If you are suggesting to me by implication of your question—I am hoping that you are not just scaremongering, and I am sure that you would not be doing that as it is not normally your style—

**The Hon. ADAM SEARLE:** No, I am putting really plainly—

**Mr BRAD HAZZARD:** If there is an issue around, then of course I can assure you, Adam, that I would raise that on your behalf—and indeed on behalf of the community—with the Chief Magistrate, because that is certainly not what should be occurring.

**The Hon. ADAM SEARLE:** I am just seeking information. Kogarah court has closed and I am asking you what arrangements are now in place to assist domestic violence victims who are seeking apprehended violence orders.

**Mr BRAD HAZZARD:** The Chief Magistrate will certainly be addressing all those issues. I think you would broadly accept that Chief Magistrate Graeme Henson is a very good person. He would be very committed to ensuring those sorts of issues are addressed.

**The Hon. ADAM SEARLE:** I am not cavilling with that. I am just asking what the arrangements are.

**Mr BRAD HAZZARD:** I will take that on notice and find out for you.

**The Hon. ERNEST WONG:** The Chief Magistrate says that by the financial year 2015-16 there will be eight less full-time magistrate positions. Do you agree with that?

**Mr BRAD HAZZARD:** You say he says that. Where did he say that? What is your reference?

**The Hon. ERNEST WONG:** I have got correspondence that states quite clearly—

**Mr BRAD HAZZARD:** If you would like to table the letter from the Chief Magistrate I am happy to look at it.

**The Hon. ERNEST WONG:** You do not have an idea right now, is that what you are saying?

**Mr BRAD HAZZARD:** I am simply saying I have been around this place long enough not to accept assertions from Labor Party people.

**The Hon. ERNEST WONG:** I did not get an answer to that.

**Mr BRAD HAZZARD:** Hang on. You have an obligation.

**The Hon. ERNEST WONG:** I asked a question.

**Mr BRAD HAZZARD:** Are you going to table the document or not?

**The Hon. ERNEST WONG:** Yes, if you want me to of course I can.

**Mr BRAD HAZZARD:** Pass it up and let me have a look at it.

**CHAIR:** Order! Perhaps in the interim you can ask another question, Mr Wong.

**Mr BRAD HAZZARD:** If you would not mind, Madam Chair, I would rather stick with the one question. This is not multiple choice. It is a time to deal with the issue and then move on.

**The Hon. ERNEST WONG:** Chair, since our time is constrained would I be able to ask some other questions?

**Mr BRAD HAZZARD:** Whereabouts is the paragraph that talks about the eight?

**The Hon. ERNEST WONG:** It is highlighted. It is on the second page as well.

**Mr BRAD HAZZARD:** It is not highlighted. It has got a little line under it but it is not highlighted.

**Mr DAVID SHOEBRIDGE:** Is that really a point?

**Mr BRAD HAZZARD:** It is my point, David.

**Mr DAVID SHOEBRIDGE:** Not much of one.

**Mr BRAD HAZZARD:** That is your consideration. Interestingly, my historical view on your points is that they are not much either.

**The Hon. ERNEST WONG:** Chair, we have a time constraint—

**The Hon. TREVOR KHAN:** You do, but you have proposed something based on a document. The Minister is entitled to read the document.

**Mr BRAD HAZZARD:** I think what is being proposed there from what I can see—

**The Hon. ERNEST WONG:** If the Minister is relying on the Chief Magistrate—

**Mr BRAD HAZZARD:** I am surprised you are asking me these questions if you know now that it is the Chief Magistrate's decision. The Chief Magistrate seems to be indicating that there has been a progressive reduction in some positions. Whether or not that has any implication on the question you were asking about domestic violence I am not sure, but I will certainly take that up.

**The Hon. ERNEST WONG:** This is a different question. The wording from the Chief Magistrate is that there will be eight less full-time magistrate positions. I think that is quite clear in the letter.

**Mr BRAD HAZZARD:** When is that by?

**The Hon. ERNEST WONG:** By the financial year of 2015-16.

**The Hon. ADAM SEARLE:** It is the second last paragraph on the first page.

**Mr BRAD HAZZARD:** Thank you, Mr Searle. What is the question? He has asserted that, yes, and what is your question?

**The Hon. ERNEST WONG:** Do you agree?



**Mr BRAD HAZZARD:** If the Chief Magistrate is making that assertion then presumably he has some sort of reasonable—he is a very knowledgeable and capable person so I would assume that he has worked out that that is what he expects to do in terms of an appropriate application of the courts. What do you want to know?

**The Hon. ADAM SEARLE:** Will you appoint further magistrates to make sure the court is not short staffed in the way the Chief Magistrate claims it is?

**Mr BRAD HAZZARD:** Where does he say it is short staffed?

**The Hon. ADAM SEARLE:** It says there are eight equivalent full-time positions—

**Mr BRAD HAZZARD:** Well, he is not saying it is short staffed. There are probably a lot less people and a lot less officers these days. It does not mean they are short staffed, particularly if you consider that the number of applications in the Local Court has gone down from 460,000 to 410,000. If you are asking me if I will look at the issue with a view to making sure there are adequate numbers, of course I will. But if you are telling me that I should do anything in a prescriptive way then, Adam, absolutely not. I will do it with common sense, which is more than you blokes did when you were in Government. Thanks for the letter. I will return it.

**CHAIR:** We will now move to questions from the cross-bench.

**Mr DAVID SHOEBRIDGE:** I assume you keep an eye on which courts have to be closed because of decisions made by the Chief Magistrate relating to funding. It is part of your job as the Attorney to keep an eye on it.

**Mr BRAD HAZZARD:** Thank you for asking, David. I am quite delighted to tell you. My job as the Attorney General is to make sure, first of all, that individuals' rights are protected and also that the legal system in a holistic sense works as well as it can possibly work. That takes into account a whole lot of factors, not least of which is the cost-benefit analysis for each section within the Attorney General's department to operate in the best interests of taxpayers whilst at the same time protecting individuals' legal rights. I am looking at every aspect on a holistic basis and looking at one little microcosm, which appears to be your focus at the moment and will probably remain your focus, is certainly not what I would do. I am looking at it in a far broader sense.

**Mr DAVID SHOEBRIDGE:** Have any representations been made to your office about the prospect of either the closure, suspension or a reduction in sitting days at the local courts at Bourke and Brewarrina?

**Mr BRAD HAZZARD:** To be honest I cannot remember that but I will find out for you. Are you saying there is some issue there?

**Mr DAVID SHOEBRIDGE:** If you could take it on notice.

**Mr BRAD HAZZARD:** What is the issue?

**Mr DAVID SHOEBRIDGE:** Members of the community have raised concerns with me that there is the prospect of what is likely to be a suspension or a reduction in the sitting days at the local courts at Bourke and Brewarrina. With that comes the potential for substantial travel times if matters have to be relocated to other courts.

**Mr BRAD HAZZARD:** This is a neutral question: Can you tell me how often they sit at the moment, because I am not sure of that?

**Mr DAVID SHOEBRIDGE:** To be honest I do not have their calendar in front of me but there are regular sitting times for the local courts in both those regions. When they shut it will mean very substantial travel times.

**Mr BRAD HAZZARD:** I take that as a substantive question and one that is obviously delivered with real concern. My attitude on that is if it means that the Chief Magistrate is closing courts and that is causing people a great degree of inconvenience, particularly if they are in far-flung parts of regional New South Wales and particularly if they are in areas that have otherwise not got a lot of services, that obviously is an issue that

I will look at. I have to say I have been to Brewarrina a couple of times and I have been to Bourke a few times. Both of those communities have a very high Indigenous population.

I would be concerned, because I have had discussions with some members of local regional communities who have said to me that they are quite worried about having to travel 150 to 200 kilometres. There are some other issues that come out of that. Even if they can get to the other court, sometimes in the expectation that they might not come home they do not make any arrangements. Then they are suddenly released and they find they can come home. There are a whole lot of holistic things I have to look at.

**Mr DAVID SHOEBRIDGE:** And they are stuck 250 kilometres from home. We have mentioned Brewarrina and Bourke but Walgett is the other court that has been raised with me. So my question relates to the north-western part of the State, if you could take it on notice.

**Mr BRAD HAZZARD:** I will.

**Mr DAVID SHOEBRIDGE:** It may be that the concerns do not pan out and there are not any proposals in that regard but those concerns have been raised directly with me. If you could inquire of the Chief Magistrate I would appreciate it.

**Mr BRAD HAZZARD:** The reason I was asking how many days was because I was bit surprised, to be honest, that there are a lot of sittings there. I would have thought it was probably only a once a month type circuit anyway. Does anybody on the Committee know?

**The Hon. TREVOR KHAN:** No, I do not know but it is more frequent than that.

**Mr DAVID SHOEBRIDGE:** It leads on to my next question, which is when you look at domestic violence crime and particularly alcohol-related crime a great deal of attention is placed on the city of Sydney and Kings Cross. But on the figures the communities that are experiencing far and away the greatest impacts from alcohol-related crime and domestic violence tend to be regional communities such as Bourke, Brewarrina, Wilcannia, Moree and the like. It is those regional communities that nine times out of 10 just fall outside the spotlight of the broader media. Have you got any strategies as Attorney General to (a) look at and review those crime rates and (b) put in place some strategies to actually reduce what on any view of it are totally unacceptable levels of violence in those communities?

**Mr BRAD HAZZARD:** David, I will say this to you. I have been the Attorney General for only 3½ months but in that time I have had lots of discussions with quite a number of different sections of this portfolio with a view to putting the focus on people who normally miss out on services. I think you made some comments publicly recently which were supportive—thank you—about some money that I asked to be put through into the Women in Prison Advocacy Network [WIPAN]. There are similar issues, I agree, in terms of Indigenous people, people in low socioeconomic areas and particularly people in regional areas where often the services are not there to deal with some of the issues. Long before I was the Attorney General I was very aware of the fact that the number of services that are available in regional areas is very problematic, or the lack thereof, because it means that magistrates, when sitting on the bench and dealing with these issues, cannot refer people to the services they really need to be in.

**Mr DAVID SHOEBRIDGE:** Minister, can I give you an example?

**Mr BRAD HAZZARD:** Sure.

**Mr DAVID SHOEBRIDGE:** If you go and talk to the police at Wilcannia—and Wilcannia is a community which has the highest police-to-population ratio of any community in the State, potentially in the country—

**Mr BRAD HAZZARD:** And a massive unemployment rate, very little entertainment, one hotel, one garage that I think is now closed. It is not looking good.

**Mr DAVID SHOEBRIDGE:** They are endemic problems. There is one general store with enormously inflated prices.

**Mr BRAD HAZZARD:** Right on the corner there, yes, I know.

**Mr DAVID SHOEBRIDGE:** The police literally mark on the calendar the dates at which certain men will be released from the jail in Broken Hill. They mark on the calendar when they will be coming back into the community because they know from previous experience that there is an absence of support services for these men when they are released and that they will fall back into a cycle of alcohol and domestic violence. They will literally mark on the calendar when to go and revisit these houses. I am not criticising the police for it. They go and revisit these houses on the expectation that in the absence of those support services there will be a repeat of the offence, there will be a return to alcoholism, and then processing back into the criminal justice system. What are your strategies to break those cycles of violence in towns like that?

**Mr BRAD HAZZARD:** First of all I would say that it is not something that is going to be fixed overnight, but I share your views. I am extremely concerned about it. For a start, it is a bit like if you go to the Drug Court, which has a holistic approach. It is a very good model. You have got a whole lot of different agencies sitting—not metaphorically but actually—at the table. So when the judge, Roger Dive, is dealing with an offender he is dealing with them in a way that he can actually get engagement instantly with services. While it is a very good service—and well done to the people who set that up; Helen Murrell was the first judge—the problem with that is that it is after the horse has bolted. We actually need to be doing things far more up-front in a holistic sense.

These people you are talking about who come out of prison, I remember talking to one inmate in Broken Hill prison some years ago. He was a guy who was there on a murder charge and doing life in prison. When I was talking to him he said to me, "Mate, you should forget about me. You should forget about my generation. Start working for the people, the kids who are out there at the moment wandering around and sniffing petrol and so on, little kids." We have to focus at all levels, but I actually accept that advice. It was wisdom from Broken Hill prison. I think that we need to take a far more holistic approach in those regional areas to those sorts of issues—far earlier intervention with the sort of people who are likely to have the problems.

That does not mean we walk away from somebody coming out of prison. That is why I encouraged Corrections and Attorney General's to relook at the issue, for example, around the WIPAN funding because my view is that we need to be doing more. I should not be political about it because I think both sides have probably tried to do the right thing but have not been able to get to the mark. The reality is that if somebody is coming out of prison, in my view, we need to have—and I have conveyed this to the Corrective Services Commission—an opportunity to have the sorts of groups who can provide the mentoring, holding their hand effectively, inside the prison—not when they walk out the door, but actually inside the prison—and establish the relationship. Do you want to ask another question? I will stop talking, but I am just trying to explain.

**Mr DAVID SHOEBRIDGE:** No, I am not trying to cut you off at all. I agree with all the sentiments you put and I appreciate your putting them on the record. What concrete steps are you going to take to get out to the communities and consult with the Aboriginal leaders and elders who have ideas and who have programs they would like to implement but are not getting adequate funding to implement them in the community? When you go out to the communities you meet some wonderful people—

**Mr BRAD HAZZARD:** I agree.

**Mr DAVID SHOEBRIDGE:** —with really good grassroots ideas but they have not got access to funding. When they are given access to funding—say, the safe house at Wilcannia that is run by a bunch of amazing Aboriginal women there—they do great work and they establish great facilities. What are you going to do about getting out, talking to the communities, meeting with those elders and community leaders, and actually funding programs?

**Mr BRAD HAZZARD:** In the Aboriginal community I know a lot of elders. You probably do not recollect—I do not think you were even in the Parliament then—I spent 11 years as the longest serving Minister or shadow Minister in Aboriginal Affairs in the country. I spent a lot of time in Brewarrina, Bourke and Wilcannia, all those areas.

**Mr DAVID SHOEBRIDGE:** I am not trying to make a political point in any way, Attorney.

**Mr BRAD HAZZARD:** No. I am just saying to you that these issues are not new. These issues are long-held frustrations of mine. I am now in a position, for 3½ months, to start actually trying to pursue those

issues. Having said that, things have happened along the way in the last few years and some of it happened under a former Labor Government. The Justice James Wood review, "Keeping Them Safe", came out of some of the problems with what was then the Department of Community Services, now the Department of Family and Community Services [FACS]. There are cross-agency issues now going on and Attorney General's [AGs] have work going on. I just cannot off the top of my head remember but it is in the budget papers. There were quite a number of millions of dollars put into AGs part in that partnership with now FACS.

My concern is—I guess I share your view—that sometimes the programs that are done come from the top down rather than from the bottom up. Certainly in these first few months, you have to understand the budget and the programs are in place for this year but I have stepped in on WIPAN and a couple of others. What I am saying is that we need to support some of the local communities with their own ideas because what might work in Brewarrina might not work just up the road in Wilcannia. On top of that, to satisfy my obligations as the Attorney General in the broader sense, I also have to say to them, "You need to actually work with these people. A good idea is not enough. The good idea has to then be evaluated in the longer term. Is it actually working?" Now that presents a real problem.

