

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

WRITTEN QUESTION

Mrs Finocchiaro to the Attorney-General and Justice:

Annual Report – Department of the Attorney-General and Justice

1. What was the total spend by the Department of Attorney-General and Justice for the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory during the time period covered by the 2016-17 annual report?
2. What consultations were undertaken by the Department of Attorney-General and Justice prior to the introduction of Regulation 5AB of the *Liquor Regulations* (repealed) in January of 2017)?
3. How much money was expended on outside legal and other professional advice in relation to the matter that Endeavour Drinks Group filed and later dismissed in the Federal Court of Australia?
4. How many lawyer hours have been spent dealing with Regulation 5AB of the Liquor Regulations, the Federal Court matter filed by Endeavour Drinks Group, the drafting and passage of the *Liquor Legislation Amendment Act* and the *Liquor Amendment Bill 2017*?
5. At any time in 2016-17 did representatives, staff or contractors of the Department of Attorney-General and Justice meet with representatives, staff or contractors of AHA (NT) and, if so, what was the nature and subject matter of those meeting(s)?
6. What was the total funding for the Aboriginal Justice Unit in 2016-17?
7. What were the results of the KPMG independent review into the Director of Public Prosecutions and when will those results, along with the suggested changes and improvements, be completed?
8. What was the total cost of the re-implementation of the Banned Drinker Register (“BDR”) under the *Alcohol Harm Reduction Act 2017*, including technology and implementation costs?
9. What consultations, if any, were undertaken with stakeholders prior to the re-introduction of the BDR to the Parliament in May of 2017?
10. What is the reason that only 59 per cent of eligible prisoners participated in Sentenced to a Job, against the budgeted 85 per cent and what is being done to ensure that the target of 85 per cent is reached in the next year?

11. Is a Certificate II in Hospitality the only certificate level VET training available to prisoners in work camps and are there any plans to make additional certifications available?
12. How many VET programs were available to adult prisoners in the Alice Springs Correctional Centre and the Darwin Correctional Precinct at the end of the reporting period and what were those programs?

Annual Report – Director-General Licensing

1. At any time during the past 18 months, did the Director-General of Licensing undertake any consultation, with any party public or private, concerning a 400 square metre restriction on the floor space of off-license liquor outlets?
2. If the answer to question 1 is yes, what consultations—and with what parties—were undertaken prior to the introduction of Regulation 5AB of the *Liquor Regulations* (repealed)?
3. What communications or consultations, if any, has the Director-General of Licensing had with the AHA (NT) during the time period covered by the Annual Report and what were the topics of discussion in those communications or consultations?
4. Did Dan Murphy's, Endeavour Drinks Group, Woolworth's Ltd or any other party acting on their behalf apply for an off-premises liquor license or the transfer of an existing liquor license during the time period of the report and, if so, why is it not listed in the report?
5. Does Dan Murphy's, Endeavour Drinks Group, Woolworth's Ltd or any party acting on their behalf currently have a pending application for a liquor license or the transfer of a liquor license and, if so, what is the status of that application?
6. How much money was spent by the Director-General of Licensing on outside legal or other professional advice concerning the 400 square metre floor space limit that was introduced through Regulation 5AB of the *Liquor Regulations* and later enshrined in the *Liquor Legislation Amendment Act*, which was passed on 22 June 2017?
7. One liquor license was suspended and 2 others were issued a monetary penalty or infringement notice in 2016-17, what was the identity of those licensees and what were the investigation findings leading to those penalties being imposed?
8. What was the total amount spent on Compliance and Enforcement operations in 2016-17?

9. Totalisator licensing wagering revenue decreased by nearly \$16 million, how does the department account for that drop in turnover?
10. What is the total number of electronic gaming machines in operation in the Territory as of the date of the annual report and by how many new machines have been added since 1 September 2016?

