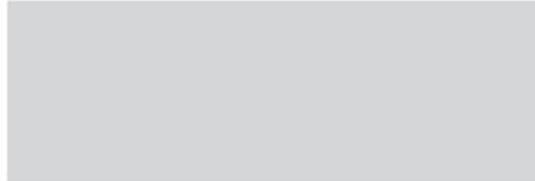




5 April 2024

Your ref: [REDACTED]
Our ref: GIPA23 [REDACTED]
LAMA ID: 23/[REDACTED]



Dear [REDACTED]

Formal Access Application - Notice of Decision

I refer to your Formal Access Application under the *Government Information (Public Access) Act 2009* (GIPA Act) that you lodged with the Department of Communities and Justice (the Department) on 9 November 2023.

You originally requested a copy of the following information:

- *Contentious Briefing Notes and attachments since 1 October 2023 to the date this application is validated (22 November 2023). Please exclude drafts. If there is more than one on the same topic, please limit to the most recent. Please exclude duplicates, documents that have already been publicly released, media releases/articles/news stories and correspondence with the media. Please limit searches to the Department Secretary and for electronic searches only.*

On 20 November 2023, you further clarified that briefing notes should include the world 'contentious'.

Following conversations to negotiate the scope of your application, on 22 November 2023 you agreed to revise the scope as below:

- *Contentious Issues Briefs for the time frame 1 October 2023 to 22 November 2023. Please exclude drafts. If there is more than one on the same topic, please limit it to the most recent. Please exclude duplicates, documents that have already been publicly released, media releases/articles/news stories and correspondence with the media. Please limit searches to the Department Secretary and for electronic searches only.*

On 22 November 2023, the Department received an email from you agreeing to the proposed scope.

In our email dated 22 November 2023, the Department accepted this proposed scope and a valid acknowledgement letter was sent.

In the Department's valid acknowledgement letter dated 22 November 2023, you were informed that your application would be decided by 19 January 2024. However, the due

date was extended on a number of occasions until to 5 April 2024. We thank you for your assistance in this regard.

In processing your application, I have taken into account the obligations referred to in section 53 of the GIPA Act which states:

“53 Searches for information held by agency

(1) The obligation of an agency to provide access to government information in response to an access application is limited to information held by the agency when the application is received.

(2) An agency must undertake such reasonable searches as may be necessary to find any of the government information applied for that was held by the agency when the application was received. The agency’s searches must be conducted using the most efficient means reasonably available to the agency.

(3) The obligation of an agency to undertake reasonable searches extends to searches using any resources reasonably available to the agency including resources that facilitate the retrieval of information stored electronically.

(4) An agency is not required to search for information in records held by the agency in an electronic backup system unless a record containing the information has been lost to the agency as a result of having been destroyed, transferred, or otherwise dealt with, in contravention of the State Records Act 1998 or contrary to the agency’s established record management procedures.

(5) An agency is not required to undertake any search for information that would require an unreasonable and substantial diversion of the agency’s resources.”

In accordance with the obligations outlined in section 53 of the GIPA Act, I can advise you that searches for records falling within the scope of your application were undertaken by the Office of the Secretary and Briefings and Correspondence Allocation Management business units.

Decision

I have carefully considered your request in view of the objectives of the GIPA Act where you have a legally enforceable right to obtain information, unless there is an overriding public interest against disclosure of the subject information.

I am authorised by the principal officer, for the purposes of section 9(3) of the GIPA Act, to decide your access application. I have decided:

- Under section 58(1)(a) of the GIPA Act, to provide you with access to some of the information that falls within the scope of your request;
- Under section 58(1)(c) of the GIPA Act, that the information is already available to you; and
- Under section 58(1)(d) of the GIPA Act, to refuse to provide access to some of the information that falls within the scope of your request because there is an overriding public interest against disclosure of the information.

The Public Interest Test

In deciding which information to withhold in full or in part, I was required to conduct a “public interest test” where the public interest considerations favouring disclosure of government information were weighed against those factors that do not favour disclosure. The following are a number of public interest factors I considered which favour disclosure of the information requested:

- Disclosure of the information could reasonably be expected to promote open discussion of public affairs, enhance Government accountability or contribute to positive and informed debate on issues of public importance.
- Disclosure of the information could reasonably be expected to inform the public about the operations of agencies and, in particular, their policies and practices for dealing with members of the public.
- Disclosure of the information could reasonably be expected to ensure effective oversight of the expenditure of public funds.
- Disclosure of the information could reasonably be expected to advance the fair treatment of individuals in accordance with the law in their dealings with agencies.
- Disclosure of the information could reasonably be expected to reveal the reason for a government decision and any background or contextual information that informed the decision.

However, a number of documents have been withheld from disclosure as they contain information where a public interest factor against disclosure, outweighs the factors in favour of disclosure.

Reveal an individual's personal information- clause 3(a) and clause 3(b)

Information that has been withheld from disclosure under **clause 3(a)** of the table to section 14 of the GIPA Act is information that would reveal another individual's personal information.

