

General Purpose Standing Committee No 3

Portfolio – Attorney General

Question 1

Mr Pearce asked the Attorney General, the Hon Bob Debus MP –

In relation to Freedom of Information requests:

- (a) How many requests were made to the Attorney General's Department in the last financial year?
- (b) How many of those requests were reviewed by the Attorney General's Office and how many were dealt with independently by the Attorney General's Department?

Answer:

- (a) The Attorney General's Department received and completed 35 Freedom of Information applications in the 2002-2003 financial year.
- (b) The Attorney's General's Office is a separate and distinct Agency from the Department for the purposes of the *Freedom of Information Act*, 1989.

All applications directed to the Department were considered and determined by staff of the Attorney General's Department.

Question 2

Mr Pearce asked the Attorney General, the Hon Bob Debus MP –

Why has there been a decrease in the budget for the Office of the Protective Commissioner from \$5 m in 2002-2003 to \$3 m in 2003-2004?

Answer:

Treasury provided interim funding of \$5 million in 2002-2003 while a review of the OPC's fee structure was carried out by the Independent Pricing and Regulatory Tribunal (IPART).

Pending the outcome of the IPART review, an interim budget allocation of \$3 million was made for 2003-2004. This was to ensure continued operation of the OPC until the introduction of the new fee structure.

A number of options have now been considered and a new fee structure endorsed. Recently the Budget Committee of Cabinet agreed to increase the allocation to OPC in 2003-2004 to \$9 million as part of a new OPC fee structure. The new fee structure commenced on 1 October 2003.

The structure provides for OPC to receive minimum fees for each client, to be met partly from fees levied on the client and partly from public funding. The injection of public funds relieves the burden on small estates.

Question 3

Mr Pearce asked the Attorney General, the Hon Bob Debus MP –

What was the total expenditure of Anti-Discrimination Board and Victims Compensation Tribunal in the last financial year?

Answer:

Expenditure for the Anti-Discrimination Board activities, excluding corporate services provided by the Attorney General's Department, was \$5.354 million.

Expenditure relating to the Victims Compensation Tribunal was \$69.269 million or \$2.023 million higher than budget as Retained Revenues were \$2.023 million higher than budget.

Question 4

Mr Clarke asked the Attorney General, the Hon Bob Debus MP –

In relation to court security:

- (a) The number of court security incidents is anticipated to rise from 1,100 to 1,600 – what proportion of the 1,600 incidents are likely to relate to matters of personal safety?
- (b) How many staff are currently employed by the Office of the Sheriff?
- (c) How many Local Courts *do not* currently have a Sheriff on duty?

Answer:

- (a) In the period from 1 January 2003 to 30 August 2003 there have been a total of 419 incidents recorded.

A total of 6.9 per cent of all incidents involved actual bodily harm or assault and 16 per cent of all incidents related to threats.

- (b) As at 30 September 2003, 471 staff are employed by the Office of the Sheriff. This is comprised of 288 uniformed/sworn Sheriff's officers and 183 administration and court support staff including court attendants and court officers. An additional 50 uniformed/sworn Sheriff's officers are due to commence duty by December 2003.
- (c) Sheriff's Officers are located at over 60 centres in New South Wales and service Local Courts on a regular basis. In addition to a permanent

presence of Sheriff's officers, a number of other security arrangements exist in NSW Local Courts. For instance, Sheriff's Officers also provide security services on an ad-hoc basis for matters such as special hearings, identified high-risk cases or where the Sheriff has advance information or warning of a possible security threat.

At the conclusion of the current four-year upgrade program it is anticipated that every sitting Local Court in NSW will have a Sheriff's Officer.

Question 5

Mr Pearce asked the Attorney General, the Hon Bob Debus MP –

In relation to civil cases in the Local Courts:

- (a) What was the clearance rate for civil cases in the Local Courts in 2002-2003?
- (b) What percentage of civil claims were still pending at 30 June 2003?
- (c) Were best practice standards met regarding clearance rates?

Answer:

- (a) The clearance rate of civil cases in 2002-2003 was 83.1 per cent in the Small Claims Division (12,037 matters lodged – 10,008 matters disposed of) and 98.3 per cent in the General Division (4,747 matters lodged – 4,667 matters disposed of).
- (b) In relation to civil matters lodged in 2002-2003, 16.1 per cent of matters in the Small Claims Division and 1.7 per cent of matters in the General Division are yet to be completed.
- (c) Best practice time standards were developed as part of the Local Court Strategic Plan 2002-2006 developed by the Chief Magistrate in consultation with Magistrates and the Local Court Executive.

The General Division is operating close to best practice standards while the considerably busier Small Claims Division has a lower compliance rate. The appointment of two additional Small Claims Assessors in February and May 2003 is expected to significantly improve these clearance rates over the next financial year.

Question 6

Mr Breen asked the Attorney General, the Hon Bob Debus MP –

What is the cost of administering defamation law cases in NSW?

Answer:

The Supreme and District Courts of NSW do not use costing methods that could enable the identification of the cost of administering defamation cases. A number of factors can dramatically affect the costs associated with a case including settlement of a matter prior to trial, the length of the trial and if the matter is subsequently heard in the Court of Appeal.

It is impossible, without significant expenditure on resources, to calculate the cost of administering defamation law cases in these courts.

Question 7

Mr Pearce asked the Attorney General, the Hon Bob Debus MP –

What was the total cost of funding for video conferencing for 2002 – 2003?

Answer:

During 2002-2003 the Attorney General's Department was provided with \$4.245 million for video conferencing. Of this amount, \$1.678 million was transferred to participating agencies for their share of costs. The participating agencies are the Department of Corrective Services, the Director of Public Prosecutions, the Department of Juvenile Justice, the Legal Aid Commission of NSW and NSW Police.