I was talking to a community group in the last few days and they said they had to put somebody on in regard to a recent decision of my own Government to work through the tender and it was costing them a fortune. That happens regularly. So we need to find ways that simplify the evaluative process, take the good ideas that come from local communities, work within the system we have got—which is fairly heavily bureaucratic—and see if we can produce better outcomes. The intent is there. These guys are doing a good job. I have just had someone hand me a note. Is this from you, Mr Secretary? No, it is from the other side.

**Mr DAVID SHOEBRIDGE:** You have one on each side.

**Mr BRAD HAZZARD:** They are all getting excited. They must be enthusiastically supporting me, I hope. How about we let Mr Severin speak because he has got something he wants to tell us about Broken Hill prison. By the way, when I was there last it was about 90 per cent Indigenous, which is appalling.

**Mr DAVID SHOEBRIDGE:** Yes, absolutely.

**Mr BRAD HAZZARD:** What do you want to say, Mr Commissioner? Give us a few words of wisdom about the things you are doing out there.

**Mr SEVERIN:** Thank you, Minister. In relation to this specific focus of that regional prison, it is one that focuses much stronger now on education and vocational training. One of the gaps that we have in particular is as simple as driver training. A lot of inmates have constant issues with driving unlicensed or driving disqualified, and that is the focus that we are going to put in place right now. It was actually one of the very early suggestions the Minister made and it is very consistent with the planning for those particular places. That is in addition to the normal intervention, but in a very practical sense it is equipping people with skills that they might be able to use more meaningfully when they go back into their communities. It is a good way.

**Mr BRAD HAZZARD:** Do you have any other suggestions, David? This is beyond politics. If my colleagues on the Labor side, my colleagues on the Liberal side, my colleagues in The Greens, anybody has substantive suggestions that we can do better for our communities in regional areas, I am very happy to take them on board, I am very happy to see if we can prioritise funding, I am very happy to see if we can help them with evaluation so that they get continuing things. I take this moment just to tell you something. One of the things about prison populations is that they tend to be addictive to a whole lot of things. One of the things I have just announced today or, I suppose, I am announcing today is that by August next year we will be moving from cigarettes, which is the currency inside prisons and the usage, to Nicorettes, which should please you no end, David.

**Mr DAVID SHOEBRIDGE:** Yes.

**Mr BRAD HAZZARD:** We are moving into Nicorette being funded, programs, health programs and provisions, to make sure that the sort of people who otherwise have addictive behaviours and who come out and perhaps do not feel good about themselves and get involved in all those sorts of issues you are concerned about will come out feeling a lot better about themselves. I know it is going to be tough because for a lot of inmates it is their social activity. It is not going to be rushed; we will be doing it over a full year and we are taking the best advice from other jurisdictions. It will be out with the cigarettes and in with the circuit training and the

Nicorettes. I am going to try a lot of things which I think David will probably support and which most reasonable people will support. I am not saying David is always reasonable, but on this issue he is.

**Mr DAVID SHOEBRIDGE:** For the record, the Minister is holding up a packet of cigarettes and a packet of Nicorette.

**Mr BRAD HAZZARD:** Nicorette is the new one; cigarettes, the old one. Cigarettes are finishing by August; Nicorettes are starting now.

**Mr DAVID SHOEBRIDGE:** I figured that was the direction in which you were going. Mr Cappie-Wood—

**Mr BRAD HAZZARD:** Please direct questions to me and if I choose to convey the question to Mr Cappie-Wood, I will.

**Mr DAVID SHOEBRIDGE:** Through you Attorney, the question is to Mr Cappie-Wood. I thought that Mr Cappie-Wood was the director general of the department but he is the secretary. There have been so many name changes since the election in March 2011. Can you run me through the name changes in the department?

**Mr BRAD HAZZARD:** I am not going to do that but I will say that the department is the Department of Justice and some administrative changes were made some months ago. The directors general of all the major agencies became secretaries, which is in keeping with the model that operates at the Federal level and in other State jurisdictions. It is no big deal.

**Mr DAVID SHOEBRIDGE:** Have any costs been associated with the most recent round of name changes? If so, what was the cost?

**Mr BRAD HAZZARD:** I do not think there was because when I became the Attorney General I said: Just sit pat and we will see how we go. They were still using all the old material and I do not think there was any extra expense.

**Mr DAVID SHOEBRIDGE:** Can I ask you to take that question on notice? If there have been any costs what, if anything, are they projected to be for the name change? Also what are the costs for any name changes that we have had since March 2011? Perhaps you can identify what those name changes are.

**Mr BRAD HAZZARD:** Is this because it is something substantive that will make a difference to the world or just because it is a source of amusement to you? What is the reason?

**Mr DAVID SHOEBRIDGE:** It is because the repeated churn, in the organisation of the Attorney General and Justice makes it difficult for stakeholders to engage and appears to be expensive—

**Mr BRAD HAZZARD:** It is being unduly niggly, which I am sure is not a characteristic of The Greens normally.

**Mr DAVID SHOEBRIDGE:** Be that as it may, I would appreciate the answer. I ask you about the funding agreements with community legal centres [CLCs]. In 2013 the former Attorney put provisions in those funding agreements—

**Mr BRAD HAZZARD:** I am sorry, when?

**Mr DAVID SHOEBRIDGE:** I am fairly sure it was 2013. The former Attorney put provisions in the funding agreements that prevented CLCs from speaking about—I think the words were—"unfair or ineffective government laws or policies" and prohibited CLCs from engaging in that advocacy role. What is your position, as Attorney General, on whether or not it is a valid role for community legal centres to engage in those advocacy issues that are broader than the individual case?

**Mr BRAD HAZZARD:** I am not sure what happened under the former Attorney General but I know there was some confusion because the Federal Government had a particular view. My view—and I have been to the CLCs and spoken to them at their annual conference—is that I think community legal centres do an amazing

job on the smell of an oily rag. I expressed my concern about the current public purpose funding and the fact that it is diminishing as a result of the historical arrangement of most of those funds coming from Law Society Trust accounts and I indicated to them that I do not have any problems at all. I would like them to be sensible. Essentially the money is for legal services but sometimes it is difficult to distinguish. If it were advocacy purely for the sake of being political—I know you would never do that, but if they were doing that—I would have some concerns. But if they are doing advocacy on behalf of individuals because they want to express their legal rights or ensure their legal rights are protected—

**Mr DAVID SHOEBRIDGE:** Or a class of people where they see a recurrent problem?

**Mr BRAD HAZZARD:** Or a class, yes; I am totally relaxed.

**Mr DAVID SHOEBRIDGE:** Which is I think where they come into trouble with Federal funding.

**Mr BRAD HAZZARD:** Alright, I agree [*Time expired.*].

**CHAIR:** We will deal now with questions from the Opposition.

**The Hon. ADAM SEARLE:** Lithgow court is scheduled to have three sitting days a month less. Can you explain the reasoning behind that and whether it is the first step towards shutting Lithgow court completely and transferring all the hearings to Bathurst?

**Mr BRAD HAZZARD:** I do not know why you are asking the same questions as last year. Again, any decision on the use of courts, the operations of courts, is a matter for the Chief Magistrate.

**The Hon. ADAM SEARLE:** What is the thinking behind this change?

**Mr BRAD HAZZARD:** I have not given any thought to telling him what he should do because that is not what an Attorney General should do.

**The Hon. ADAM SEARLE:** You are fencing with me. The question is, this has happened. What is the thinking behind it?

**Mr BRAD HAZZARD:** I have no idea.

**The Hon. ADAM SEARLE:** Can you find out?

**Mr BRAD HAZZARD:** I will take it on notice, I will ask the Chief Magistrate and I will let you know. What is it you are saying has happened? Are you saying the court has closed?

**The Hon. ADAM SEARLE:** No. As we understand it, there are three fewer sitting days a month scheduled for Lithgow court.

**Mr BRAD HAZZARD:** Starting when?

**The Hon. ADAM SEARLE:** I think it has already happened.

**Mr BRAD HAZZARD:** Are you saying to me that you think—

**The Hon. ADAM SEARLE:** I am asking you the question. Please take it on notice.

**Mr BRAD HAZZARD:** It is my entitlement; I can do what I like. I am asking you: Are you telling me that you think it is relevant—

**The Hon. ADAM SEARLE:** Point of order: The Attorney is fencing and debating the question. He said he will take it on notice. He should listen to the question and take it on notice.

**Mr BRAD HAZZARD:** But I am interested in hearing your substantive input. Are you saying that whatever is there is now inadequate? If that is the question I will obviously inquire with more enthusiasm. But if you are not saying that, or you are not sure, then I will inquire in a more neutral sense.

**The Hon. ADAM SEARLE:** The question I am asking is: Why was the decision made to reduce the sitting days at Lithgow and is that diminution in the sitting days a first step towards closing Lithgow court completely and moving all those hearings to Bathurst court?

**Mr BRAD HAZZARD:** I will find out about that. I suspect the answer is, as I said before, that the Chief Magistrate is trying to make sensible use of taxpayers' dollars. If you are not going to be busy, some courts do have the joys—and you and I have appeared in them—where they are packed up by midday. If that is the case, if we can find better ways to use it—

**The Hon. ADAM SEARLE:** Mr Attorney, you have said you will take the question on notice.

**Mr BRAD HAZZARD:** I am just saying that you have to be a bit sensible about it. You are a sensible guy most of the time; just be sensible in your questions.

**The Hon. ADAM SEARLE:** After some protest and representations, the domestic and personal violence list at Camden has been retained for one day per fortnight this year. The alternative was for the list to be moved to Picton, which would have resulted in the likelihood of both victims and offenders travelling on the same bus trip between Camden and Picton—the only realistic public transport between those two locations. Can you advise as to whether the list is still operating at Camden and will you guarantee that it will continue for the next year, 2015?

**Mr BRAD HAZZARD:** I know those issues were properly considered by the Chief Magistrate and certainly I asked him to make sure that all those sorts of issues were considered. So I am going to assume that the Chief Magistrate has considered those issues. I have just been told by my secretary/director general that, succinctly, yes it still operates.

**The Hon. ADAM SEARLE:** Will it operate for 2015, next year? Can you take that on notice?

**Mr BRAD HAZZARD:** I will take that on notice.

**The Hon. ADAM SEARLE:** How many Coroner positions are there and are they all presently filled?

**Mr BRAD HAZZARD:** There are a number of part-time positions. We have had to rely on more part-time positions.

**The Hon. ADAM SEARLE:** What is the list? The secretary of your department should know.

**Mr BRAD HAZZARD:** I will get the details and provide them to you. I know there are some issues around the Coroner's court at which I am looking at the moment. There have been delays that I thought needed to be addressed.

**The Hon. ADAM SEARLE:** I have three questions and I am happy for you to take these questions on notice: How many Coroner positions are there? Are they all presently filled and, if not, which are filled and which are not? What are the delays now for coronial hearings?

**Mr BRAD HAZZARD:** All right.

**The Hon. ADAM SEARLE:** Does the secretary wish to take that on notice?

**Mr CAPPIE-WOOD:** Yes.

**The Hon. ADAM SEARLE:** In answer to a question on notice about court transcription fees, you stated that the Civil Procedure Regulation 2012 and the Criminal Procedure Regulation 2010 will continue to authorise the collection of fees by the department for the provision of transcripts, where transcripts are provided by the department. Is the level of fees set by those two regulations going to increase in the foreseeable future, either in this financial year or the following financial year?

**Mr BRAD HAZZARD:** Those are issues that normally would reflect CPI. I have no immediate plans on doing anything with that, but I would think that in the normal course the fees would increase with CPI. I have

to say, Adam, the advice I had initially is that a lot of the legal fees in New South Wales for all sorts of filing costs et cetera are a lot cheaper than they are in most other Australian jurisdictions. Are you saying you have a particular concern about the costs?

**The Hon. ADAM SEARLE:** There is a proposal you are currently considering, which is privatising court reporting services. There is some unease in the profession and amongst the judiciary about that idea.

**Mr BRAD HAZZARD:** Actually I did discuss that with someone, not the privatising. Currently, there are some private transcription services.

**The Hon. ADAM SEARLE:** There are.

**Mr BRAD HAZZARD:** What I am told is that they are very effective and efficient, but that is from members of the judiciary. So maybe you are talking to different members of the judiciary. If you have an issue or example where it might not be—

**The Hon. ADAM SEARLE:** For example, we understand the Chief Justice is concerned about the full outsourcing of civil transcription services in the Supreme Court?

**Mr BRAD HAZZARD:** I know it operates in the District Court and the Land and Environment Court, and I was told there are no issues. But if you are saying there is an issue, give me the details and I will have a look at it—obviously, a sensible balance.

**The Hon. ADAM SEARLE:** I think one of the concerns is if the court reporting services were fully privatised, they would be significantly more expensive for parties to obtain transcripts than is presently the case. I guess one question I have for you is—

**Mr BRAD HAZZARD:** Obviously, whatever is done—

**The Hon. ADAM SEARLE:** If I could finish the question please, Mr Attorney.

**Mr BRAD HAZZARD:** Certainly, Mr Searle.

**The Hon. ADAM SEARLE:** If your plans to privatise court reporting continue, can you guarantee —

**Mr BRAD HAZZARD:** They are not my plans.

**The Hon. ADAM SEARLE:** Government plans to privatise court reporting services.

**Mr BRAD HAZZARD:** I do not even know that they are Government plans. As I am the Attorney General and I am not sure why you—

**The Hon. ADAM SEARLE:** Mr Attorney, can you stop debating the question?

**The Hon. TREVOR KHAN:** Point of order—

**The Hon. ADAM SEARLE:** No, he did not let me finish the question.

**The Hon. TREVOR KHAN:** The question is argumentative in itself.

**Mr BRAD HAZZARD:** Do you want me to go for a coffee while you guys argue?

**The Hon. TREVOR KHAN:** The member can put a question. What he cannot do is put a proposition before it that is unfounded and untested, which is what he is doing.

**The Hon. ADAM SEARLE:** Trevor, we are not in a court now.

**CHAIR:** Order! The Hon. Adam Searle may finalise his question.



**The Hon. ADAM SEARLE:** The question is simply this: Can you guarantee that the costs to parties for transcripts will increase only by CPI?

**Mr BRAD HAZZARD:** I will guarantee that the issue will be looked at closely and properly. It would be a nice principle to apply. It certainly would be my intention to try to do that and that would be my argument with the various people who need to have that discussion, but is that going to end up being the case? Let us look at it and see because if it is way down below what is reasonable or practicable now, then obviously you would have to look at that. What I am being told is that there is a trial for a user-pays model in the Supreme Court for the supply of civil transcript, which commenced during the second law term 2014. It is all subject, obviously, to being able to get the contractors' capacity there to do the job. There is a similar model already operating in the District Court and the Land and Environment Court, as I thought. Actually, Adam, I am surprised you are excited about this, now I am aware of this: private contractors have been providing court reporting services to New South Wales courts, amazingly, since 2005 under the former Labor Government.

**The Hon. ADAM SEARLE:** But you have expanded it.

**Mr BRAD HAZZARD:** Okay, so what? Give me a break. Let us get real about this, Adam. Come up with some substantive questions rather than niggling, waffling silliness.