Personal information is defined in the GIPA Act as being:

...information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual (whether living or dead) whose identity is apparent or can reasonably be ascertained from the information or opinion. [Schedule 4(4)(1) GIPA Act]

Further, the term 'reveal' is defined in Clause 1 of Schedule 4 –

...reveal information means to disclose information that has not already been publicly disclosed (otherwise than by unlawful disclosure).

An individual's personal information may include their identity, contact information, information relating to their involvement with the Department etc. I am satisfied that the information that has been withheld is information that relates to an individual who is not an employee of the Department and is information that has not been publicly disclosed. I am therefore of the view that there is an overriding public interest against disclosing information that reveals an individual's personal information.

As the Department's role comprises of child protection interests, third party information exists within the records attached. Individuals must have confidence in the Department meeting its legislative obligations. Releasing third party personal information in response to an application under the GIPA Act, would contravene the Department's obligations under the *Privacy and Personal Information Protection Act 1998* ('PPIP Act'). I have placed significant weight on this public interest consideration against release.

Information that has been withheld from disclosure under **clause 3(b)** of the table to section 14 of the GIPA Act is information, the disclosure of which, would contravene an

information protection principle under the *Privacy and Personal Information Protection Act 1998* ('PPIP Act'). Section 18(1) of the PPIP Act states:

"A public sector agency that holds personal information must not disclose the information to a person (other than the individual to whom the information relates) ... unless:

(g) the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure ..."

There are a number of exceptions to this principle however none appear to apply with respect to this access application. In the absence of consent or the application of an exception or exemption to section 18 of the PPIP Act, which recognizes the disclosure of the personal information, disclosure of the personal information contained in the documents would amount to a breach of the PPIP Act.

Third party individuals must have confidence in the Department meeting its legislative obligations under the PPIP Act. Therefore, I have placed significant weight on this public interest consideration against its release.

Disclosure of Personal Information about a Child – clause 3(g)

Information that has been withheld from disclosure under **clause 3(g)** of the table to section 14 of the GIPA Act provides:

"There is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to have one or more of the following effects:

...

(g) in the case of the disclosure of personal information about a child – the disclosure of information that it would not be in the best interests of the child to have disclosed".

In order to rely on this clause as a consideration against disclosure, an agency must show that releasing the information could be reasonably be expected to have the effect outlined in **clause 3(g)** and base this on substantial grounds. The definition of the phrase "could reasonably be expected to" means more than a mere possibility, risk or chance and must be based on real and substantial grounds and not merely speculative, fanciful, imaginary or contrived.

For this consideration to apply the information must be personal information about a child and the agency must demonstrate why disclosure would not be in the child's best interests.

In order to rely on this clause as a consideration against disclosure, an agency must demonstrate that:

- the information contains personal information about a child; and
- it would not be in the child's best interests to disclose the information.

I have identified some of the information falling within the scope of the access application as falling within the definition of personal information as set out in Schedule 4(4)(1) of the GIPA Act. This is because the information reasonably identifies personal information relating to children.

The information withheld recognises that children have an interest in, and right to, privacy, which is manifested by a number of legal norms. Article 16 of the UN Convention on the Rights of the Child provides:

“No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family or correspondence, nor unlawful attacks on his or her honour and reputation and that the child has the right to the protection of the law against such interference or attacks.”

Information that has been withheld under **clause 3(g)** was collected by the Department in the administration of the *Children and Young Persons (Care and Protection) Act 1998*. I am satisfied that the release of this information would not be in the best interests of the children involved as it relates to the children’s affairs. Consideration of the vulnerabilities of the children, as well as the fact that they do not have the capacity to consider or make well-informed decisions as to whether they are prepared to have their personal information be made publicly available, has been weighed heavily in favour of not disclosing such information.

I am satisfied that the release of this information could reasonably be expected to reveal the personal information of children held in the Department’s care. Therefore, this information has been withheld under **clause 3(g)** of the GIPA Act.

Prejudice any person’s legitimate business, commercial, professional or financial interests – clause 4(d)

Information that has been withheld from disclosure under **clause 4(d)** of the table to section 14 of the GIPA Act is information that would prejudice any person’s legitimate business, commercial, professional or financial interests.

Clause 4(d) of the GIPA Act states that:

“There is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to:

*...
(d) prejudice any person’s legitimate business, commercial, professional or financial interests.”*

The term ‘person’ is defined in Schedule 4, Clause 1 of the GIPA Act to include:

An agency, the government of another jurisdiction (including a jurisdiction outside Australia) and an agency of the government of another jurisdiction.

This definition does not limit the definition of ‘person’ in the *Interpretation Act 1987*, which includes an individual, a corporation and a body corporate or politic.

To show that this is a relevant consideration against disclosure, the Department must:

- identify the relevant legitimate interest; and
- explain how the interest would be prejudiced if the information was disclosed.

Information redacted under **clause 4(d)** contains information that would prejudice the legitimate business, commercial, professional or financial interests between Legal Aid NSW and Community Legal Centres (‘CLCs’) such as Mid North Coast Legal Centre (‘MNCLC’). Legal Aid’s position is to retain confidence of its CLC partners where possible,

in not disclosing information that is not already publicly available. Should the details of unsuccessful tenders be made public, CLCs, who have a public interest in providing services to clients especially in rural areas, would be less inclined to deal with Legal Aid NSW and be full and frank in future dealings. If the information was released, the disclosure of such information relating to MNCLC's financial interests, would prejudice the future dealings with all CLCs including but not limited to MNCLC.