Annual Report – Commissioner for Information and Public Interest Disclosures

1. The 2015-16 annual report showed Disclosures by Type as a percentage. This year's report shows Disclosures by Type as a number which makes it difficult, at least initially, to compare the two years. Interestingly, the largest type of disclosure 'Other forms of dishonesty' accounts for 39% of all types in both years. Can you please explain what this category covers?
2. 57% of all disclosures were made by public servants. Can you please advise the top three Agencies, the number and type of disclosures for each where these public servants were employed?
3. The estimated number of FOI complaints in 2015-16 was 20 and the actual number was 43. The estimated number of FOI complaints in 2016-17 was 20 and the actual number was 35. It is noted the estimated number of FOI complaints for 2017-18 is again, 20. Are the number of complaints expected to continue to decline and if so, what is the reason for this?
4. Please explain why the number of training sessions has reduced from 27 to 10 and a corresponding number of participants has reduced from 446 to 321 in the past year. With the high turnover of public servants, shouldn't training remain at an optimum level?
5. It is noted the number of policy hours has also reduced significantly, from 708 to 464 and yet the estimate for both years was 650. Please explain the reason for this. It is noticed that the 708 figure in 2015-16 was unusually high.

Annual Report – Community Benefit Fund

1. The Community Benefit Levy (10% of player losses) raised \$11m in financial year 16/17. What threats exist to predicting a similar level of revenue from the Community Benefit Levy into the future?
2. How will the CBF review impact Somerville Community Services given that it received \$354,397 for its problem gambling service?
3. How can one explain the drop in numbers approved from 97 in 14/15 to 57 in 16/17?

4. Why was there such a fall from the amount approved in 14/15 of \$6.5m to \$3.6m in 16/17?
5. How does the NT Field and Game website cost \$10,000 but the MyFuel NT website cost over \$250,000 per year?
6. When was it decided that the CBF grants system should be reviewed? How many groups were consulted? What advertising was commissioned in relation to this review?

Annual Report – Community Justice Centre

1. There was a significant amount of information in the 2015-16 report that is missing from this year's report, such as the activities of the Community Justice Centre (CJC). Is there a reason for this?
2. It is difficult to compare CJC statistical information across the 2015-16 and 2016-17 annual reports. The number of dispute resolution files opened in 2015-16 was 445. The wording used in this year's report is different; regardless, it does appear that the number of new cases is significantly less. Please confirm the total number of new cases in both 2015-16 and 2016-17.
3. Are you able to explain why the number of cases referred to CJC in 2016-17 was considerably lower than the previous year?
4. Can you please explain the current referral process?
5. Please explain why the results of the Client Satisfaction survey, which the 2015-16 report states is provided to parties during the intake phase by the Community Justice Centre, does not appear in this year's report.
6. This year's report did not detail any regional highlights or provide any statistical data by region. Can you please advise if the complexity scores recorded in the Central Australia region are still notably higher than those in the Top End?
7. The 2015-16 report indicated the need for expert mediators with advanced knowledge, skills and ethical understanding, given the absence of a permanent office in Alice Springs. Have any such appointments been made as yet in Central Australia?
8. It is noted that the number of cases being referred regarding antisocial behavior has increased by 8%. Are you able to explain the reason why the cases in this dispute environment have increased by this degree?

Annual Report – Community Visitor Program

1. It was difficult to compare statistical data across the last two years in the overview sections as there was far more data presented in this year's report, which is an indication of improvements in the administration of the Program. However, it is noted that the spikes in cases were in 2012-13 and 2015-16 with a reduction in 2013-14 and a smaller reduction in this last year. Is there any data available that may explain the reasons for this?

Mental Health

Quotes used in the report:

Notes on reading the Annual Report:

'Quotes' used in the Annual Report faithfully represent the issues and matters raised by people in facilities. They are not intended to be read as direct, word for word statements. By including the 'quotes', the CVP does not imply that there were errors or failings in the service in response to any matters raised or represented.

The CVP notes that the Annual Report does not raise all issues that arise over the course of the year. Some serious matters are not reported on for confidentiality reasons or in the interests of fairness to the services overall.

2. Some of the quotes used in the report are disturbing. Rather than just referring to these quotes as faithfully representing the issues and matters raised by people in facilities, can you please explain where these quotes are recorded and how the selection of these quotes for publication in the annual report is decided?
3. Page 19 of the report shows there were 227 seclusion events in the Territory with a breakup of 94 adults and 7 children. Can you please explain this discrepancy?
4. It is noted that the following recommendation has been open since 2006: *That a comprehensive accommodation and support model is developed, adequately resourced and provided in the Top End of Northern Territory.* There are obvious measures being adopted to place long term residents in community accommodation while waiting for the accommodation and support model to be developed. However, can you please explain the current process and also the number of long term residents that were successfully placed during 2016/17?
5. Can you please advise the number of long term residents that are currently being placed in hospital accommodation while waiting for appropriate community accommodation?
6. It is noted that the following recommendation has been open since 2007: *That the Mental Health Service ensure that interpreters are present at assessment for all consumers whose first language is not English. It is further recommended that interpreter assistance is then arranged for all further*

assessments and to assist the consumer at any hearing before the Mental Health Review Tribunal. Can you please advise the proportion of those consumers whose first language is not English who are not currently provided with an interpreter at assessment and at any hearing before the Mental Health Review Tribunal.