**The Hon. ADAM SEARLE:** What plans—

**Mr BRAD HAZZARD:** Come on. I did not come here to get questions that are below you, Adam.

**The Hon. ADAM SEARLE:** —do you have to expand the private provision of—

**Mr BRAD HAZZARD:** Give me some decent questions.

**The Hon. ADAM SEARLE:** —transcription services in the court system?

**Mr BRAD HAZZARD:** What?

**The Hon. ADAM SEARLE:** You were too busy talking—

**Mr BRAD HAZZARD:** Well, I was and you spoke across me.

**The Hon. ADAM SEARLE:** —to listen to me. Mr Attorney, what plans do you have to expand the private provision of court reporting services in the New South Wales court system, in detail?

**Mr BRAD HAZZARD:** I do not personally have any mad ideological position.

**The Hon. ADAM SEARLE:** I did not characterise them that way. That is your description.

**Mr BRAD HAZZARD:** Nor did you guys in 2005, presumably, but I will take advice and I will look at it and you know what? If it is in the best interests of the community, then it will happen. If it is not in the best interests of the community, I will not because that is all I do in the job.

**The Hon. ADAM SEARLE:** Why will you not ensure that the District Court sittings are restored at East Maitland?

**Mr BRAD HAZZARD:** Again, you seem to be definitely stuck on last year's questions. East Maitland? Decisions about the District Court are made across all district courts across the State by the Chief Judge. Of course, you would be aware that there was recently a change in the Chief Judge. I will place on record my thanks on behalf of the community for the work done by the honourable Reg Blanch and congratulate Derek Price on his appointment. No doubt, Chief Judge Price will look at these issues in the fullness of time, but right now I will confirm again I have absolutely every faith in the capacity of the former Chief Judge and the current Chief Judge to make intelligent and informed decisions based on the best interests for the community.

**The Hon. ADAM SEARLE:** Will you specifically raise with the new Chief Judge the sittings at East Maitland?

**Mr BRAD HAZZARD:** If you would like me to, I will, yes.

**The Hon. ADAM SEARLE:** Thank you.

**Mr BRAD HAZZARD:** Can you give me the justification though so that when I have the discussion with him I can tell him what it is all about? Why do we particularly need them in East Maitland? What is the reason?

**The Hon. ADAM SEARLE:** My understanding is that there is a need that is now not being met.

**Mr BRAD HAZZARD:** If you give me something in writing with the substance of why, because he obviously has to—

**The Hon. ADAM SEARLE:** Mr Attorney, I am happy for you to take the question on notice.

**Mr BRAD HAZZARD:** I think, Adam, historically you have been a good lawyer and you know the sorts of issues that have to be taken into account.

**The Hon. ADAM SEARLE:** Mr Attorney, you are just fencing again.

**Mr BRAD HAZZARD:** No, I am not.

**The Hon. ADAM SEARLE:** Yes.

**Mr BRAD HAZZARD:** I am actually telling you genuinely. Just do not give me waffle, Adam.

**The Hon. ADAM SEARLE:** I am not giving you waffle.

**Mr BRAD HAZZARD:** Give me the substance.

**The Hon. ADAM SEARLE:** I have asked you—

**Mr BRAD HAZZARD:** I am not in the mood to cop waffle. Give me the substance and I will take it and I will discuss it, if it is a substantive issue. As I said to you, I have not the slightest interest in politics on this sort of issue, but give me the substance. Do not give me the dribble.

**Mr DAVID SHOEBRIDGE:** I think it is about the reduction. Communities always get concerned when there is a reduction in the court time. If that is being reduced, some sort of scrutiny from you, by the Attorney, in light of that reduction is the substance of the question.

**Mr BRAD HAZZARD:** I will ask the question, but it would be helpful if you gave me some substantive backup, Adam, to ask him.

**The Hon. ADAM SEARLE:** I will come back to you, Mr Attorney. The Crimes Amendment (Consorting and Organised Crime) Bill was passed in 2012 but these laws are not working as your Government intended. I think the only person subject to them was a person with mental impairment. Can you give us an update on what else has happened about those laws and whether they now are working as you intended or whether they are in fact working at all?

**Mr BRAD HAZZARD:** I think the consorting laws always were and always will be a challenge, but the police are doing what they need to do in order to—

**The Hon. ADAM SEARLE:** Are the laws actually being used?

**Mr BRAD HAZZARD:** They are working on, obviously, further matters, which you should more appropriately direct to the police Minister. I think you did actually, or someone did.

**The Hon. ADAM SEARLE:** What steps has your Government taken to make sure that the police are not incorrectly issuing warnings and arresting people with disabilities or intellectual impairments, as has happened in the past under this law? What steps are you now taking?

**Mr BRAD HAZZARD:** What are the specific examples?

**The Hon. ADAM SEARLE:** There is one example of one person who has been subjected to this new consorting law.

**Mr BRAD HAZZARD:** Who was?

**The Hon. TREVOR KHAN:** Is this Inverell?

**The Hon. ADAM SEARLE:** It is the Inverell matter. What steps is your Government taking to make sure there is no repeat of that instance to make sure those people are not subject to these laws?

**Mr BRAD HAZZARD:** You would appreciate the Attorney General's role. If there are some examples of a failure in the legal framework, then obviously that is something I would be certainly looking at. If you have some substantive suggestions as to addressing the legal framework—

**The Hon. ADAM SEARLE:** Mr Attorney, you are the Attorney General, you are the senior Minister in the Justice Department.

**Mr BRAD HAZZARD:** I think I just said to you—

**The Hon. ADAM SEARLE:** The police Minister is a junior Minister in your department. This is an example of where this law has not worked properly. I am just interested to understand whether your Government—whoever, I do not care—has taken any steps to make sure the police do not repeat that mistake?

**Mr BRAD HAZZARD:** Adam, I think again, whilst I might share your concern and intent to look after the vulnerable, I do not at all share your view that there is an automatic sequitur that says the legislative framework is wrong. The legislative framework may or may not need amendment. It may or may not have been the way it has been put into play.

**The Hon. ADAM SEARLE:** My question actually was about the actions of the police. What steps has the Government taken to make sure the police do not—

**Mr BRAD HAZZARD:** I am not going to start commenting on the actions of the police. I just say this to you. First of all, I just point out, whilst there is in one sense a cluster where you could frame it as you like in terms of my colleague the Hon. Stuart Ayres, I can say this: Stuart Ayres is a very capable police Minister. He is doing a very good job and we work together on, as far as I am concerned, a day-to-day basis in partnership on these issues as part of what I referred to earlier in an holistic sense. I certainly do not see him as any different in status to me on these issues. I see my role as the first law officer being a little different—in fact, substantially different—but I do not accept your description of him.

Nor do I accept the sequitur, as I said, that the legislation is necessarily wrong. But I certainly will be looking at those issues to make sure that if there are some substantive issues that are leading to inappropriate activities, with particularly the vulnerable, obviously I, in the same way that any reasonable human being would want that changed, will do it. I will look at these issues. I think there is a High Court challenge on the issue at the moment and there is a decision that is reserved. It would make good sense to hear what the High Court has to say because presumably it has had an opportunity to hear all aspects of the issue. I will look at it in the fullness of time after that decision is given.

**The Hon. ADAM SEARLE:** Thank you.

**Mr BRAD HAZZARD:** I make it clear that I am committed to the same issues that you are and I think everybody sitting in this Parliament would want to make sure that we stop crime, stop consorting but also protect those with mental health issues, those with disabilities, those that are vulnerable, and those that are impoverished, so there is no difference there, no difference.

**The Hon. ADAM SEARLE:** Mr Attorney, can you explain to the Committee why the Office of the Director of Public Prosecutions [DPP] underspent its budget for 2013-14? I am particularly referring to Budget Paper No. 3, page 6-82.

**Mr BRAD HAZZARD:** That is almost a miracle, Adam. I have not heard anybody refer to a budget paper since 1995.

**The Hon. ADAM SEARLE:** I thought we would break with tradition.

**Mr BRAD HAZZARD:** I would love that for traditions to return; that would be fabulous.

**The Hon. ADAM SEARLE:** Just give it a whirl.

**Mr BRAD HAZZARD:** I think the Office of the DPP, like everybody else, has been struggling to do what it can with the taxpayers' funds that are available. Why it underspent, I think it got some funds, from memory, totalling about 3.6 million over the past couple of years that relate to a particular committed area.

**The Hon. ADAM SEARLE:** This is the Independent Commission Against Corruption [ICAC] prosecutions?

**Mr BRAD HAZZARD:** Well, yes, which it has not actually spent as yet. Beyond that, I cannot remember the detail. I think they have cut back on some of the numbers in the DPP. I am not sure that impacted. If you are saying they have underspent dramatically, how much are you saying they underspent? I do not have those papers in front of me.

**The Hon. ADAM SEARLE:** It looks like around \$3 million.

**Mr BRAD HAZZARD:** That is what it would be. Sorry, now I am doing what I just accused you of doing. That may be the sequitur. It may be the outcome, I do not know, but I would assume that that \$3 million is because they are still working on issues to do with the ICAC.

**The Hon. ADAM SEARLE:** Do you have a time frame as to when a decision will be made about those matters involving that particular spending allocation?

**Mr BRAD HAZZARD:** No, I do not. I can say, particularly after Mr Obeid thumbed his nose—I think people on both sides would be concerned that Mr Obeid publicly went out and said that he had less than one per cent chance of being charged or convicted—that I find that abhorrent. There are obviously challenges. I know the DPP has been working as well as he can and ICAC have been doing the best it can. There are obviously some systemic issues that we need to come to grips with as to why it is taking longer than most of us in the community would like to see happening. There is, of course, a parliamentary committee review, which is chaired by the former Attorney General, and that may give us some insights. I have some views on that, Adam, which I am not going to share with this Committee because it is not appropriate that I do, but I will say that the Government is very committed—I am very committed—to ensuring that people who are appropriately, in a legal sense, required to be charged should be charged.

**The Hon. ADAM SEARLE:** Thank you, Mr Attorney.

**Mr BRAD HAZZARD:** Therefore, I would like to see the appropriate brief of evidence being available to the DPP to allow it to proceed. Clearly very professional people in the ICAC and the DPP have yet to resolve those issues.

**The Hon. ADAM SEARLE:** I am happy for you to take this question on notice. The Industrial Relations Commission is administered by your department. Could I have the budget for that tribunal and court for 2014-15 as well as 2013-14?

**Mr BRAD HAZZARD:** Sorry, for which court?

**The Hon. ADAM SEARLE:** The Industrial Relations Commission and the Industrial Court.

**Mr BRAD HAZZARD:** Is that—

**The Hon. ADAM SEARLE:** It is administered by your department.

**Mr BRAD HAZZARD:** Okay, I will get that. That is fine. I will take it on notice and get it for you.

**Mr DAVID SHOEBRIDGE:** Mr Attorney, going back to the issue of the laws concerning bribery and corruption in this State, the principal bribery offence that is often cited—

**Mr BRAD HAZZARD:** Sorry, you mean in the general sense talking about ICAC?

**Mr DAVID SHOEBRIDGE:** I think you were talking about ICAC and any potential charges that may be arising in relation to ICAC.

**Mr BRAD HAZZARD:** I do not think I identified bribery. They are your words, not mine.

**Mr DAVID SHOEBRIDGE:** All right.

**Mr BRAD HAZZARD:** You are a lawyer. We should not jump to assumptions about what charges may or may not—

**Mr DAVID SHOEBRIDGE:** I will start afresh. In relation to the laws that deal with bribery and corruption in this State, some of the primary provisions in the law are in fact common law offences as to bribery and corruption.

**Mr BRAD HAZZARD:** Yes, exactly.

**Mr DAVID SHOEBRIDGE:** Have you, as the Attorney, reviewed the efficacy of those common law provisions?

**Mr BRAD HAZZARD:** What, in the past 12 weeks? I like your style, Mr Shoebridge. Thank you for thinking I could.

**Mr DAVID SHOEBRIDGE:** Well, yes, in the time you have been Attorney and, so far as you understand, having no doubt got a comprehensive briefing when you assumed office—

**Mr BRAD HAZZARD:** Hang on. Why would I put that as—

**Mr DAVID SHOEBRIDGE:** Has the prior Attorney reviewed the laws as to bribery and corruption?

**Mr BRAD HAZZARD:** I am going to be nice to you, Mr Shoebridge.

**Mr DAVID SHOEBRIDGE:** You do not need to be, just answer the question.

**Mr BRAD HAZZARD:** The answer is: As Attorney General, believe it or not, every day I am flat out and there are priorities. That has not been a priority. If you want to put it to me that it is, give me the reason I should prioritise it over all of the other issues that I handle on a day-to-day basis.

**Mr DAVID SHOEBRIDGE:** I will give you a reason.

**Mr BRAD HAZZARD:** Okay. Well, share it with me. I am happy to hear it.

**Mr DAVID SHOEBRIDGE:** There have been repeated instances—at least two reported instances of a property developer handing a bag of cash to candidates from your party for election prior to the last election. When people see those kinds of actions happening in the space of politics and public administration in the State, people wonder what is going on with our State, and have we got proper laws to deal with issues of corruption and bribery. It is in that context that I am asking you.

**Mr BRAD HAZZARD:** Are you suggesting that you have some legal skill and assessment that says that we do not have adequate laws?

**Mr DAVID SHOEBRIDGE:** Mr Attorney, I am not making any suggestion. I am asking whether or not—

**Mr BRAD HAZZARD:** Explain to me why—

**Mr DAVID SHOEBRIDGE:** —you have reviewed the laws as to bribery and corruption in this State or will be reviewing the laws as to bribery and corruption in this State, given they do not have a strong statutory foundation and rely upon, often, quite ancient common law offences.

**The Hon. TREVOR KHAN:** Point of order: My point of order is, frankly, relevance.

**Mr BRAD HAZZARD:** Hear, hear!

**The Hon. TREVOR KHAN:** We seem to be getting a long way away—

**Mr BRAD HAZZARD:** From the budget.

**The Hon. TREVOR KHAN:** I accept that budget estimates are broad-ranging.

**The Hon. ADAM SEARLE:** I mentioned the budget papers.

**Mr BRAD HAZZARD:** You did. Well done, Adam.

**The Hon. TREVOR KHAN:** That is a first, but this dissertation is going into an academic discussion of the laws of bribery as opposed to the expenditure of resources by a part of the Government.

**Mr DAVID SHOEBRIDGE:** It clearly relates to the Attorney General's portfolio.

**CHAIR:** Order! I will allow the Attorney to answer the question. However, in terms of relevance, I will be listening carefully to any other questions from Mr Shoebridge on the matter.

**Mr DAVID SHOEBRIDGE:** Unlike normally.

**Mr BRAD HAZZARD:** Thank you, Mr Khan, because I entirely agree with you. Having said that, I do not mind in the slightest bit answering David's ponderings and postulations.

**The Hon. TREVOR KHAN:** I did not think you would, but.

**Mr BRAD HAZZARD:** Adam, I think your assumption, which again is a little surprising coming from a lawyer, that there may be some better outcome from a statutory provision rather than a common law provision is not by any means certain. At this stage, it is utterly and completely irrelevant because the two matters you refer to are currently before ICAC. ICAC has not made its determinations. In the fullness of time it will make its determinations and you would expect that someone who holds this role as Attorney General would certainly not be presumptive, would certainly not be leaping forward beyond what is reasonable.