Legal Aid NSW relies on a tender process to allocate funding and resources as a core function of the agency. It is standard policy that only the details of successful applications be published, and that they are otherwise kept in commercial confidence.

I have placed significant weight on this public interest consideration against release, to ensure that Legal Aid NSW and MNCLC's business, commercial, professional or financial interests continue to be maintained.

Balancing the public interest test

I have considered the relevant public interest considerations in favour of and against disclosure of the information you requested. On balancing the considerations I find that the public interest lies in not releasing some of the information to you. That information falls under the considerations from the Table at section 14 of the GIPA Act.

For these reasons, I am of the view that the public interest in withholding release of some of the information is outweighed by the public interest in releasing this information in response to your access application under the GIPA Act. The public interest considerations relevant to my decision are marked in the records withheld from release.

Information already publicly available – s59(1)(e)

You requested access to information contained by the Department's Secretary. This information relates to contentious issues briefs for the time frame 1 October 2023 to 22 November 2023.

Per section 58(1)(c) of the GIPA Act, the Department may decide that government information applied for in an access application is already available to the applicant, but only on one of the grounds set out in section 59(1) of the GIPA Act. When making such a decision, the Department is not required to provide access to the information that is already available to the applicant. However, the Department must indicate why it believes the information is already available to the applicant and, if necessary, how the information can be accessed (section 59(2) of the GIPA Act).

The grounds on which a decision that information is already available to an applicant include circumstances where the information is publicly available on a website (section 59(1)(e) of the GIPA Act). I have decided on these grounds, that the information within the scope of your request, is publicly available via the Premier's Department Disclosure Log.

The Premier's Department Disclosure Log contains a record of information that the Premier's Department has released, in response to a specific request from an individual or organisations under the GIPA Act. Released information relevant within the scope of your request is titled as 'Contentious Issues Briefings' decided on Tuesday, 20 February 2024. Pages 24-29 of the document contains a briefing note from the Office of the Secretary. This briefing note is titled 'EAP23/13410' and is within the time frame of your request. The briefing note captures additional contentious issues in the Goulburn Electorate. A link to access the information is located here:

(chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.nsw.gov.au/sites/default/files/2024-02/PD_A5927800%20-%20Disclosure%20log.pdf)

A decision that information is already available to the applicant is a reviewable decision under section 80(f) of the GIPA Act.

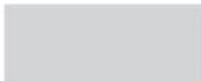
Review Rights

If you are aggrieved by any of the reviewable decisions in this notice of decision, you may seek a review under Part 5 of the GIPA Act, by requesting any one of the following:

- An internal review that must be lodged with Open Government, Information and Privacy within 20 working days of this notice of decision. You must lodge your internal review at the address shown at the bottom of the first page and must be accompanied by the appropriate application fee of \$40.
- Alternatively, a request for an external review may be lodged with either the Information and Privacy Commission, or the NSW Civil and Administrative Tribunal. Please note that you must lodge your request for an external review within 8 weeks of this notice of decision.

If you have any questions or concerns in relation to this matter, please contact the Department on telephone (02) 9716 2662.

Yours sincerely,



Stephanie Mitrovska
OGIP Officer
Open Government, Information and Privacy
Department of Communities and Justice | Legal

DOT POINTS - Secretary - Premier's Contentious Issues Briefing (CIB) – Oxley/Coffs Harbour

DISTRICT/DIV	TRIM REF	DUE DATE	LEAD
DCJ	EAP23/13049	10am 25 October 2023	TCO

Request

DPC is coordinating the development of Contentious Issues Briefs to assist the Premier on visits to the Central Coast. DPC requests advice from agencies to identify contentious issues that are relevant.

Response:

NSW Police

Issue 1: Long term sick Police in the Coffs-Clarence Police District (PD).

- There have been a number of long term sick Police in the Coffs-Clarence Police District PD.
- The PD has welfare officers providing assistance for all persons on leave, including incident support, which has Psychologists, Peer Support Officers and Police Chaplains in place after serious matters.
- The PD has robust injury management and return to work processes, including welfare officers in place for all persons on long term sick leave.
- The roll out of the PULSE Program will see a suite of psychological, health, fitness, safety and injury management initiatives to support staff at each stage of the employment lifecycle.
- The PD puts forward communication and support for in place support around workplace stress, and is also reviewing the identification of rotational duties and career development opportunities, including in house promotions training.
- To ensure local service levels, the Coffs-Clarence PD has been utilising specialist support including Police from the Raptor Squad, Police Transport Command, and Public Order and Riot Squad as part of a surge capacity model to address crime response and enhance local Policing responses, as needed.