7. Please provide a breakdown of the particular languages for which interpreters cannot be found.
8. What measures have been put in place to date to progress the placement of interpreters at these assessments?
9. Another recommendation, outstanding since 2011 is: *That the service provide evidence that in the process of involuntary admissions that there is adequate explanation of rights to consumers, including legal status on admission, offering of interpreters and early access to the Mental Health Review Tribunal. (Reworded, 2016).* Notwithstanding the obvious issue with interpreters, can you please advise whether consumers undergoing the process of involuntary admissions, who do not require an interpreter, are provided with adequate explanation of rights, including legal status on admission, and the offer of early access to the Mental Health Review Tribunal? There is reference to the improvement of reporting of involuntary admissions in the report, but it is not clear as to the extent of the communication of the consumer's rights on admission.
10. A recommendation open since 2013 regarding cultural safety is: *That the Top End Mental Health Service (TEMHS) implement strategies to ensure the cultural safety of clients with a particular focus on the needs of Indigenous clients in line with TEMHS.* Can you please explain what is currently in place to ensure the cultural safety of consumers, in particular Indigenous clients?
11. The following recommendation has also been open since 2013: *That management request a report from the Director of ECT on evidence of quality activities, demographics of clients receiving ECT, the nature of consent and key clinical indicators for ECT across the patient population.* Can you please explain why a recommendation which appears quite simple on the surface is still open after four years?

Disability

12. The following recommendation has been open since 2013: *That adequate duress alarms for staff and visitors are installed.* This is surely a relatively simple request through the Minor New Works program? Is there a reason this has not been finalised?
13. There are several recommendations open since 2014, but one in particular stands out as one that surely is achievable in a relatively short time frame. The recommendation is: *That the Secure Care Facility management explore options for accommodating women within the facility separate from men.* Please explain why this has not occurred.

Annual Report – Electricity Safety Regulator

1. Can you please explain why the number of Certificates of Compliance audited as per sections 67 and 68 have increased from 900 in 2015-16 to 1,353 in 2016-17 ie over 400 in one year.
2. The number of complaints investigated has increased from 37 to 57. Has the nature of complaints changed between the two years?
3. Does this increase explain the 50% increase in the number of audits?

Annual Report – NT Civil and Administrative Tribunal

1. Does the Tribunal have sufficient funding to recruit an additional full time Alice Springs based member or will that appointment require additional funding?
2. Has a policy review of the NTCAT Act been initiated, with particular regard to the issue of costs, including, among other things the ability of successful parties to recover reasonable expenses they have no alternative but to incur and the ability of the Tribunal to enter default judgments?
3. With the additional caseload that is expected in the next year, will additional funding be required as part of the 2018 budget process?

Annual Report – NT Police: Misuse of Drugs

1. There were over double the amount of drug detection area authorisations in 2016-17, with 42 of those resulting in the seizure of a dangerous drug or precursor; how many of those instances involved the seizure of methyl-amphetamine or the precursors of methyl-amphetamine?

Annual Report – Anti-Discrimination Commission NT

1. To date, how much has been spent on the review of the *Anti-Discrimination Act*, including the consultations that have been performed in various locations throughout the Territory?
2. In the categorisation of complaints, listed on page 51 of the Annual Report, it states that there were 91 complaints for failure to accommodate a special need; what are the special needs that are at issue and can you provide a breakdown by need classification?

3. In the past year, has the Commission received any complaints about either the hiring practices at religious schools in the Territory or the process by which religious schools admit students?
4. At page 52 of the Annual Report there is a discussion of the seeking of unnecessary information pursuant to section 26 of the *Anti-Discrimination Act*, are you able to provide a summary of the information that served as the predicate for the 84 complaints in this subject area in 2016-17?
5. Is it anticipated that changes to the *Anti-Discrimination Act* that may be made in conjunction with the review that is currently underway would necessitate an increase in funding for the Commission in the next financial year?