I will follow closely the outcomes of the ICAC hearing. If you are asking me do I have concerns about aspects of it, of course I do. As I said, I have concerns about what I am hearing. We are all horrified by what we are hearing down there at the moment, but I am horrified by the fact that someone like Eddie Obeid could thumb his nose with such arrogance, after all of the evidence that has come out regarding his involvement and the Labor Party and other Ministers in the former Government. I am horrified at that. I am horrified at quite a few things, but whether or not that means—

**Mr DAVID SHOEBRIDGE:** Mr Attorney, we could all be horrified.

**Mr BRAD HAZZARD:** I just do not see the sequitur. I will wait and see. I will do what I do in regard to all of these matters: I will listen to the evidence, I will look, and I will take it on board. I hear your concerns. I have taken your concerns into account. I will look at it, but that is all I can say to you at this point.

**Mr DAVID SHOEBRIDGE:** In doing that, could I invite you to have a look at some of the leading anti-corruption statutory provisions that have been put in place in jurisdictions such as the United Kingdom, which has recently reviewed its bribery and corruption laws and put in place detailed statutory provisions when doing it.

**Mr BRAD HAZZARD:** I will do that for you. I would love to sit around and do this as part of a PhD or Masters with you—actually I would not want to do it with you, but I would love to do it.

**Mr DAVID SHOEBRIDGE:** We would both have issues with that. We want the State Government to look at corruption laws.

**Mr BRAD HAZZARD:** Sometimes legislation is not the best solution. Sometimes the flexibility of the common law and the good sense of common law judges is a far better outcome.

**Mr DAVID SHOEBRIDGE:** Maybe Mr Obeid has been given very clear advice about the flexibility of the common law, which is why he makes those statements.

**Mr BRAD HAZZARD:** I think it is a bit silly of you to say that. How about we stick with the main game here? Let us go back to the budget.

**Mr DAVID SHOEBRIDGE:** In the Victims Services part of your portfolio, how many claims have been rejected under the new scheme as a result of the more stringent statute of limitations provisions?

**Mr BRAD HAZZARD:** I cannot do that off the top of my head, but I can tell you that I have been over to the new centre at Parramatta. The person who leads it, Mahashini Krishna, is very committed. I talked to a number of the people there and the expansion of the service is incredible. They are doing a really good job and I congratulate each of the officers there. They have a commitment to supporting victims.

**Mr DAVID SHOEBRIDGE:** I do not think anyone has any complaint about the staffing; it is the statutory provision and the outcomes.

**Mr BRAD HAZZARD:** As someone pointed out earlier, you asked the question and I am going to answer it. I am not meaning to be rude to you but I want to put on the record that they are doing a good job. Some of the concerns that a lot of people had when it was coming in have been largely put to rest because they are seeing a really positive outcome. People are getting support with their medical accounts far more quickly; they are getting a much broader range of support services, counselling services, psychological services and, as I said, the staff is amazing. I think I talked to just about everybody on the floor and they are incredible. As to the numbers, if anybody has been knocked back I do not know but I will find out for you. I will take that on notice.

**Mr DAVID SHOEBRIDGE:** Could you provide the numbers not just as a raw figure but also as a percentage of claims?

**Mr BRAD HAZZARD:** Sure. Are you hearing that it is not working? Is that what you are saying?

**Mr DAVID SHOEBRIDGE:** I am hearing that a significant number of claims, particularly those relating to domestic violence and sexual assault, have been refused because of the time limit. My next question was: What proportion of the refused claims related to domestic violence and sexual assault?

**Mr BRAD HAZZARD:** I am not sure.

**Mr DAVID SHOEBRIDGE:** Will you take that on notice?

**Mr BRAD HAZZARD:** Yes. I would be interested to know that too. I will find out.

**Mr DAVID SHOEBRIDGE:** Concerns have been raised with my office that there are a good many applicants seeking assistance or compensation through Victims Support who are not getting the assistance of lawyers, legal representation or advocacy because of changed funding arrangements.

**The Hon. TREVOR KHAN:** These are concerns raised by lawyers, I take it?

**Mr DAVID SHOEBRIDGE:** Community legal centres primarily that do it not for cost recovery—

**The Hon. TREVOR KHAN:** Then they are available to do it.

**Mr DAVID SHOEBRIDGE:** Attorney, are Victims Services keeping records of the numbers of calls they receive where the advice is that the victim does not currently qualify under the new scheme for any financial assistance? What proportion of claims are unrepresented?

**Mr BRAD HAZZARD:** I think they are keeping records on everything at the moment because they are pretty efficient.

**Mr DAVID SHOEBRIDGE:** Again, I hear nothing but praise for the workers who are there doing the work; it is the scheme that is raising these concerns.

**Mr BRAD HAZZARD:** What I have here is a note—as you would expect me to have—and they must keep pretty good details because they are saying that so far 5,169 people have applied for recognition payments, 2,701 have applied for financial assistance and 6,797 have applied for counselling. Interestingly, there was a 98 per cent approval rate so it shows there is a real drive for supporting people. In addition, 360 domestic violence applications were awarded—this will probably answer your question—and 84 per cent were approved, 187 sexual assault applications were awarded and 75 per cent were approved, 1,225 financial assistance applications were determined, 1047 awarded and 178 dismissed. The counselling hours are quite incredible: 91,267 hours of counselling have been provided, which is an increase on the previous year of about 14 per cent. That confirms what I thought when I was out there: They really are doing an amazing job. Is that what you needed?

**Mr DAVID SHOEBRIDGE:** That is some of what I needed, but it only answers some of the questions I put on notice earlier.

**Mr BRAD HAZZARD:** That you put on notice earlier?

**Mr DAVID SHOEBRIDGE:** That I asked you earlier and you said you would take on notice.

**Mr BRAD HAZZARD:** We will check it again later. If you want to give us the written question you have before we leave we will start to work on it today because I am interested too.

**Mr DAVID SHOEBRIDGE:** I will hand you the written question as you leave. The other concern that has been raised with me is that there has been a significant reduction in the number of ultimately successful claims under the new scheme compared with the last 12 months under the previous scheme. Perhaps you might be in a position to provide that comparison on notice?

**Mr BRAD HAZZARD:** From what I am looking at here and from the figures I have just given you, we are talking very high success rates and approval rates. We will find out for you.

**Mr DAVID SHOEBRIDGE:** Mr Searle asked some questions about the consorting law provisions. You said that your job is to look at systemic and not individual case concerns?

**Mr BRAD HAZZARD:** Not quite. If the systemic issues that need to be addressed come out of individual cases then, of course, I am looking at individual cases.

**Mr DAVID SHOEBRIDGE:** The only overall assessment of the scheme to date has been that which was performed by the Ombudsman at the end of last year?

**Mr BRAD HAZZARD:** Yes.

**Mr DAVID SHOEBRIDGE:** The Ombudsman looked at some 1,260 instances where the consorting laws had been applied?

**Mr BRAD HAZZARD:** Yes.

**Mr DAVID SHOEBRIDGE:** And found that in an extraordinary 40 per cent of cases they had been applied against people of Aboriginal or Torres Strait Islander descent. That comes from a population base of some 2.5 per cent of the State, so on the face of it there is a systemic problem in the way the consorting laws have been applied.



**Mr BRAD HAZZARD:** The point I was making before, and I contend this again, is that it is not a sequitur that you can automatically make that it is a legislative framework issue; it may be the way it is being applied in particular areas. I think we need to look at the whole thing. I will have another look at the Ombudsman's report now that you have drawn it to my attention. Do you have a suggestion for change? If you do, I am happy to hear it.

**Mr DAVID SHOEBRIDGE:** Indeed. Some clear either legislative or policy provisions to the NSW Police Force requiring a level of seniority to approve the use of consorting laws against Aboriginal or Torres Strait Islander people. In western New South Wales local area commands, 84 per cent were against people of Aboriginal descent and that extraordinary overrepresentation of the use of the consorting laws indicates a significant systemic problem. The suggestion I make—you may be happy to take it on or reject it—would be to require an escalation and approval from a higher person before consorting law provisions are used against people of Aboriginal and Torres Strait Islander descent.

**Mr BRAD HAZZARD:** I am happy to look at that. I think it goes well beyond what you are talking about otherwise we would not have, for example, roughly 90 per cent of people in Broken Hill of Indigenous background when their population is about 2.5 per cent. I agree with you. Give me a written submission or letter and I will take it up.

**Mr DAVID SHOEBRIDGE:** In rural and regional areas—

**Mr BRAD HAZZARD:** I share your concerns. I think the Government broadly would share your concerns and I think the community would broadly share your concerns. If you have substantive ideas about how we can make some changes, give us your thoughts about it and we will work together on it.

**Mr DAVID SHOEBRIDGE:** Indeed I will.

**Mr BRAD HAZZARD:** You are much better at this than you were at planning. Planning was horrible with you but this is at least worthwhile.

**Mr DAVID SHOEBRIDGE:** In relation to consorting laws if you are living in a small regional town or the like and you have been hit with a notice that under the consorting laws you may not meet or mix with certain individuals it can be next to impossible. Considering how consorting laws are used generally in regional towns would be part of the mix.

**Mr BRAD HAZZARD:** As I said, I am happy to look at it. But I would say this: I think we have to strike a balance between protecting communities against people who do the wrong thing and being prepared to say that we give support to the police where the police need support to keep the community safe. It is about striking the balance. David, if you are saying that the balance is skewed a little then give me the details of what you think might solve it and I will be happy to have a look at it.

**Mr DAVID SHOEBRIDGE:** I will, thank you, Mr Attorney. Mr Attorney, what is wrong with the bail laws as they currently stand and as they are on the statute book? What is wrong with them?

**Mr BRAD HAZZARD:** I am surprised that as at 3.20 p.m. on 20 August David Shoebridge has not read the report of Mr John Hatzistergos. David, have you read that report?

**Mr DAVID SHOEBRIDGE:** Yes, I have—unfortunately.

**Mr BRAD HAZZARD:** In that case, you would know what is wrong with them. I endorse the excellent wisdom of Mr Hatzistergos.

**Mr DAVID SHOEBRIDGE:** Do you accept that the report by Mr Hatzistergos was based upon only very partial evidence, having had only something a little over two months of operation of the existing bail laws before he came up with his series of wholesale reform recommendations?

**Mr BRAD HAZZARD:** What I accept is that there were issues. One could have sat back and waited for quite a long time and seen some very negative outcomes. What I accept is that there were already some very negative outcomes, which the community were rightly expressing concerns about. What I accept is that some of those individuals were extremely high-profile individuals who had allegedly done some pretty horrific things.

My role as Attorney General is to make sure, as I said, that legislative frameworks are addressed as expediently as is possible. If you are saying to me that if you were Attorney General then you would have sat back and waited for possibly 12 or 18 months to get statistical analyses, then that is one way that you could handle it. But I took the view, and so did the Premier, that the Coalition Government in New South Wales were not prepared to allow people to remain at risk and not prepared to allow the community to be at risk. We implemented a review, and I congratulate John Hatzistergos on that review.

Interestingly, sometimes when people leave this place they throw away their political cloaks and can come back on a substantive basis. John has done that. He did a damned good job of analysing a number of cases. There are problems here and it is a difficult area. I have only just learnt as Attorney General in the last few months—and I had often wondered why it is that sometimes attorneys general are not able to speak as openly as perhaps other politicians can—that part of the problem is that often the information that comes to an Attorney General is information that would otherwise only be available to either the prosecuting authority or the court. In the case of, for example, judgements on very high-profile cases I had the opportunity—and in some ways it is a bit of a burden—to read the full judgement because I was not subject to the prohibition orders.

In reading those judgements I understood the reason why the judges had made decisions to, for example, prohibit information going to us—because it might prejudice the trial of the individuals. Therefore, it could be to the detriment of the community because if we cannot have an appropriate trial based on all the usual legal processes then we may end up with no conviction at all in the situation where there should have been a conviction. So I think it was handled as best it could be in difficult circumstances. By definition, being the Attorney General, dealing with the law of this State and getting the balance right is damned difficult. I think we have struck the right balance.

**CHAIR:** That concludes the time allocated for the Attorney General's portfolio.

**(The witnesses withdrew)**

**(Short adjournment)**

**ANDREW CAPPIE-WOOD**, Secretary, Department of Attorney General and Justice, and

**PETER SEVERIN**, Commissioner, Corrective Services NSW, Department of Justice, sworn and examined:

**VALDA RUSIS**, Chief Executive, Juvenile Justice, Department of Justice, affirmed and examined:

**CHAIR:** We will now move to examination of the Justice portfolio, starting with questions from the Opposition.

**The Hon. ADAM SEARLE:** Mr Attorney, your Government closed Kirkconnell Correctional Centre in 2011. The Government now pays a private security company to protect a prison that has no prisoners. How much money will be spent on security in 2014-15?

**Mr BRAD HAZZARD:** Adam, I am so surprised you keep asking these questions. You are better than this. You are so much better. It is just silly. You made a Government Information (Public Access) [GIPA] request—

**The Hon. ADAM SEARLE:** Point of order: The Attorney is debating the question.

**Mr BRAD HAZZARD:** No, I am not. I am making an observation about your question. You know the answer to that because you made a GIPA request and we gave you the information as required under the GIPA legislation. All I can say is you have got the information, good on you. It is a lot more sensible to have it closed if we do not need it open because it costs millions of dollars of taxpayers' money to run a prison. Right now it is there and if we need to open it I will look at that. But right now it is being secured and maintained, which is what we should be doing.

**The Hon. ADAM SEARLE:** You mentioned the GIPA.

**Mr BRAD HAZZARD:** Which you did not, but you should have.

**The Hon. ADAM SEARLE:** The department disclosed the amount for the 2013-14 financial year, which was \$345,855, but for some reason you seem to think the amount that will be spent in the 2014-15 year is commercially sensitive or otherwise confidential. Why is that? You have answered for the previous year, why not the current year?

**Mr BRAD HAZZARD:** Because it probably is. One has been done and one—I am just not sure. Before I answer your question, and I am happy to give you the answer, I just place on the record that you are so excited about maintaining it that last year, which you have noticed because I gave it to you, cost \$345,000. Well, big deal. That is what it takes to maintain it properly. Let me just check with the Commissioner.

**The Hon. ADAM SEARLE:** You have spent nearly a million dollars to look after a prison with no prisoners. Is that right?

**Mr BRAD HAZZARD:** Go and read *Yes, Minister*. Fair dinkum. I am just going to ask the Commissioner whether I can answer that question on the basis that I have the information but I do not want to make a commercially disadvantageous decision in the interests of taxpayers.

**The Hon. ADAM SEARLE:** I am happy for you to take it on notice if you cannot deal with it today.

**Mr BRAD HAZZARD:** It has already been contracted in so the amount apparently is \$20,000 less than last year. There you go. If you want to come up with a paintbrush and look after it for us too that would be helpful.

**The Hon. ADAM SEARLE:** No, thank you. What was the highest number of prisoners in New South Wales at any time this year?

**Mr BRAD HAZZARD:** It got up to just over 11,000, but right now we are sitting at 10,500. I think it was 10,500 this morning but two people were arrested up at Wellington today so it is probably now up to 10,502.

**The Hon. ADAM SEARLE:** Will you reopen Kirkconnell?

**Mr BRAD HAZZARD:** If you are asking me whether I will make sensible, rational decisions if prison populations fluctuate, as you would expect them to do, I will. Whether or not that involves opening Kirkconnell or what have you, I will make up my mind at the appropriate time after taking professional, sensible advice. If this line of questioning is going to be it we might as well pack up and go now.