Issue 2: Extinguishment of a cultural fire in Newry State Forest on 31 July 2023

- On 31 July 2023, officers from the Coffs-Clarence PD attended Newry State Forest in response to protest activity, where a fire was lit on a roadway in the Forest which blocked harvesting trucks.
- Protestors were asked to leave the roadway, but protestors refused to extinguish the fire claiming it was an Aboriginal cultural fire.
- The NSW Rural Fire Service was called and the fire extinguished, and protestors alleged that human rights were breached due to the extinguishing of the fire.
- The Local Police Commander, an Aboriginal Community Liaison Officer and Aboriginal elders have been liaising on concerns about the event.

Social Housing & Homelessness Service

- In the Coffs Harbour local government area (LGA), 82 people were counted sleeping rough in the 2023 street count.
- In the Oxley electorate, 77 people were counted sleeping rough in the 2023 street count across three LGAs: Kempsey Shire, Bellingen Shire, Port Macquarie - Hastings.
- Assertive outreach is delivered in NSW to engage people sleeping rough and support them into long term, stable accommodation with support to stay housed.

- Oxley and Coffs Harbour electorates are both within the Department of Communities and Justice Mid North Coast District, which was part of the Social Housing Management Transfer (SHMT) program. When assertive outreach expanded across NSW in 2020, Community Housing Providers undertook responsibility for Assertive Outreach in SHMT locations
- Community Housing Limited (CHL) and Mission Australia Housing (MAH) undertake assertive outreach and have regular outreach at rough sleeping “hubs” (such as community centres and soup kitchens) as well as foot patrols to engage people sleeping rough.
- CHL and MAH have housed 215 people formerly sleeping rough since the commencement of Assertive Outreach in the Mid North Coast District. Data is not available broken down by LGA or electorate.

Coffs Harbour/ Oxley street counts 2020-2023				
LGA 2023	2020	2021	2022	2023
Coffs Harbour	51	43	57	82
Kempsey Shire	3	7	1	11
Bellingen Shire	Not Counted	Not Counted	10	23
Port Macquarie-Hastings	5	10	23	43

BOCSAR

Response:

There are four LGAs within the Oxley electorate: Kempsey, Bellingen, Nambucca Valley and Port Macquarie-Hastings. There is one LGA within the Coffs Harbour electorate: Coffs Harbour.

Oxley Electorate

How does Kempsey LGA compare to NSW?

In the year to June 2023, the crime rate for all the 13 major offences in Kempsey LGA was higher than the NSW average. Seven major offences had rates that were at least double the NSW average in 2022/2023:

- Domestic violence related assault (160% higher than average)
- Robbery (170% higher than average)
- Break and enter dwelling (370% higher than average)
- Break and enter non-dwelling (190% higher than average)
- Motor vehicle theft (280% higher than average)
- Other stealing offences (110% higher than average)
- Malicious damage to property (120% higher than average)

Which offences are increasing in Kempsey LGA?

In the five years to June 2023, recorded crime statistics for Kempsey LGA show that two of the 13 major offence categories showed a significant upward trend:

- *Domestic violence related assault*, up 48.3% or 113 additional incidents (from 234 in the 12 months to June 2019 to 347 in the 12 months to June 2023).
- *Motor vehicle theft*, up 53.2% or 67 additional incidents (from 126 in the 12 months to June 2019 to 193 in the 12 months to June 2023).

Although not a statistically significant upward trend, the number of non-domestic violence related assaults in the year to June 2023 also exceeded the number recorded in the year to June 2019 by a substantial margin (up 21.7% or 38 additional incidents).

How does Bellingen LGA compare to NSW?

In the year to June 2023, for seven of the 13 major offences in Bellingen LGA, the crime rate was higher than the NSW average: domestic violence related assault, non-domestic violence related assault, sexual assault, break and enter dwelling, break and enter non-dwelling, other stealing offences and malicious damage to property. One major offence had a rate that was double the NSW average in 2022/2023:

- Break and enter non-dwelling (110% higher than average).

Which offences are increasing in Bellingen LGA?

In the five years to June 2023, recorded crime statistics for Bellingen LGA show that two of the 13 major offence categories showed a significant upward trend:

- *Non-domestic violence related assault*, up 66.7% or 22 additional incidents (from 33 in the 12 months June 2019 to 55 in the 12 months to June 2023).
- *Malicious damage to property*, up 50.7% or 38 additional incidents (from 75 in the 12 months to June 2019 to 113 in the 12 months to June 2023).

Although not a statistically significant upward trend, the number of domestic violence related assaults in the year to June 2023 also exceeded the number recorded in the year to June 2019 by some margin (up 71.1% or 27 additional incidents).

How does Nambucca Valley LGA compare to NSW?

In the year to June 2023, for all the 13 major offences in Nambucca Valley LGA except murder which was too small to calculate a trend, and robbery, the crime rate was higher than or on par with the NSW average. Three major offences had rates that were at least double the NSW average in 2022/2023:

- Domestic violence related assault (110% higher than average)
- Break and enter non-dwelling (130% higher than average)
- Motor vehicle theft (100% higher than average)

Which offences are increasing in Nambucca Valley LGA?