Annual Report – Workers Rehabilitation and Compensation Advisory Council

1. The 2015-16 report has in its list of proposed work to be undertaken by the Council in 2016-17, '*stakeholder input surrounding negotiated settlements*'. There are other items in this list that are carried forward to the 2016-17 report and appear under Planned Activities of the Advisory Council for 2017-18. However, this item is missed entirely. Can you please advise if this was dealt with during 2016-17?

Annual Report – Children's Commissioner NT

1. Can the Minister please explain why only 45 per cent of child protection notifications were investigated within a 28 day time period, a 5 per cent decrease from last year, and why only 69 percent were dealt with within 62 days, a 3 per cent decrease from last year? What will Government do to expedite this process and reverse the decrease?
2. According to the Office of the Children's Commissioner's Annual Report in reference to child protection notifications, 'it would be highly desirable for an audit to be conducted by Territory Families to assess why so many notifications continue to be screened out. Does Government plan on conducting an audit? If so, when is the expected completion date? If not, why not?
3. In comparison to other jurisdictions, the Northern Territory has a low rate of Aboriginal children being placed with Aboriginal carers. Please provide details of current and planned initiatives aimed at increasing the number of Aboriginal carers, and current and planned support provisions in place for Aboriginal carers.

4. Please provide details of current and planned initiatives aimed at increasing the number of kinship carers, and current and planned support provisions in place for kinship carers in the Northern Territory.
5. Between 1 July 2016 and 1 July 2017, the CEO of Territory Families notified the Children's Commissioner of 91 cases of harm and exploitation of children. The Commissioner discovered that there were 10 cases that she was not informed of. Why were these cases withheld from the Commissioner?
6. How does Government account for the increased number of cases of harm and exploitation against young people placed in foster care? Will the support and screening of foster carers be reviewed? If so, when? If not, why not?

Annual Report – Commissioner of Consumer Affairs

1. The 2016-17 Department of Attorney-General and Justice Annual Report at page 80 reflects that only 335 compliance actions were initiated in 2016-17, as compared with 635 in 2015-16; what is the reason for that dramatic drop?
2. How much money has been spent by the Northern Territory Consumer Affairs Commission on the research, design, implementation and compliance in association with the MyFuel NT initiative in conjunction with the *Consumer Affairs and Fair Trading Act* passed in May of 2017?
3. How many full time equivalent staff have been tasked with research, design, implementation and compliance in association with the MyFuel NT initiative in conjunction with the *Consumer Affairs and Fair Trading Act* passed in May of 2017?
4. What consultation, if any, was solicited from the ACCC prior to the passage of the *Consumer Affairs and Fair Trading Act* passed in May of 2017?
5. What actions is the Commissioner for Consumer Affairs taking to ensure that that prices reflected on the MyFuel NT website are accurate in accord with the *Consumer Affairs and Fair Trading Act*?

Annual Report – Work Health Authority

1. What was the rate of return to work for the financial year by employees who had lodged claims for workers compensation? How does this rate compare with the last seven accident years?
2. Why was the average workers compensation claim size of \$42,500 higher than most prior years?

3. How many improvement and prohibition notices were given to businesses during the financial year and how does this compare with previous years? What is the explanation of this trend? How much revenue was received over this period and how does this compare with previous years?
4. How does the number of workplace visits for 2016/17 compare with previous years? What criteria is used to determine these visits? Has this criteria changed? On what basis do inspectors suspect that a breach of legislation may have occurred? What are the factors involved?
5. How many stress claims were lodged by government employees over the year, from which departments, what category/classification of employment and how does this vary from previous years?
6. What was the outcome of the seven prosecutions for the financial year?

Annual Report – Health and Community Services Complaints Commission

1. It is acknowledged that any increase in enquiries and complaints received by the Commission would in part be due to the Commission's efforts in encouraging an awareness of the rights and responsibilities of users and providers of health and community services. However given that the 823 enquiries and complaints received in 2016-17 represent a 32.5% increase over the 621 received in 2015-16, are you able to provide other reasons for this increase?
2. The 2015-16 report committed to a project plan that would ensure that complaints mechanisms are available and accessible to people receiving services funded by the NDIS, and also to develop a business case for additional short term funding. Can you please provide specific details of the plan and advise if a business case for additional funding was developed?
3. To what do you attribute the significant increase in complaints about treatment over the last three years?