**The Hon. SHAOQUETT MOSELMANE:** On your response that the prison population is just over 10,000—

**Mr BRAD HAZZARD:** I did not actually say that. The question was asked about 11,000. I answered by saying that about 11,000 was the maximum and at the moment it is about 10,500, but as a result of two more arrests this morning outside Wellington prison it is now 10,502. That is exactly what I said.

**The Hon. SHAOQUETT MOSELMANE:** So the GIPA that we have that says it is 11,021 is incorrect, or was it correct at the time?

**Mr BRAD HAZZARD:** I said it was about 11,000. I am glad you have come. You are really going to add a lot of substance to this. This is fantastic.

**The Hon. ADAM SEARLE:** In April this year the Bureau of Crime Statistics and Research [BOCSAR] predicted a 17 per cent increase in the prison population to about 12,500 by March next year. Is that also the advice of your department?

**Mr BRAD HAZZARD:** If that is the advice, fine. But BOCSAR works on statistical trends and, if you know anything about statistics and standard deviations, it depends on the input data as to whether or not it is going to continue.

**The Hon. ADAM SEARLE:** Without fencing about the question, that is what BOCSAR predicted.

**Mr BRAD HAZZARD:** Is it because I am talking science that you have switched off?

**The Hon. ADAM SEARLE:** Is that the advice you have received from your own agency?

**Mr BRAD HAZZARD:** Is that why, Adam?

**The Hon. ADAM SEARLE:** Mr Attorney, I have asked you the question. BOCSAR has predicted a 17 per cent rise in the prison population to 12,500. The question is: Is that also the advice you have received from your agency?

**Mr BRAD HAZZARD:** I will take advice, as it varies as the prison population fluctuates. Clearly, for a variety of reasons, since it was sitting at just over 11,000 there has been a reduction and no doubt everybody is revisiting those figures and they will as matters proceed. I will keep taking advice, as you would expect me to. Adam, I have to tell you, if this is it heaven help us. Why are we here?

**The Hon. ADAM SEARLE:** If the BOCSAR predictions turn out to be correct you would need to build more prison space, would you not, to deal with it?

**Mr BRAD HAZZARD:** Not necessarily.

**The Hon. ADAM SEARLE:** How would you propose to deal with that increase in the prison population?

**Mr BRAD HAZZARD:** The first thing I propose to do is not hypothesise on whatever you want me to hypothesise on. I will manage the system because that is my job. At this stage I am looking at all sorts of options to deal with the reduced population and I will deal with all sorts of options if and when the population increases.

And I would say if you look back historically to when you guys were in government, God help us, the numbers were not that dissimilar anyway. You were up in the order of 10,600 to 10,700 going back about five years, so what is the excitement? Relax.

**The Hon. ADAM SEARLE:** You have closed the Kirkconnell and Grafton correctional centres.

**Mr BRAD HAZZARD:** As you should. Did you go to Grafton? It is terrible. There is one wing that is still working halfway. It is a terrible prison. Go to Maitland. Maitland was another one that was closed under you blokes that you might have forgotten, and you damn well should have because it was a shocking prison.

**The Hon. ADAM SEARLE:** What plans do you have to stop under-utilising Grafton?

**Mr BRAD HAZZARD:** Part of the problem here is that prisons need to be renewed just like every other facility. If you want to go and spend some time in Maitland or Grafton good luck to you, but I do not want anybody to be in those sorts of places. I think we have other facilities at the moment that are quite adequate and I am quite content with the way that departmental officials are handling it.

**The Hon. ADAM SEARLE:** What plans do you have in place to deal with any increase in the prison population if you are not going to utilise those two?

**Mr BRAD HAZZARD:** As I just said to you, you may think that there is going to be an increase and BOCSAR certainly did going back some time. Whether or not there is or there is not, who knows, but there is a number of options in place, not the least of which would be—

**The Hon. ADAM SEARLE:** Tell us what those options are.

**Mr BRAD HAZZARD:** I do not think I have to share those with you because obviously those are options I have not decided on. If you are asking me have I got a determined position on what I will do the answer is no. I am open and flexible, and prepared to listen to professional advice.

**The Hon. ADAM SEARLE:** Have you received professional advice from your agency—

**Mr BRAD HAZZARD:** I get professional advice every day, starting usually at about 7.30 in the morning and finishing at about 8.00 at night.

**The Hon. ADAM SEARLE:** —about this particular matter?

**Mr BRAD HAZZARD:** I have had discussions on just about every issue to do with corrections and Juvenile Justice in 3½ months. What I am saying to you is that I have it under control. Thank you for asking, but I do not intend to share with you any defined, determined position because right now I am thinking about those issues.

**The Hon. ADAM SEARLE:** You recently tabled in Parliament the 2013-14 annual report of the State Parole Authority. In that report former Chairperson Ian Pike referred to the sexual assault of a woman at a bus stop in Hunters Hill by someone on parole for murder. In a subsequent review Justice James Wood expressed his concern that the report of this review was not made public. Will you release a copy of the review to members of the State Parole Authority?

**Mr BRAD HAZZARD:** Adam, I do not know the case you are talking about, but I will take it on board. I cannot give you a guarantee on that because, obviously, I will have to form a professional view.

**The Hon. ADAM SEARLE:** I am happy for you to take on notice.

**Mr BRAD HAZZARD:** But now that you have put it on the radar, if you can give me any more information that you have on it, I am happy to look at it.

**The Hon. ADAM SEARLE:** Okay.

**Mr BRAD HAZZARD:** Can I say to you that one of the things that I did in a former portfolio was pretty well everything that ever came to any agency under my domain as the planning Minister went up on a

website. I would be inclined to say transparency and openness are by far the best outcome, unless there is a negative impact for victims or for the legal system in a broader sense, therefore impacting on the community. I will have to look at it, as you would expect, take some wise counsel, and consider it. But now that you have put it there, I will think about it.

**The Hon. ADAM SEARLE:** Thank you, Mr Attorney.

**Mr BRAD HAZZARD:** Can you give me a letter on that with the specifics?

**The Hon. ADAM SEARLE:** I will be following up with these matters in writing. How many prison vacancies for positions do you currently have in Corrective Services?

**Mr BRAD HAZZARD:** How many what, sorry?

**The Hon. ADAM SEARLE:** How many vacancies?

**Mr BRAD HAZZARD:** For what? Do you mean in the prisons? Well, there is plenty of room at the moment. Have you got any friends in there?

**The Hon. ADAM SEARLE:** No, no, no.

**The Hon. SHAOQUETT MOSELMANE:** Some of your friends might go there.

**Mr BRAD HAZZARD:** Any Labor Party members?

**The Hon. ADAM SEARLE:** No, no, no. I meant—

**Mr BRAD HAZZARD:** I actually think that Eddie Obeid should be there with his mates first.

**The Hon. SHAOQUETT MOSELMANE:** Some of your friends will go there first.

**Mr BRAD HAZZARD:** Shaoquett, you should just be careful because I have a big file here, so just be very careful of what I start talking about.

**The Hon. ADAM SEARLE:** Mr Attorney, I was talking about—

**Mr DAVID SHOEBRIDGE:** You could have a political wing, could you not? You could have a political wing called Liberal and Labor.

**The Hon. ADAM SEARLE:** Madam Chair, this is disorderly.

**CHAIR:** Order! Mr Searle has a question.

**The Hon. ADAM SEARLE:** Mr Attorney, I will rephrase. I was referring to job vacancies in your Corrective Services agency and how many positions.

**Mr BRAD HAZZARD:** But in what? Are talking about cooks?

**The Hon. ADAM SEARLE:** Across the whole of the—

**Mr BRAD HAZZARD:** Oh, get real.

**The Hon. ADAM SEARLE:** Well, your Commissioner would know how many vacancies there are.

**Mr BRAD HAZZARD:** No, you tell me. I am not going to waste their time going into that. If you have something you want to ask about specifically —

**The Hon. ADAM SEARLE:** How many prison officer vacancies do you have?

**Mr BRAD HAZZARD:** Ah, good. In that case, I will find out for you and let you know, but I have not heard of any wild stampeding campaign on that at the moment, so I will give you that in writing.

**The Hon. ADAM SEARLE:** Okay. How many employees in Community Corrections directly supervise offenders or community-based orders?

**Mr BRAD HAZZARD:** We have actually increased the programs that are happening through Community Corrections. I will get you the specifics. Do you have any particular areas that you are interested in?

**The Hon. ADAM SEARLE:** Just a general—

**Mr BRAD HAZZARD:** Or is this just a shooting the breeze question?

**The Hon. ADAM SEARLE:** No. The question was: How many employees in Community Corrections directly supervise offenders or community-based orders?

**Mr BRAD HAZZARD:** I can tell you that there are more now than there were under you guys—

**The Hon. ADAM SEARLE:** Sure, but you can give me the figures.

**Mr BRAD HAZZARD:** —doing their job—

**The Hon. ADAM SEARLE:** I am happy for you—

**Mr BRAD HAZZARD:** —considerably more doing far better jobs.

**The Hon. ADAM SEARLE:** I am happy for you to actually come back with a number on notice, Mr Attorney.

**Mr BRAD HAZZARD:** Sure.

**The Hon. ADAM SEARLE:** How many vacancies are there for those positions, if any? Can you tell the Committee how many unannounced home visits have been carried out by Corrective Services over the past 12 months?

**Mr BRAD HAZZARD:** Seriously, do you expect an Attorney General to know that sort of matter or is this just—

**The Hon. ADAM SEARLE:** You have the head of your agency there, if you do not have that information.

**Mr BRAD HAZZARD:** I am not going to get him to answer any questions of that sort of the ilk. If you have some major issues, fine. But I will take it on notice and we will give you an answer to it in writing.

**The Hon. ADAM SEARLE:** Thank you. When you come back with that number, you could also provide how that compares to the previous 12 months.

**Mr BRAD HAZZARD:** I will even make sure it compares to how we compared under the Labor Party when they did so little.

**The Hon. ADAM SEARLE:** That is your prerogative. What has been the rate of parolees meeting the required contact frequency in the period from 1 July 2013 to 30 June this year?

**Mr BRAD HAZZARD:** Take it on notice.

**The Hon. ADAM SEARLE:** What is the current participation rate of sex offenders in sex offender programs in prison?

**Mr BRAD HAZZARD:** What is the current what?

**The Hon. ADAM SEARLE:** What is the current participation rate of sex offenders in sex offender programs in prisons?

**Mr BRAD HAZZARD:** There has been a lot more commitment, I can tell you, under this Government to providing the necessary programs. As you would appreciate, it is probably one of the most intractable areas to deal with. Sexual offenders, those guilty of sexual assault and particularly those who have sexually assaulted children, are a very, very challenging group to work with. The Government is seeking to do what it needs to do in terms of putting the resources into that area. I have made it clear to the Commissioner and to others within the Attorney General's that I want to see a focus on ensuring that there are expanded programs available to deal with these issues. Having said that, one of the continuing problems is that it does not matter what jurisdiction you are in or where you go, you will find that the programs that are asked to deal with these people, to change behaviours, often do not have a high rate of success. That is a problem.

For example, I know that in New Zealand some years ago a program was commenced involving family members before people could be released. The idea was that family members would have to, in effect, take some role, some responsibility, in working with the offender to ensure that the offender had a capacity to recognise the sort of circumstances that might lead to further offence. The net result was that they were seeing some success. We in New South Wales currently have programs that are catering for round about 400-odd offenders who are involved in programs. The purpose of those programs is obviously similar—to try to change behaviours. The Government remains committed to ensuring that those programs are available.

I am told that completion rates for all key intervention programs in this area were around about 94 per cent for sex offending programs. The fact of the matter is, though, Adam, those who are reading this should understand that that does not mean necessarily success; that means completion. That is why, for example, the Government has put in place and relies on extended supervision orders and so on to try to ensure that people who would otherwise be putting members of the community at risk will be appropriately supervised, if in fact we cannot deal with the offending-type behaviour. I can indicate very clearly that I have a personal commitment to ensuring that we get the resources into that area and we do what we can, and take the best of the best from other jurisdictions. But to my understanding at the present time, no-one believes that any jurisdiction anywhere or any program is really perfect in this area.

**The Hon. ADAM SEARLE:** Mr Attorney, how many random urine analysis tests were carried out on offenders on community-based orders from 1 July 2013 to 30 June this year? How does that compare to the previous year?

**Mr BRAD HAZZARD:** I am sorry, just repeat the question.

**The Hon. ADAM SEARLE:** How many random urine analysis tests were carried out on offenders on community-based orders from 1 July 2013 to 30 June this year?

**Mr BRAD HAZZARD:** On community-based orders?

**The Hon. ADAM SEARLE:** Correct, from 1 July 2013.

**Mr BRAD HAZZARD:** Not within the prison system.

**The Hon. ADAM SEARLE:** Not in the prison system.

**Mr BRAD HAZZARD:** I do not know the answer to that off the top of my head so I will need to find that out for you.

**The Hon. ADAM SEARLE:** Okay, thank you. Can you confirm that current Corrective Services urine analysis testing at pathology labs only gives a negative or positive result, but no indication as to the level? If that is the case, does that not make it impossible to determine if a offender's drug use is increasing or decreasing?

**Mr BRAD HAZZARD:** I do not know the answer to that, either, I have to say.

**The Hon. ADAM SEARLE:** Okay.



**Mr BRAD HAZZARD:** But I am fascinated if that is the case. I would have thought scientifically they could have determined the levels.

**The Hon. ADAM SEARLE:** I am happy to be wrong about this, but my last question on this topic is—

**Mr DAVID SHOEBRIDGE:** The question is not what can they do; the question is what do they do.

**Mr BRAD HAZZARD:** I am sorry, what is the question?

**Mr DAVID SHOEBRIDGE:** The question is not what can they do; the question is what do they do. What do the tests show?

**Mr BRAD HAZZARD:** I will find out.

**The Hon. ADAM SEARLE:** If the supposition behind that question is correct, is that because levels testing costs about \$160 per test and local managers are not authorised to approve that?

**Mr BRAD HAZZARD:** I do not know the answer to that, either, but I will find out. I guess it goes to another and broader issue and that is: Do we need to know the actual levels? Is that something that then plays into on a substantive basis decision-making about how their behaviours are being managed? Obviously, like everything else, one would have to weigh that up in a cost-benefit analysis. Is that what we need to know? Is it therefore worthy of taxpayers' dollars being expended on it? I will take advice on it and see what is what.

**The Hon. ADAM SEARLE:** Thank you. How many vacancies are there in psychologists at positions in Corrective Services?

**Mr BRAD HAZZARD:** I can only say that at the facilities I have visited there have been psychologists doing an excellent job. I congratulate the psychologists in both Juvenile Justice and Corrective Services. There is a real push within both within Juvenile Justice and Corrective Services to ensure that offending behaviours are dealt with appropriately, particularly with the input of psychologists, counsellors and so on. I think that is a major shift in the past few years, particularly under this Government. There was some of that occurring under your Labor Government, but far less. I think what we are now doing is trying to make sure that among the offending behaviours we have integrated fully the professional capacity and input from psychologists and counsellors, but I will find out the specifics of what you are asking about. Are you asking for—

**The Hon. ADAM SEARLE:** How many positions are there for psychologists in Corrective Services? How many of them are currently vacant?