In the five years to June 2023, recorded crime statistics for Nambucca Valley LGA show that one of the 13 major offence categories showed a significant upward trend:

- *Domestic violence related assault*, up 49.6% or 60 additional incidents (from 121 in the 12 months to June 2019 to 181 in the 12 months to June 2023)

Although not a statistically significant upward trend, the number of incidents of motor vehicle theft in the year to June 2023 also exceeded the number recorded in the year to June 2019 by some margin (up 34.0% or 17 additional incidents).

How does Port Macquarie-Hastings LGA compare to NSW?

In the year to June 2023, all the 13 major offences except domestic violence related assault, other stealing offences and malicious damage to property, the crime rate in Port Macquarie-Hastings LGA was lower than or on par with the NSW average. This excludes murder which was too small to calculate a trend.

Which offences are increasing in Port Macquarie-Hastings LGA?

In the five years to June 2023, recorded crime statistics for Port Macquarie-Hastings LGA show that two of the 13 major offence categories showed a significant upward trend:

- *Domestic violence related assault*, up 64.5% or 176 additional incidents (from 273 in the 12 months to June 2019 to 449 in the 12 months to June 2023)
- *Non-domestic violence related assault*, up 35.9% or 88 additional incidents (from 245 in the 12 months to June 2019 to 333 in the 12 months to June 2023)

Although not a statistically significant upward trend, the number of incidents of malicious damage to property in the year to June 2023 also exceeded the number recorded in the year to June 2019 by some margin (up 12.9% or 71 additional incidents).

Coffs Harbour Electorate

How does Coffs Harbour LGA compare to NSW?

In the year to June 2023, the crime rate for all the 13 major offences in Coffs Harbour LGA was higher than the NSW average. This excludes murder which was too small to calculate a trend. Two major offences had rates that were double the NSW average in 2022/2023:

- Domestic violence related assault (100% higher than average)
- Robbery (110% higher than average)

Which offences are increasing in Coffs Harbour LGA?

In the five years to June 2023, recorded crime statistics for Coffs Harbour LGA show that three of the 13 major offence categories showed a significant upward trend:

- *Domestic violence related assault*, up 61.9% or 262 additional incidents (from 423 in the 12 months to June 2019 to 685 in the 12 months to June 2023)
- *Non-domestic violence related assault*, up 33.4% or 131 additional incidents (from 392 in the 12 months to June 2019 to 523 in the 12 months to June 2023)
- *Sexual assault*, up 44.3% or 39 additional incidents (from 88 in the 12 months to June 2019 to 127 in the 12 months to June 2023)

Fire & Rescue NSW

Nambucca Heads Service Exchange Vehicle Tanker

A tanker was damaged in tree fall incident during 2019/20 bushfires. The local MP (previous government) promised immediate replacement not understanding the appliance was a Service Exchange Vehicle, not the stations usual assigned tanker. One local firefighter is making continual agitations on this issue. The station is due to receive a cascaded newer tanker in the immediate future.

General Condition of Fire and Rescue Stations

FRNSW has completed a review of clean station and engine bay provisions at stations which includes clean/dirty separation, laundry facilities, engine bay and personal protective equipment storage. The review found a majority of fire stations do not meet the needs of a modern fire service.

General Fleet Age

- The Fire Brigades Employees Union has campaigned about the age of the FRNSW fleet.

RESPONSES:

Nambucca Heads Service Exchange Vehicle Tanker:

- Service Exchange Vehicles (**SEV**) are existing vehicles that are no longer allocated to specific stations. New vehicles are best used as a primary fire trucks permanently assigned to stations.
- SEV are selected based on their condition from a pool of vehicles that have been replaced or are approaching end of life.
- SEVs are a shared resource available to the network of FRNSW stations and are not assigned to individual stations on a permanent basis.

Station Condition talking points

- I am advised almost half of Fire and Rescue NSW stations are over 50 years old, many of which would not meet Fire and Rescue NSW's design prerequisites if they were built today.
- FRNSW has a rolling capital works program and is prioritising fire station upgrades based on the condition of facilities, demands on stations and for privacy upgrades to address the current and increasing distribution of female firefighters.

Fleet Age talking points

- As of June 2023, Fire and Rescue NSW has 22 frontline fire trucks at stations above their target age of service.
 - 13 of these are being replaced in 2023-24
 - the remaining 9 are set to be replaced in 2024-25.
- Fire and Rescue NSW also has 15 appliances that are beyond their targeted age of service. These are located at Emergency Services Academy and used to train recruits.
- A further 85 appliances (**SEV**) are kept for use while front line appliances are offline for maintenance, repairs, services. These are gradually removed as new appliances are commissioned.

Courts Tribunal and Service Delivery

NSW Civil and Administrative Tribunal (NCAT) - Lismore

The leased premises of NCAT in Lismore were severely impacted by flooding in that region. As a result, NCAT has not been able to sit at that location since late February 2022.

NCAT is working with the Department of Communities and Justice to identify a suitable alternative premises in the Northern Rivers region.

In the interim NCAT is sitting in regional court locations however availability is limited due to the demands of the court. NCAT continues to conduct proceedings by audio visual link where appropriate.

NSW State Emergency Services

- The previous Unit Commander of New South Wales State Emergency Service (**NSW SES**) Coffs Harbour City was stood down following an allegation of misconduct which was substantiated. The volunteer remains a member of the Service. The member has made complaints to external agencies. NSW SES is working with the agencies to address the concerns raised.
- A new Unit Commander was appointed in August 2023 following recruitment for the role.
- This is an internal NSW SES matter that has been addressed in accordance with relevant NSW SES policies and procedures. It is not appropriate to comment further.

Other information:

The NSW SES has 11 Units in the Coffs Harbour/Oxley area. Between 30 September 2022 and 30 September 2023 the unit responded to 1,237 activations. Activations included response to storm damage, flood rescue, road crash rescue, general land rescue, vertical rescue and provided support to NSW Police and other emergency service organisations.

Units	Storm	Support	Medical Resupply	Flood Miscellaneous	Large Animal Rescue	Flood Rescue	Road Crash Rescue	General Land Rescue	Vertical Rescue	Total
Bellingen	16	5	0	1	0	0	0	0	0	22
Coffs Harbour City	103	10	0	13	0	0	30	71	4	231
Corindi-Woolgoolga	12	1	0	2	0	0	0	0	0	15
Dorrigo	21	6	1	2	0	0	7	3	0	40
Gladstone	3	0	0	1	0	0	0	0	0	4
Kempsey Shire	46	9	0	9	1	1	21	22	0	109
Nambucca	53	7	0	17	0	0	0	0	0	77
Port Macquarie Hastings	567	19	0	22	0	2	21	55	3	689
South West Rocks	13	1	0	1	0	0	0	0	0	15
Urunga	12	4	0	1	0	0	3	0	0	20
Walcha	6	2	0	0	0	0	7	0	0	15
Total	852	64	1	69	1	3	89	151	7	1237

NSW Legal Aid

Community Legal Centre Program

- Legal Aid NSW administers funding on behalf of the NSW Government, Commonwealth and the Public Purpose Fund for the Community Legal Centre (CLC) Program in NSW to the state peak CLCNSW, the Court Support Scheme, and 32 CLCs, including Mid North Coast Legal Centre (MNCLC).

Mid North Coast Legal Centre

- Mid North Coast Legal Centre (MNCLC) has offices in Port Macquarie and Coffs Harbour and provides generalist legal services in the MidCoast, Port-Macquarie Hastings, Kempsey Shire, Nambucca Shire, Bellingen Shire and Coffs Harbour local government areas.
- In 2023-24, MNCLC will receive \$1,500,796 of CLC Program funding, comprised of:
 - \$562,758 of NSW Government baseline funding,
 - \$895,302 of Commonwealth funding through the National Legal Assistance Partnership 2020-25, and
 - \$42,736 of Public Purpose Fund funding for the CLC Program.
- MNCLC will also receive \$250,000 per annum of Commonwealth funding for a total of \$1,000,000 over four years from 1 July 2022 to 30 June 2026, to provide legal assistance services to people impacted by prior disasters including the 2019/20 bushfires and the 2022 floods.
- MNCLC also received \$352,000 of one-off NSW Government funding in 2021-22 to increase capacity to support victim-survivors of domestic, family and sexual violence. Funding has been allocated for frontline service delivery for up to 30 June 2024.

Contentious Issues re: Expansion of MNCLC's catchment area

- MNCLC may raise questions about the 2022 CLC Program application process for two non-baseline funding streams: Commonwealth Family Law and Family Violence (FLFV) funding and State funding for critical service gaps from 1 January 2023 to 30 June 2025.
- Two of the three applications submitted by MNCLC for increased funding were successful. MNCLC was allocated \$310,340 per year in FLFV funding and \$349,604 per year in NSW critical service gap funding to maintain its Coffs Harbour office and services to the current catchment area. The third application for \$14 T4 per year to extend services north of Woolgoolga was not successful.

The independent panel did not recommend funding for several reasons **s14 T4**

- MNCLC was advised of the outcome in November 2022 and were provided feedback from the independent panel on 9 November 2022.
- All funding in the application process has been awarded for 1 January 2023 to 30 June 2025. All CLC Program funding has been allocated to June 2025 and no further funding is available.
- **Suggested response:** I am advised that the former NSW Attorney General accepted the recommendations of an independent panel to allocate funding available at the time. I am also advised that Mid North Coast Community Legal Centre was successful in two of their three applications, and received feedback from the independent panel about the outcomes. All funding through the CLC Program has now been allocated up to 30 June 2025.