**Mr BRAD HAZZARD:** All right. I will find that out for you.

**The Hon. ADAM SEARLE:** Thank you.

**Mr BRAD HAZZARD:** Can I say that I know from experience that some of the psychologist positions are a bit hard to fill in some locations.

**The Hon. ADAM SEARLE:** And, look, that might be part of the answer.

**Mr BRAD HAZZARD:** An absolute vacancy does not mean that they have not tried to actually fill it. It just means that there may not be people there who have the requisite qualifications. As you would appreciate, it is a specialised area and one needs to have people who are qualified in that particular area. And from Corrections—even to one particular correctional facility—depending on the nature of the inmates there, there may be a narrow or broader range of offences that have to be dealt with. Some are very challenging offending behaviours which may or may not mean that we can get psychologists in particular facilities to address those activities. Even if there are vacancies, I do not know that you will be able to draw much conclusion from it but I will happily investigate that as well.

**The Hon. ADAM SEARLE:** Apparently the Corrective Services Forensic Psychological Service does not see high-risk offenders. Is that correct?

**Mr BRAD HAZZARD:** I do not like to trouble the Commissioner who is sitting here peacefully but I will trouble him for the answer to that one because I do not know the answer and maybe he does.

**Mr SEVERIN:** No, that is not correct. It is to the contrary; our focus is very much risk based and the higher the risk and the more particular the needs are associated with that, the denser is the service. Our forensically trained psychologists are very much focusing on high-risk offenders, both in Community Corrections and in the prison service.

**Mr DAVID SHOEBRIDGE:** Attorney, in relation to the remand population, there was a good deal of discussion about the size of—and a perceived fall in—the remand population recently. Figures from the NSW Bureau of Crime Statistics and Research [BOCSAR] show that between February and June there was a 58 per cent reduction in the number of cases where police refused bail.

**Mr BRAD HAZZARD:** A 58 per cent reduction, yes. That is interesting, isn't it?

**Mr DAVID SHOEBRIDGE:** That is compared to a 40 per cent reduction in the number of cases where the court refused bail. There are concerns that there was a culture developing in the police of not refusing bail and, therefore, of allowing offenders on bail in the lead-up to the bail law reforms, informed by a wish to see the figures look bad. In other words, there was a vast increase in the number of people getting bail in order to feed into a political campaign to change the bail laws.

**Mr BRAD HAZZARD:** Where did that supposition come from?

**The Hon. TREVOR KHAN:** Some Greens conspiracy theory.

**Mr DAVID SHOEBRIDGE:** It is a matter being reviewed at the moment by Don Weatherburn from BOCSAR.

**The Hon. TREVOR KHAN:** Which the Commissioner for Police denied vehemently this morning.

**Mr BRAD HAZZARD:** Are you saying that Don Weatherburn has suggested that?

**Mr DAVID SHOEBRIDGE:** I am saying that Don Weatherburn is investigating whether or not there was an element to that.

**Mr BRAD HAZZARD:** What I am saying is: Who suggested that?

**Mr DAVID SHOEBRIDGE:** I am asking you if you have looked at the causes for that significant reduction in instances where police refused bail.

**Mr BRAD HAZZARD:** Sadly even the Labor Party do not come anywhere near The Greens in conspiracy theories.

**Mr DAVID SHOEBRIDGE:** A 58 per cent reduction—something must be causing it. It is a systemic issue. Are you looking at the causes of it?

**Mr BRAD HAZZARD:** As I said, even the Labor Party does not come close to The Greens on conspiracies. There is always a conspiracy. It is a complex area and I am aware of the differential figures you are talking about. I am also aware that your theory is very much a conspiracy theory and it is anti-police. I am sorry, I do not share that view and I do not think the Coalition would share that view. I do not even think Labor would share that view. It is a special Greens view: We are special boys and girls here in The Greens and we think that the police are doing a terrible job. Well actually, you know what? I think the police are doing a good job and I think the police have, in every other way, shown that they are prepared to try to work with us in a holistic sense to make sure we have a proper, appropriate, integrated legal system. The police do their job and the lawyers do theirs.

In the meantime, yes, when we introduce new legislation or perhaps when there are issues being talked about in a broader cultural sense and the community is talking about issues, they may of course involve different perspectives and they make different decisions because they are subjective decisions. The decisions they make under the Bail Act were set down with a structure, a framework. But in the end what they were doing was, they

were looking at issues, as they always have, around whether or not somebody was a risk to the community on a serious crime. The figures that you are talking about, I do not think anybody has a clear knowledge of that; it is not that simple. Your conspiracy is the simplest—in fact, it reflects a simple thinking, one might say. I think the police are doing a very good job and I think the Attorney General's department is doing a good job. Do you think the Attorney General's department is doing a good job?

**Mr DAVID SHOEBRIDGE:** I do not have a view one way or another about it.

**Mr BRAD HAZZARD:** That is disappointing. I would have liked to have thought that you were supporting the justice system in New South Wales. Yesterday I sat for two and a half hours, I think, on the Bail Monitoring Group and I had the benefit of hearing the input from police, from the Ministry for Police, from the Legal Aid people, Attorney General's department—a range of people. I have to say, the spirit in that room, as I said to them, was very encouraging because they all had an interest in trying to do the right thing by the community. I am not going to allow you to impute malice, if you like, into the process on the part of the police. I do not believe that is the case at all.

You label the police as an amorphous group, as all having been involved in some conspiratorial approach. There are 16,000 police in this State and if you are saying that all of them somehow managed to get together—maybe they all Skyped together—and said: Gee whiz, let us do this in the eye. I do not think that is right. I think that we do not know what the reasons are. I do think that there are some issues that will be looked at and the best scientific evidence will come in due course from Don Weatherburn. I thank him for his efforts but I would rather listen to Don Weatherburn when he comes up than to listen to you on that particular issue. I do not mean to be rude to you, but come on.

**Mr DAVID SHOEBRIDGE:** You say that you do not know what the reason is and I am asking you what steps you are taking to review that very substantial change in police behaviour.

**Mr BRAD HAZZARD:** Maybe you did not hear what I just said. I said to you that I spent two and a half hours—which is more than you did, I am sure—with the Bail Monitoring Group yesterday morning and I have spent countless hours with others on this issue, including John Hatzistergos. I have looked at all these figures and facts.

**Mr DAVID SHOEBRIDGE:** Well, I sympathise with you in that regard.

**Mr BRAD HAZZARD:** Well, John Hatzistergos may have a similar view about you.

**The Hon. TREVOR KHAN:** You can bet London to a brick on that one.

**Mr BRAD HAZZARD:** I get to have the pleasure of your company this afternoon and I must say, when I get home tonight I will be reflecting on the fact: Gee whiz, do I get to spend enough time with David Shoebridge?

**Mr DAVID SHOEBRIDGE:** Mr Attorney, this personal sledging that you have done to Mr Searle, Mr Moselmane or before that, to other members, is not useful. I ask you to turn your attention to answering the question. As I understand it, you do not know the reason and you are waiting for Don Weatherburn to give you some information. Is that right?

**Mr BRAD HAZZARD:** No, I think what I was saying to you, instead of asking the question in a negative sense, you put it in a pejorative sense, attacking the police. I am saying to you that I will wait, in a professional sense. You are a lawyer, I think you still hold a Bar practising certificate and I would hope that you would actually approach these things in a legal sense. I got it in Planning because I understood that you had a particular partial view but in law, you are a lawyer and should come to this with a neutral position, you should come to this based on scientific evidence. You should not come to this parliamentary committee and make assertions about the police and the motives of the police—16,000 police. I am sorry, I do not accept that. I will look at the evidence and when I get the evidence I will make an informed decision. I am not going to be persuaded by you and your particular view on partiality against the police.

**Mr DAVID SHOEBRIDGE:** I am not interested in persuading you; I just want some actual evidence and answers out of you, Mr Attorney.

**Mr BRAD HAZZARD:** Well, you started the thing off by saying to me that BOCSAR is doing an assessment, so wait for the assessment. Why come in here and waste my time?

**Mr DAVID SHOEBRIDGE:** What number of inmates has your department budgeted for in the New South Wales correctional system this financial year? What is the average number of inmates that you have budgeted for?

**Mr BRAD HAZZARD:** We have a budget which is obviously flexible, because it depends on the management within the construct. If you look at the budget papers—maybe you have not—there is a figure there and it has obviously been estimated to take into account the forward projections for the number of inmates that we expect. Of course, there is a degree of flexibility and one can deal with the internal flexibilities in the same way that you can worry about your own budget at home.

**Mr DAVID SHOEBRIDGE:** I might then ask—

**Mr BRAD HAZZARD:** You might stop going out somewhere, David, if you are running short of a bit of money somewhere and you will put it in but, you know, we have got it all managed very well thank you. Thanks for asking.

**Mr DAVID SHOEBRIDGE:** Then I might ask Mr Severin through you—

**Mr BRAD HAZZARD:** No, you ask me.

**Mr DAVID SHOEBRIDGE:** —what is the average number of inmates Corrective Services has budgeted for in this financial year?

**Mr BRAD HAZZARD:** I will answer that. We are satisfied that we have in the budget sufficient—

**Mr DAVID SHOEBRIDGE:** That was not my question though.

**Mr BRAD HAZZARD:** Well, I am answering—

**Mr DAVID SHOEBRIDGE:** The question is: What was the number you budgeted for? It is a pretty simple question and I would have thought that if you are not willing to answer it, at least you might refer it to the commissioner, who is sitting right next to you—

**Mr BRAD HAZZARD:** No, I will not.

**Mr DAVID SHOEBRIDGE:** —and would clearly be able to answer.

**Mr BRAD HAZZARD:** I have news for you: I think I was sworn in as the Minister, not you. So therefore my answer is, David—

**Mr DAVID SHOEBRIDGE:** But you were not sworn in to be bloody-minded. You were sworn in to serve the people of New South Wales and to provide answers where possible.

**The Hon. TREVOR KHAN:** Point of order: Apart from any other issue, Mr Shoebridge has asked a question and the Minister has answered it.

**Mr DAVID SHOEBRIDGE:** No he has not.

**The Hon. TREVOR KHAN:** The Minister has answered it—

**Mr DAVID SHOEBRIDGE:** He has not.

**The Hon. TREVOR KHAN:** —and the Minister is entitled to answer the question as he thinks appropriate.

**Mr DAVID SHOEBRIDGE:** That is not a point of order.

**The Hon. TREVOR KHAN:** It is a point of order. The question has been asked and the Minister has answered it. Move on.

**CHAIR:** Order! I uphold the point of order. The question has been asked and the Attorney has answered it as he sees fit, unless he would like to add anything else?

**Mr BRAD HAZZARD:** No.

**Mr DAVID SHOEBRIDGE:** Mr Attorney, what is the average cost per day for a juvenile inmate in New South Wales juvenile detention centres?

**Mr BRAD HAZZARD:** I will get you that in writing, but I can tell you that juvenile inmates, obviously, are at the more expensive end, if you like. Obviously, as a community we try to ensure that there is a very broad range of programs for the informative years to inform them, hopefully, of better outcomes. A maximum security inmate can be very expensive. It depends. There are particular subgroups within the maximum security system of the adult prisons where it can be quite expensive. But if I said that for most adults it was around about—

**Mr DAVID SHOEBRIDGE:** I asked about juveniles.

**Mr BRAD HAZZARD:** Yes. I will come to that. I am just giving you the comparison. It is around about \$100 to \$180 per day for an adult. In juvenile centres it can be of the order of about \$300 is my understanding per day because there are a lot more intensive programs, and the ratio of staff to children, or young people, obviously is far higher. But I will get you the details of that. Are you suggesting that that is too much or are you suggesting it is not enough? What are you asking for?

**Mr DAVID SHOEBRIDGE:** I am not suggesting anything; I am just asking for the information.

**Mr BRAD HAZZARD:** What are your concerns?

**Mr DAVID SHOEBRIDGE:** Could you provide me with the average cost and also that range of costs for an inmate in juvenile detention in New South Wales?

**Mr BRAD HAZZARD:** Sure, but it would not be far from what I have just said.

**Mr DAVID SHOEBRIDGE:** That might be the case.

**Mr BRAD HAZZARD:** That will be the case.

**Mr DAVID SHOEBRIDGE:** Could you do the same also for adult male and adult female inmates?

**Mr BRAD HAZZARD:** Yes, sure.

**Mr DAVID SHOEBRIDGE:** Perhaps we could track them over the past few years to see where those costs are going? Would that be possible to take on notice?

**Mr BRAD HAZZARD:** What do you mean? I do not understand.

**Mr DAVID SHOEBRIDGE:** To see how they have changed and tracked over the past two financial years?

**Mr BRAD HAZZARD:** We will answer that in writing. What I have just said to you, I really answered that in a broad range. If you need the specifics, sure, I will find the specifics for you. But there is a fair bit of variation from institution to institution. What you have to understand, David, is if you are in, for example, an adult prison facility, when you are working out your costs you have to factor in—I do not know whether you want this factored in—the cap ex costs. Do you want that factored in or not?

**Mr DAVID SHOEBRIDGE:** Often the figures vary whether capital costs are included. Could you provide the recurrent costs but also the separate figure that factors in the cap ex costs as well? I would appreciate that.

**Mr BRAD HAZZARD:** I will do it, but probably what I will be doing is copying the Productivity Commission report that detailed all of this. So if you want a copy of the Productivity Commission report—

**Mr DAVID SHOEBRIDGE:** No.

**Mr BRAD HAZZARD:** Have you read it?

**Mr DAVID SHOEBRIDGE:** I have seen the Productivity Commission report and I was wondering what are the current costs.

**Mr BRAD HAZZARD:** The details are in there.

**Mr DAVID SHOEBRIDGE:** What are the current costs—

**Mr BRAD HAZZARD:** What, today?

**Mr DAVID SHOEBRIDGE:** —and the predicted? Yes.

**Mr BRAD HAZZARD:** Right today?

**Mr DAVID SHOEBRIDGE:** In this financial year.

**Mr BRAD HAZZARD:** It would not have varied that much because the Productivity Commission report is quite recent.

**Mr DAVID SHOEBRIDGE:** I have read the report, but I was interested in the figures from the two departments.

**Mr BRAD HAZZARD:** But those figures that are in the Productivity Commission report came from the departments. I am not sure why we have to be here going over reports that are publicly available, but if that is what you want.

**Mr DAVID SHOEBRIDGE:** Yes.

**Mr BRAD HAZZARD:** If that is the best we can do in this upper House Committee, fine.

**Mr DAVID SHOEBRIDGE:** Mr Attorney, what is the current number of juveniles in detention today, as best you can tell us?

**Mr BRAD HAZZARD:** As at today? Unless somebody has been taken in this afternoon, it is 260.

**Mr DAVID SHOEBRIDGE:** What are the projections?

**Mr BRAD HAZZARD:** The numbers have dropped, I might add, dramatically.

**Mr DAVID SHOEBRIDGE:** I have to say I am glad to hear that the number has dropped.

**Mr BRAD HAZZARD:** It dropped dramatically from Labor. When Labor was in government—and, of course, Labor was in government during that period because of the excellent support The Greens proffered day after day, month after month, year after year—the numbers increased dramatically in juvenile justice centres and were up just over 400 when they went out of government. We have ensured that there are programs in place without your assistance that have meant that that number has been able to reduce and there have been fewer young people, juveniles, going into juvenile justice centres. As I said, it is about 260 today.