Contentious issues re: Financial pressures and indexation

- Legislated increases to the mandatory employer contribution rate for superannuation commenced on 1 July 2021. CLCs have expressed concerns about meeting the rising costs of salary award rates, superannuation, other operating expenses and inflation, if indexation is not available.
- In July this year, the Department of Communities and Justice (**DCJ**) and NSW Health announced some of the non-government organisations they fund would receive indexation of 5.75% on state funding. The CLC sector has made inquiries to NSW Government if this rate will also be applied to community legal centre funding in the CLC Program.
- Legal Aid NSW and the programs it administers are funded through federal, state, and other sources, which are indexed at different rates. The indexation rates for DCJ funded programs and non-government organisations do not necessarily apply to CLC Program funding. Indexation rates for CLC Program funding streams are determined separately and Legal Aid NSW can only pass on what has been allocated by government.
- For 2023/24, the indexation rates on all CLC Program funding streams have been confirmed including Commonwealth, NSW Government and Public Purpose Fund funding. The CLC sector has been notified that the indexation rates apply from 1 July 2023 and a retrospective payment for Q1 NSW indexation will be made in October 2023.
- **Suggested response:** Indexation on CLC Program funding for the 2023-24 financial year has been confirmed and will be paid to CLCs in accordance with the CLC Program's payment schedule. Indexation on NSW Government core baseline funding will be 5.16%. Indexation on Public Purpose Fund funding and NSW Government Social and Community Services Equal Remuneration Order funding will be 2.5% each.

DOT POINTS – Secretary – TCO – Contentious Issues Brief – Barwon (Far West and Orana)

DISTRICT/DIV	TRIM REF	DUE DATE	LEAD
SPC	EAP23/15005	20 November 2023	DCJ WORKFLOW

BOCSAR INPUT – endorsed by ED Jackie Fitzgerald

Response:

There are four LGAs within the Barwon electorate that the Premier will visit: Brewarrina LGA, Bourke LGA, Broken Hill LGA and Walgett LGA. However, these LGAs have small populations and/or small annual incident counts which makes trends tests and offending rates problematic at the local level. All four LGAs are situated within the Far West and Orana Statistical Area.

How does Far West and Orana compare to NSW?

In the year to June 2023, the crime rate in Far West and Orana was higher than the NSW average for all 13 major offences. Nine major offences had rates that were double or more than double the NSW average in 2022/23:

- *Domestic violence related assault* (250% higher than average)
- *Non-domestic violence related assault* (130% higher than average)
- *Sexual touching, sexual act and other sexual offences* (110% higher than average)
- *Break and enter dwelling* (310% higher than average)
- *Break and enter non-dwelling* (500% higher than average)
- *Motor vehicle theft* (220% higher than average)
- *Steal from motor vehicle* (150% higher than average)
- *Other stealing offences* (120% higher than average)
- *Malicious damage to property* (200% higher than average)

Which offences are increasing in Far West and Orana?

In the five years to June 2023, recorded crime statistics for Far West and Orana show that one of the 13 major offence categories showed a significant upward trend:

- *Motor vehicle theft*, up 34.4% or 154 additional incidents (from 448 in the 12 months to June 2019 to 602 in the 12 months to June 2023)

Although not a statistically significant upward trend there were other offences with substantial increases over the five-year period to June 2023:

- *Break and enter non-dwelling incidents* (up 23.9% or 135 additional incidents)
- *Non-domestic violence related assault* (up 13.6% or 132 additional incidents)
- *Domestic violence related assault* (up 5.7% or 95 additional incidents)

DOT POINTS – Secretary – Contentious Issues – Premier’s visit to Barwon electorate

DISTRICT	TRIM REF	DUE DATE	LEAD
MFWWNSW	EAP23/15005	21/11/23	Executive District Director

Request:

- Allocations Cluster Coordination is coordinating advice for the Premier’s visit to Barwon electorate. The district has been asked to provide information on any contentious issues.
- The Premier’s current schedule of events in Broken Hill, Walgett, Bourke and Brewarrina and does not include any activities related to the Department of Communities and Justice (DCJ) business operations or funding.

Response:

Contentious issue 1: Aboriginal service providers- out of home care

Mirripilyi

- There are currently no fully accredited out of home care Aboriginal Community Controlled Organisation (ACCO) in the Far West. Mirripilyi Muurpa-Nara Aboriginal Corporation (Mirripilyi), is provisionally accredited. Mirripilyi do not have a contract with DCJ, have no funding base, employees or operational structure.
- DCJ has however invited Mirripilyi to enter into direct negotiations and submit a proposal to deliver a Permanency Support Program (PSP) contract due to the level of need for these services in the Far West. Mirripilyi has accepted and DCJ is working closely with Mirripilyi on the development of their establishment plan. DCJ has also engaged an independent probity consultant to support the contract negotiation process
- Federal Senator Malarndirri McCarthy, Assistant Minister for Indigenous Affairs, wrote to Minister Washington on 22 August 2023 in support of Mirripilyi. Minister Washington responded by letter date 12 October 2023, confirming that DCJ is currently in negotiations with Mirripilyi to support their entry into the Permanency Support Program (PSP).

Kutanya

s14 T3 - Personal Info

- Kutanya and Mirripilyi are governed and administered by the same people, one of whom was a former employee with DCJ, who continues to raise concerns that DCJ is responding to.

Contentious issue 2: Removal of Aboriginal children in care

s14 T3 - Personal Info

s14 T3 - Personal Info

Contentious issue 3: Housing assistance and funding for the DCJ Mobile Housing Outreach Service

- The DCJ Mobile Housing Outreach team commenced as a 12 month pilot in July 2022 in Murrumbidgee, Far West and Western NSW District with two dedicated DCJ Housing staff on the ground travelling to rural and remote townships to assist local people in these smaller communities with their housing needs.
- The team serves as a mobile office bringing information on housing products such as Rent Choice and Bond Loans, as well as facilitating access to housing supports including 24 hour Link2home emergency accommodation, subsidies for private rental, and support to submit an application for housing assistance.
- Funding has been extended to June 2025 and the team expanded to four staff members. The mobile team is well known in local communities and has demonstrated success in assisting people into DCJ housing, community housing and private rentals.
- Towns visited in the Barwon electorate to date include Cobar, Coonamble, Coonabarabran, Walgett, Lightning Ridge, Wilcannia, Broken Hill, Nyngan, Warren, Gilgandra, Bourke, Brewarrina, Collarenebri.
- 100% of Social Housing stock in the DCJ Far West district is managed and/or owned by Community Housing Providers. DCJ does not manage any houses in the Far West.
- DCJ does not have a presence for homelessness and housing support in this region other than funding, and mobile outreach. The main Community housing Providers in the Far West are:
 - Home In Place (previously Compass Housing)
 - Murdi Paaki Housing (Aboriginal Community Housing Provider)
- DCJ Western NSW district does manage public housing tenancies in other locations within the Barwon electorate including Bourke, Brewarrina, Walgett, Coonamble and surrounds.
- A more permanent source of funds needs to be identified for the mobile team post June 2025.

Contentious issue 4: Assistance delays in Far West following disaster event

- Disaster Welfare may be raised as DCJ is aware of general community concerns in relation to getting help to rebuild after natural disasters. There are often extended periods of isolation experienced by farmers and there is a need for ongoing coordination between the initial disaster welfare response and the NSW Reconstruction Authority post disaster, and this is felt the greatest in regional areas.
- By way of example, following the recent fires at Lightning Ridge/ Walgett there are current issues with who manages donations and helping people who have lost everything, but who were not living in houses at the time of the fires.
- DCJ Disaster Welfare senior leadership continue to work with the relevant agencies including the NSW Reconstruction Authority on improving this coordination.

DOT POINTS – Hudson Fire

DISTRICT/DIV	TRIM REF	DUE DATE to MO	LEAD
RFS Deputy Commissioner Field Operations	N/A	21 November 2023	Rural Fire Service (RFS)

Request: Hudson Fire, Glengarry and Grawin (Walgett LGA)

- Since 1 July 2023, there have been more than 8,200 bush and grass fires across NSW. Of these:
 - More than 820 have been within the RFS North Western Area Command, which includes areas such as the Lightning Ridge, Walgett, Coonamble and Warren LGAs.
 - More than 680 have been within the RFS Western Area Command, which includes areas such as the Bourke, Broken Hill, Brewarrina and Central Darling and the Unincorporated Area.
- The Hudson Fire started on 12 November 2023 in the Narran Lake Nature Reserve area approximately 70km north west of Walgett and 50km south west of Lightning Ride. The fire is suspected to have ignited due to dry lightning.
- As of 21 November 2023, the fire has burnt more than 22,837 hectares.
- A Section 44 Declaration was made on 14 November 2023 covering Walgett Shire and part of the Brewarrina Shire.
- At the height of activity, local and out of area firefighters were supported by heavy plant and waterbombing aircraft.
- In recent days (19 to 21 November), rain has fallen across the fireground, resulting in the fire being downgraded to Advice level. Firefighters continue to patrol the fireground.
- Several community meetings have been held in the fire-affected areas, including representatives of the RFS, NSW Reconstruction Authority and Walgett Shire Council.
- Regrettably, on 16 November 2023 RFS firefighter Captain Leonardus Fransen from the Diamond Beach Rural Fire Brigade on the NSW Mid Coast was struck by a tree while on the fireground and died as a result of his injuries.
- Minister for Emergency Services Jihad Dip MP, Member for Barwon Roy Butler MP, RFS Commissioner Rob Rogers and Deputy Commissioner Peter McKechnie visited RFS teams who had been working with Captain Fransen on Saturday 18 November.
- Commissioner Rogers visited the Captain's family the day after his death.

Response:

- The fire has burnt more than 22,837 hectares and is currently at Patrol status (Advice level).
- While bravely fighting the Hudson Fire in Walgett LGA, RFS firefighter Captain Leonardus (Leo) Fransen was tragically struck by a tree.
- Despite the immediate and valiant efforts of his fellow crew members and NSW Ambulance officers and his subsequent transport to the Lightning Ridge health facility, Captain Fransen was unable to be saved.
- Captain Fransen was a dedicated and valued member of the RFS and his enthusiasm and commitment to our community were exemplary, leaving an indelible mark on his brigade, district and the wider RFS family.
- During this challenging time, my thoughts are with Captain Fransen's wife Margaret and their family and with his fellow brigade members. I understand the significant impact this loss will have and the Government is supporting the RFS in providing all necessary assistance to those affected by this tragedy.
- I thank the incredible volunteers from the RFS for their outstanding efforts in hit and dusty conditions – often, like Captain Fransen, far from home - to protect the community of Glengarry.

Endorsed by:  Rob Rogers AFSM
Title: Commissioner

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