**Mr DAVID SHOEBRIDGE:** What are the projections over the coming 12 months? Will it remain at 260, fall or rise?

**Mr BRAD HAZZARD:** Statistically, if you look at the publicly available figures, you will find there is an indication that it will continue to fall, not dramatically, but it will continue to fall.

**Mr DAVID SHOEBRIDGE:** What proportion of the adult prison population is being held on remand currently?

**Mr BRAD HAZZARD:** I will just double check. It is 26.37 per cent—so about a quarter.

**Mr DAVID SHOEBRIDGE:** What proportion of those prisoners who are held on remand is predicted to receive a custodial sentence?

**Mr BRAD HAZZARD:** I think it depends. Custodial sentence as opposed to some other forms of penalty makes it a little difficult because it depends on whether they are dealt with by full-time custody or periodic—now detention in the community. I will find out those figures. My recollection is that it ranges of the order of about 50 per cent to 60 per cent that eventually are found guilty and given some sort of penalty, but I am just not sure of the fine detail.

**Mr DAVID SHOEBRIDGE:** You have jumped to the next question. What proportion is found not guilty or has charges withdrawn?

**Mr BRAD HAZZARD:** Can I just point out that the secretary/director general has just said to me, which is right, sometimes it is a little difficult to look at those figures because on occasions—quite a few occasions, sadly—people are not given a custodial sentence prospectively because they have already served the time while they were waiting on remand. So what are you looking for and I will try to get it for you?

**Mr DAVID SHOEBRIDGE:** Whether there is a problem where people have been held on remand in custody but when they eventually go to trial either the charges are withdrawn or dismissed, in which case they should not have spent a day in custody on those charges, or the court has determined that in the circumstances a non-custodial sentence is appropriate and, therefore, they should not have spent a day in custody. That is the point. That is the concern with a very large remand population, as you would know.

**Mr BRAD HAZZARD:** Okay. I think first of all we would all share your concern that anybody who is imprisoned on remand and then found to be innocent—

**Mr DAVID SHOEBRIDGE:** Or at least not guilty is the finding.

**Mr BRAD HAZZARD:** Okay, not guilty. We would all share your concerns about that. But do you know what? Advancing the proposition you just did, which seems to suggest that no-one should be put behind bars on remand because some people will be found innocent—

**Mr DAVID SHOEBRIDGE:** That is not my proposition at all.

**Mr BRAD HAZZARD:** I am sorry, David. That is the way it came out and I think that is a silly proposition.

**Mr DAVID SHOEBRIDGE:** But that is not my proposition.

**Mr BRAD HAZZARD:** If you want to say—

**Mr DAVID SHOEBRIDGE:** It was a very simple question. You asked me for the rationale for the question. The rationale is that class of people who have been held in detention on remand, when they are found not guilty, had the charges withdrawn or, if the charges are proven in whole or in part, the court has determined that a non-custodial sentence was appropriate, in those circumstances, should not have spent a day behind bars.

**Mr BRAD HAZZARD:** So you are putting that proposition?

**Mr DAVID SHOEBRIDGE:** And the remand system has failed in those circumstances.

**Mr BRAD HAZZARD:** You are putting that proposition, I am sorry.

**Mr DAVID SHOEBRIDGE:** In relation to that class of offenders, absolutely.

**Mr BRAD HAZZARD:** The argument you are advancing is one that simply says nobody should be put—

**Mr DAVID SHOEBRIDGE:** No it is not. It is absolutely not.

**Mr BRAD HAZZARD:** Anyway. I think it is a reasonable concern to say that people who eventually are going to be found not guilty should not have spent time in prison.

**Mr DAVID SHOEBRIDGE:** Correct.

**Mr BRAD HAZZARD:** But you know what? That goes to the essence of the bail laws. It goes to the essence of determining whether there is risk to the community. That has been under the 1978 Act, the 2013 Act and the amending Act. Those will be the sorts of issues that have been and will be considered. I am sorry, but at the end of the day the role of government is to make sure that, yes, individuals' rights are respected but, gee whiz, we make sure that the community is kept safe. So sometimes in our democratic system some people will suffer, and I am sorry for that. I do not like that idea, but you know what? That is the way it is. The system operates to the benefit of the broader community. We just have to accept that.

**Mr DAVID SHOEBRIDGE:** In relation to those cases where charges are withdrawn or there is a finding of not guilty and charges are dismissed, that is undoubtedly for those individuals—

**Mr BRAD HAZZARD:** Dismissed?

**Mr DAVID SHOEBRIDGE:** Those charges are dismissed—

**Mr BRAD HAZZARD:** Dismissed but not guilty or dismissed under section 10? What are you talking about?

**Mr DAVID SHOEBRIDGE:** Not dismissed under section 10. I will limit it to two places.

**Mr BRAD HAZZARD:** This is why your propositions are ridiculous.

**Mr DAVID SHOEBRIDGE:** When the charges are withdrawn or there is a finding of not guilty, in those cases the system has failed those individuals who have been held in remand—

**The Hon. TREVOR KHAN:** Some witnesses just do not come up to proof, Mr Shoebridge.

**The Hon. ADAM SEARLE:** Is that not the truth?

**Mr DAVID SHOEBRIDGE:** —would the Government consider some form of adequate compensation for those individuals who have spent, often, months in jail and ultimately had that conclusion?

**Mr BRAD HAZZARD:** If the person is improperly imprisoned or if the system is abused then that is available to them now. The reality is that our system is one of the best in the world—in the world. Yes, I share the concern of all right-thinking people that people who are charged and then eventually found not guilty have spent time in our correctional system. But, unfortunately, that is the price we pay for protecting our community, as we need to do. David, the real essence here—which you do not seem to be focused on—is getting the bail decisions done correctly, making sure that we have people trained appropriately to make proper risk assessments for the benefit of the individual and the community. That is something we need to work at. We need to work at that, but the way you embarked on that proposition, I am sorry, it was a little bit scatty.

**CHAIR:** We will return to questions from the Opposition. Mr Searle.

**The Hon. ADAM SEARLE:** The Opposition has obtained some information under the Government information regime about community-based—

**Mr BRAD HAZZARD:** Closure of courts, Adam?



**The Hon. ADAM SEARLE:** No, not closure of courts, community-based offender management. As at April 2011, the figures showed that the successful completion of parole was 80 per cent, but by April 2014 the successful completion rate for parole had declined to only 63 per cent.

**Mr BRAD HAZZARD:** Sorry, from what percentage to what percentage?

**The Hon. ADAM SEARLE:** From 80 per cent to 63 per cent. Can you or the Corrective Services Commissioner provide the Committee with an explanation for that?

**Mr BRAD HAZZARD:** Are you talking about over one year?

**The Hon. ADAM SEARLE:** From 2011 to 2014.

**Mr BRAD HAZZARD:** First of all, the question in my mind would be: Is that statistically significant? It may or may not be, depending on the total population we are looking at and the period of time it has been looked at. I think any successful completion needs to be looked at in a broader perspective than simply the numbers, and it may be that a particular cohort of inmates that were going through at that time had a much different make-up in terms of the offences that brought them into the corrective system.

**The Hon. ADAM SEARLE:** These are all suppositions. Do you have an answer or do you need to take it on notice?

**Mr BRAD HAZZARD:** No, I am saying you cannot draw conclusions from that.

**The Hon. ADAM SEARLE:** There has been a significant decline, from 80 per cent to 63 per cent. Whatever the explanation is—

**Mr BRAD HAZZARD:** Is it statistically significant overall?

**Mr DAVID SHOEBRIDGE:** It is a 20 per cent reduction.

**The Hon. ADAM SEARLE:** Yes, I think it is.

**Mr BRAD HAZZARD:** Well, 20 per cent may or may not be statistically significant—

**The Hon. ADAM SEARLE:** It is one-fifth. That is a pretty significant change.

**Mr BRAD HAZZARD:** It may or may not be. I am sorry, if you want to do some—

**The Hon. ADAM SEARLE:** You are debating the question. Can you answer the question or do you have to take it on notice?

**Mr BRAD HAZZARD:** I do not know that there is any need to take it on notice. I do not know that we need to get too excited about that. If you are particularly interested, I will get someone to have a look at it for you and find out. I do not think you will get any definitive answers on it.

**Mr DAVID SHOEBRIDGE:** That would be a change.

**The Hon. ADAM SEARLE:** That is hardly surprising given this particular witness.

**Mr BRAD HAZZARD:** Thank you for your encouraging support, Adam, I appreciate it.

**The Hon. ADAM SEARLE:** Any time, Mr Attorney. The decline is explained, is it not, by the reduction in supervisory staff in parole?

**Mr BRAD HAZZARD:** Say again?

**The Hon. ADAM SEARLE:** That reduction could be explained by the fact that you have reduced the number of staff in parole?

**Mr BRAD HAZZARD:** So you already have a theory?

**The Hon. ADAM SEARLE:** I am just offering you a possible—

**Mr BRAD HAZZARD:** This is your supposition.

**The Hon. ADAM SEARLE:** I am asking you or the commissioner whether this is in fact the reason.

**Mr BRAD HAZZARD:** Now that we have undertaken to have a look for you, we will find out and let you know.

**The Hon. ADAM SEARLE:** Thank you very much.

**Mr BRAD HAZZARD:** But I suspect that it is nowhere near—it is a bit like Mr Shoebridge's conspiracy theories. It ain't going to be as simple as that. There will be a whole lot of factors that will come into it.

**The Hon. ADAM SEARLE:** I will provide you with the information that your agency has released to us.

**Mr BRAD HAZZARD:** I look forward to that.

**The Hon. ADAM SEARLE:** There has been some criticism of mandatory strip searching, especially of female prisoners and especially if the inmate is the victim—

**Mr BRAD HAZZARD:** By the way, have you been in touch with the Law Reform Commission about the review that is going on in relation to the parole issue?

**The Hon. ADAM SEARLE:** I have not, no.

**Mr BRAD HAZZARD:** I suggest you might because they are getting evidence together on those sorts of issues at the moment and if that is one of your areas of interest you might like to contact them and have a discussion with them because they are producing—

**The Hon. ADAM SEARLE:** I look forward to your answer.

**Mr BRAD HAZZARD:** They are producing a report on it, which is due at the end of this year and that may address some of your concerns in a holistic sense rather than simply snapping on to one particular issue and saying, "Is it because there is a reduction in staff?"

**The Hon. ADAM SEARLE:** I have given you the opportunity to answer the question, Mr Attorney.

**Mr DAVID SHOEBRIDGE:** Or junking two years of good work with a ridiculous report from Hatzistergos.

**Mr BRAD HAZZARD:** Sorry?

**Mr DAVID SHOEBRIDGE:** Or junking two years of good work from the Law Reform Commission, as happened on bail, with a short and nasty little report from the former Attorney General Hatzistergos.

**Mr BRAD HAZZARD:** Now that is a bit unkind. Heavens, David, do better than that.

**The Hon. ADAM SEARLE:** Mr Attorney, how many women's prisons have scanners that can be used as an alternative to strip searches?

**Mr BRAD HAZZARD:** I do not know the answer to that. Commissioner?

**Mr SEVERIN:** There is only one form of scanner that can be used and that is X-ray scanning. There are some concerns using X-ray scanning, for obvious reasons, because it involves people being exposed to the X-rays. The only jurisdiction that has trialled a machine like that in Australia is the Australian Capital Territory.

It has proven there to obviously be effective in the context of detecting anything that might be kept in a body cavity, but it is a quite cumbersome piece of equipment which cannot be moved. The machines that are falsely identified at times that would be useful to be employed for this type of search, which are the ones that you would now find in some airports—which are microwave technology—do not lend themselves to discover anything that is hidden in a body cavity. The technology, unfortunately, is not available and, if it is available, there are very significant steps that have to be taken to get approval from the relevant authorities to actually use it on human beings.

**The Hon. ADAM SEARLE:** In 2012 your Government abolished the program for juveniles known as the Youth Drug and Alcohol Court, which had been established as a recommendation from the Drug Summit. What program has the Government instituted to replace this axed program?

**Mr BRAD HAZZARD:** I am sorry, when was that one axed?

**The Hon. ADAM SEARLE:** In 2012.

**Mr BRAD HAZZARD:** There are a whole lot of programs that Juvenile Justice has been putting in place. It may not be specifically on that, but it has broadly been putting in substantial funds. That is why I was addressing earlier the cost of juveniles in the juvenile justice system. There are programs across the board to deal with offending behaviours, addictive behaviours—drugs, alcohol, but a whole range of other addictive behaviours as well. If you want to have a look at the programs they are all detailed in the budget papers.

**The Hon. ADAM SEARLE:** What particular programs were provided to replace that?

**Mr BRAD HAZZARD:** There are a range of programs that are partially addressing in different ways.

**The Hon. ADAM SEARLE:** How many more young people have been detained because the Government has abolished that program? Have you got a figure on that?

**Mr BRAD HAZZARD:** Did you hear me say before that it has gone down from your Government from about 400 to 260?

**The Hon. ADAM SEARLE:** I am talking about since the axing of this program in 2012.

**Mr BRAD HAZZARD:** What I am saying is the numbers have continued to decline. At the end of the day—this is just silly stuff. I have to say that Juvenile Justice is a very impressive group. The people in Juvenile Justice have a real commitment to ensure that young people get better outcomes. I have dealt with a number of different agencies over my time in public life and I am extremely impressed with the work that goes on through Juvenile Justice. The Juvenile Justice centres—and you are welcome, by the way, to visit them at any stage—are incredible. The people in there are doing what they can to address a whole range of very difficult and challenging behaviours in young people. There is no reluctance throughout the Juvenile Justice sector to look at the broad range of offending behaviours.

Partially it has become a problem—it is a continuing problem, and has been for as long as I have been in public life—that often the issues are not simple. They are multifactorial, they are complex, they require Juvenile Justice to work with a range of non-government organisations and government organisations and so far, obviously by definition, since we are getting less people coming into the Juvenile Justice centres, we are getting a drop in the recidivism rate, which is to the advantage of young people and therefore to the advantage of the community. If you have any specific issues that you want to know about I am more than happy to take them on notice. I will say that I have certainly spoken to Valda Ruisis, who is sitting here with us, about these sorts of issues and I am satisfied that the entire agency is committed to changing behaviours.

Changing the habits of young people and letting them establish their own ambition, their own target, rather than imposing it on them, is critical. We have a very good program called CHART, which stands for Changing Habits and Reaching Targets. It is an evidence-based program that addresses the offending behaviour. It is specifically designed for young people on supervision orders. It is a very structured and tailored program. The program tries to address each young person's—usually—multiple issues. As I recollect, it has six core modules and is usually structured in about 16 discrete sections. So far the results are looking very positive. New programs are coming up all the time and we intend to continue to work with young people in the way that you would expect us to.

**The Hon. ADAM SEARLE:** In 2013 your Government announced \$12 million over three years for the Youth on Track program. How many clients have been case managed since the inception of that program?

**Mr BRAD HAZZARD:** Youth on Track is a very good program. It targets individuals in terms of their multiple issues. It is primarily focused on young people in the 10- to 17-years age bracket. We are trying to put the resources in before they have actually, in a sense, graduated into the criminal justice system. It started in about mid 2013. It works with police and local schools. I have been handed something that tells me that it had three start-up sites: Newcastle city, Lake Macquarie and mid North Coast, it is also operating in the Blacktown Local Area Command. Of the 223 young people—that is the first answer to your question—referred in 2013-14, and this is a very important aspect, 96 were voluntarily involved. Obviously the starting point is far better if they want to be voluntarily involved.

They are voluntarily engaged in case management and interventions to address those behaviours I was talking about. More often than not if you talk to young people who are actually in these centres and talk to the staff you will find that their offending behaviour is just the tip of the iceberg. More often than not they have mental health issues and/or addictive behaviours—sometimes it is cigarettes, sometimes it is alcohol, sometimes its drugs, sometimes it is all of them and sometimes it is other things as well—so they need to address all of those issues. The Youth on Track program coordinates services across the board to try to address each of those behaviours. It seems to be working as well as one could hope for, although realistically I would like to see more positive outcomes.

As the staff in at least one Juvenile Justice [JJ] centre I visited pointed out, it is very difficult because some of these young people come in and out of JJ centres on relatively short cycles. The shorter the cycle the more difficult it is to get the young person involved proactively in the program. It then requires you to try to keep them involved once they get outside. In some sense it is sort of counterintuitive—the longer the young person is in the JJ centre the more likely they are to be able to get successful programs operating but then, of course, they are still in the JJ centre. I am advised that 13 were pending consent to participate, and of those engaged with Youth on Track for longer than three months, 66 per cent reduced their offending risk and needs. The question, of course, is: How long does that last?

**The Hon. ADAM SEARLE:** Over what period was that 66 per cent assessed?

**Mr BRAD HAZZARD:** Keep in mind that it only started in 2013, so it is over a relatively short period of time, which is the issue I was talking to David about earlier. Yes, this is what the outcomes are. Will the outcomes remain that way? Who knows? You need much longer-term longitudinal studies to be able to determine that. The initial work is very positive and the report on the ground from talking to staff is that it seems to be working. Whether it will have that longitudinal effect, we do not know yet.

**The Hon. ADAM SEARLE:** Earlier this year your Government closed the Binyani residential centre, which was a facility for women with mental health, and drug and/or alcohol dependencies. What programs, if any, have been instituted by your Government to replace that residential centre?

**Mr BRAD HAZZARD:** The Commissioner is bursting with enthusiasm to answer the question.

**The Hon. ADAM SEARLE:** I am happy to hear what he has to say.

**Mr SEVERIN:** Binyani was actually a program that diverted women inmates to the centre for particular assessment. It was proven to be not a very viable option. We had great difficulty in getting suitable women. We felt it was much better to utilise the staff, the specialist staff in particular, at the Dillwynia facility and at Emu Plains, and to engage with the same service providers that would have taken over the inmates from Binyani directly from custody. In essence what we have done—and we have invested some funds into this—is create a network with the same providers that we dealt with earlier. We actually have much better penetration now in relation to getting more people into those types of services rather than having to serve a custodial sentence. It is early days in the context of sustainability. I am very confident that it will be sustainable. It will actually be better than having them physically in a different location, which did not offer many advantages once we evaluated it.

**Mr DAVID SHOEBRIDGE:** What proportion of the Juvenile Justice population is being held on remand at the moment?

**Mr BRAD HAZZARD:** What proportion of the 260 is being held today?

**Mr DAVID SHOEBRIDGE:** Yes.

**Mr BRAD HAZZARD:** I do not know the answer to that, but I will find out for you. Ms Ruisis might know.

**Ms RUSIS:** It averages 50 per cent. It varies through the year. It can vary anywhere between 20 per cent and 70 per cent, but when analysed it comes out at about 50 per cent.

**Mr DAVID SHOEBRIDGE:** How is that tracking historically? Is it normally 50 per cent?

**Ms RUSIS:** It has been 50 per cent for the past several years.

**Mr BRAD HAZZARD:** I appreciate what Ms Ruisis is saying, and she is free to interrupt me, but all these questions are very specific figure questions. I note from a brief that I had at some stage that the average daily number of young people on remand was 159. This is consistent with 2012-13, but a reduction of 15 per cent. For the past 12 months it has been around about 159. In other words, it is similar to the previous year.

**Mr DAVID SHOEBRIDGE:** In a juvenile detention population of 260,159 is well over 50 per cent, is it not?

**Mr BRAD HAZZARD:** Not really. The JJ population has come down from just over 300. It is also declining. You are looking at our declined figures but answering your question is on a retrospective basis—it was over 300. So it is consistent with 2012-13.

**Mr DAVID SHOEBRIDGE:** I am not saying these are easy issues. I am trying to get a sense of where it is at the moment.

**Mr BRAD HAZZARD:** That is what I was about to say to you. It is a reduction, which pleases me and I am sure would please you, of about 15 per cent from 2011-12. The good news is that, compared with the former Labor colleagues that you supported so heavily, it is a reduction of 23.5 per cent since Labor was last in government. So there has been some real effort to try to manage young people far more successfully. If I could also indicate—to give you the full information—the total number of remand remissions in 2014—keep in mind that what you are asking so far is about the daily population—

**Mr DAVID SHOEBRIDGE:** The average daily population. I understand that it cycles up and down.

**Mr BRAD HAZZARD:** More importantly, it cycles through. So you have a lot of people who are there for very short periods of time. That is what I was saying before about the problem with getting the programs.

**Mr DAVID SHOEBRIDGE:** Mr Attorney, you are jumping to my next question, which is, what is the average period for which juveniles are held on remand in juvenile detention?

**Mr BRAD HAZZARD:** Can I just indicate this? The total number of remand admissions in 2013-14—and keep in mind that that went from roughly 300 on a daily basis down to about 260—was 3,498. So there are a fair number of young people who move through it. Even that is a reduction of 10 per cent from 2012-13 and a reduction of 33 per cent since the last days of Labor. The weekly numbers on remand fluctuate during the year, with a high of about 194 at the end of February 2014. You just asked something else. What did you ask?

**Mr DAVID SHOEBRIDGE:** The average period for which juveniles are being held on remand.

**Mr BRAD HAZZARD:** Right now the average period in 2014 is 16.5 days. That answers your question.

**Mr DAVID SHOEBRIDGE:** Mr Attorney, I was going to ask either you or Ms Ruisis, if she is the appropriate person to answer it, how the change to the Bail Act—and I think it is a variation order under section

52 where bail is refused because of the absence of adequate accommodation—is working in relation to those juveniles who come before the system.

**Mr BRAD HAZZARD:** I thought that was under section 28, but I might be wrong.

**Ms RUSIS:** Yes, it is section 28.

**Mr DAVID SHOEBRIDGE:** It might be section 28.

**Mr BRAD HAZZARD:** It is. That does not matter much, it is just the provision. It is working reasonably well, as evidenced by the fact that we have fewer people actually in the prison at any one time.

**Mr DAVID SHOEBRIDGE:** I do not know if that is as a result of section 28 or not. Are you tracking the number of applications under section 28 and just how it is working in practice? I suppose that is why I was asking if Ms Ruis might give some answers.

**Mr BRAD HAZZARD:** My understanding is that it seems to be working quite well. I am happy if the professional view is also put to you. My understanding is that, yes, there have been some people who have been held longer than I would have liked because they are still trying to find accommodation for them and so on. Ms Ruis, do you want to add anything?

**Ms RUSIS:** Juvenile Justice was very keen to have section 28. For instance, it is not uncommon for a girl to be held at Juniperina in Sydney who comes from Moree. They may be granted bail at four o'clock in the afternoon. Under the old Act we needed to get them back safely, which was very difficult at times. It was often unsafe—it could be unsafe for the young person and also for staff. We asked for section 28, with lots of checks and balances. If a young person is granted bail under section 28 and is still in custody, every second day we have to report back to the court about why they are still there. So there are lots of checks and balances.

To give you an idea of how much it has been used, there have been 29 young people since then with an average stay of one to two days. They normally go the next day. There has been an exception where someone was held for longer, but again there were reports back to be court every second day. That was a very complicated Community Services matter because the person was under parental responsibility. So we believe it is very transparent. We are keeping records and reporting to the Attorney General's office regularly. They have asked for reports on it. There is also a watching brief over it to make sure that it is being used for what it was intended.

**Mr DAVID SHOEBRIDGE:** Ms Ruis, in your opinion is it producing good, systemic outcomes? Is it achieving the policy objectives for which it was designed?

**Ms RUSIS:** I think it is. Historically a significant proportion of our remand population were young people who actually had conditional bail but could not meet it.

**Mr DAVID SHOEBRIDGE:** They could not find accommodation in large part.

**Ms RUSIS:** That is right. So two years ago in Juvenile Justice we converted some positions to work exclusively with those sorts of young people. So we have halved the number of young people who used to be on conditional bail. There used to be over 150 during the year. It has dropped down to less than 50 now. Section 28 is an adjunct to that because it helps us to keep the young people in overnight, if need be, to get them somewhere safe and also to locate somewhere for them to go. Under the old conditions, if a young person was granted bail they were just released that day even if they had nowhere to go. It was obviously unsafe for everybody. We have worked very hard to reduce the number of conditional bails, which is evidenced by our statistics—and section 28 also assists us.

**Mr DAVID SHOEBRIDGE:** Are there any resourcing bottlenecks in terms of accommodation that are preventing you from reducing that number further?

**Mr BRAD HAZZARD:** Of course there are.

**Mr DAVID SHOEBRIDGE:** What are they?

**Mr BRAD HAZZARD:** Just in particular locations. As Ms Ruis was saying, if you are going back to remote communities then it is sometimes difficult to find accommodation.

**Mr BRAD HAZZARD:** David, if you want any specific information I am happy to share it with you. We think this is a big success story.

**Mr DAVID SHOEBRIDGE:** I celebrated section 28 as it was passing through the Parliament and I am glad to hear it is working. I would hope that the good news parts of the reformed Bail Act are getting as much prominence as the areas where it is being critiqued. Its impact on reducing juvenile detainees—

**Mr BRAD HAZZARD:** We do not resile from that. I and the Coalition Government are every bit committed to this. In fact I am delighted that the people who you supported so strongly and thought were so wonderful, since that time—

**Mr DAVID SHOEBRIDGE:** You must have a different memory of history to what I have.

**Mr BRAD HAZZARD:** I have a very clear memory that time and time again—

**Mr DAVID SHOEBRIDGE:** I have let you go on about 50 times where you have said this. It is a load of baloney.

**Mr BRAD HAZZARD:** No, it is not baloney. Regularly in my time in politics Labor people have got in seats because Greens preferences have gone to them. Anyway, that is by the by. I just point out that since the last days of the Labor Government, it has dropped by about 58 per cent in terms of the young people you are concerned about. So I think we are doing pretty well. That is not to say that we have done enough. As Ms Ruis just said to you, my office has asked for those figures.

**Mr DAVID SHOEBRIDGE:** Mr Attorney, I look forward to you calling up Mr Hadley and telling him that directly sometime in the next seven days.

**Mr BRAD HAZZARD:** What am I going to tell him?

**Mr DAVID SHOEBRIDGE:** That those aspects of the Bail Act are working, that we have reduced greatly the number of juveniles who are being inappropriately held on remand, and that those elements of the Bail Act should be celebrated by him and his ilk.

**Mr BRAD HAZZARD:** Thank you for your advice on how to handle the media, David. I do not know that I will actually accept your advice.

**Mr DAVID SHOEBRIDGE:** I am going to ask a question which really cuts across four portfolios, and I acknowledge that it is a difficult issue.

**Mr BRAD HAZZARD:** For you or for me?

**Mr DAVID SHOEBRIDGE:** It is for me; maybe it is very simple for you. It is in relation to juveniles who are in out-of-home care and the police are called where there are allegations of violence or charges of violence between the juvenile and the carers in out-of-home care.

**Mr BRAD HAZZARD:** So, in other words, a young person is in a group home and an NGO is looking after the young person. When something happens, instead of the NGO acting like a parent would and saying, "Don't do that" and dealing with it, the NGO calls the police. Is that what you are saying?

**Mr DAVID SHOEBRIDGE:** There are instances of violence by young people where the violence can escalate in group homes and the police are called. There have been a number of instances reported where the police have interpreted section 5 (f) of the Crimes (Domestic and Personal Violence) Act to say that the relationship between the juvenile and the carer is a domestic relationship and therefore they are compelled to seek apprehended domestic violence orders [ADVO] against the juvenile in those circumstances. I am more than happy for you to take it on notice because it is a difficult issue—well, it is for me, anyway.

**Mr BRAD HAZZARD:** I am very familiar with these sorts of complex issues.

**Mr DAVID SHOEBRIDGE:** Is that the intended policy outcome from section 5 (f), that it will lead to a compulsory ADVO through deeming that relationship between a juvenile and a carer to be a domestic relationship?

**Mr BRAD HAZZARD:** I think that is an area that requires a lot more consideration. It depends on the level of violence, I suppose. If a young person does something which is inappropriate, and it may even amount in an objective sense to an assault or criminal activity, then in the usual course most parents in that situation would deal with the issue inside the family—unless of course it was serious, in which case they would not; they would probably seek the assistance of the police. I am aware that there have been assertions made that some organisations and some group homes instantly escalate things and call in the police.

**Mr DAVID SHOEBRIDGE:** I have had a number of people contact my office, including from within the police, to say that that escalation is happening too readily, that the police are being involved too readily. In many ways it is a contracting out of the problem from the group homes, from the NGO, to the NSW Police Force and ultimately to Juvenile Justice.

**Mr BRAD HAZZARD:** I share your concerns. I think that it would be good if those non-government organisations thought about the issue you are raising and determined whether there was some better way to handle it within their own policies and procedures. But at the end of the day if it is a serious issue we have to have some way of having the police involved appropriately. It is like everything else, it is a challenging and difficult issue. I do not profess to have a magic wand to be able to solve all of these problems right now, but I share your concerns.

**Mr DAVID SHOEBRIDGE:** Are you looking at giving some guidance about how section 5F should be interpreted in those circumstances, as to whether it should fall within or without the definition of a domestic relationship?

**Mr BRAD HAZZARD:** How about we have a look at it. I cut across you to some degree by saying that I already knew the circumstances. If you give me a letter and set out the examples you have so I have some hard evidence I am quite prepared to take advice from the agencies, including the Attorney General's department. There are a lot of fantastic people working in the Attorney General's department who would be every bit as concerned as you are. We will look at the issues and try to talk to our colleagues and the police to get a holistic view. As I said to you at the outset of these questions today, the one thing I have as Attorney General is a complete commitment to ensuring that we have a holistic approach to the legal system. Let us make sure that those who have to gather the facts, prosecute the case and those who defend it have a broader understanding of our legal system in the interests of our New South Wales community. You give it to me and I will look at it for you. I will look at it for all of us, not just for you. I will look at it for all of us.

**CHAIR:** That concludes this afternoon's hearing. I thank the Attorney General and officers for appearing before the Committee.

**Mr BRAD HAZZARD:** I thank members of the Committee for their interest in these issues. I also thank my staff and the staff who represent the taxpayers of New South Wales for taking part.

**(The witnesses withdrew)**

**To Committee proceeded to deliberate.**

---