

20 JUNE 2001

(GENERAL PURPOSE STANDING COMMITTEE NO. 3)

PORTFOLIO

ATTORNEY-GENERAL

QUESTIONS TAKEN ON NOTICE DURING HEARING

1. Mr Samios asked the Attorney General, the Hon Robert Debus, MP—

(Hansard, pp 12- 13)

- (1) Of the total expenditure of the Office of the Director of Public Prosecutions in 2000-01:
 - (a) How much was spent on administration costs?
 - (b) How much was spent on answering correspondence from families of victims of crime whose cases the DPP declined to prosecute?

(Hansard, p 13)

- (2) How many overseas trips did the Director of Public Prosecutions take in 1999-2000?
- (3) What was the purpose of the following trips:
 - (a) visit to Bangkok, Thailand, in November 1999;
 - (b) visit to Zhengzhou, China, and Quebec, Canada, in June 2000;
 - (c) visit to Bali, 27 June to 2 July 1999;
 - (d) visit to Beijing, China, 5 – 10 September 1999?
- (4) The 1999-2000 Annual Report refers to the provision of training workshops in Fiji. What was the gross financial benefit received by the Office of the Director of Public Prosecutions from the provision of this training?

Answer:

- (1) (a) \$2,928,306 (the costs of providing administrative support services to the operation).
(b) It is not possible even to identify the facts that would enable an answer to be made to this question without inspecting almost every file dealt with in the year 2000-01. The time and cost of such an exercise cannot be justified.
- (2) Seven.
- (3) (a) To attend a meeting of the Secretariat of the International Association of Prosecutors.

- (b) Zhengzhou: to participate in the presentation of workshops to Chinese prosecutors on evidence law under the China-Australia Human Rights Technical Assistance Program. Quebec: to participate in the Annual Conference of the Canadian Federal Prosecution Service.
 - (c) The Director did not visit Bali in June-July 1999. Mr M Fox, Crown Prosecutor, did so in order to attend the Biennial Conference of the Criminal Lawyers' Association of the Northern Territory.
 - (d) To participate in the Annual Conference and General Meeting of the International Association of Prosecutors.
- (4) \$20,510.

2. Mr Samios asked the Attorney General, the Hon Robert Debus, MP—

(Hansard, p 14)

- (1) Of the total retained revenue for the Office of the Director of Public Prosecutions for 2001-02, how much was gained from services rendered to other countries in training, planning, management and other roles?
- (2) (a) How much did the Office of the Director of Public Prosecutions receive from the following projects in 1999-2000:
 - (i) the provision of training for the Social Welfare Department in Hong Kong;
 - (ii) management of a legal institutions strengthening project in Vanuatu;
 - (iii) hosting the secondment of a staff member from Canada;
 - (iv) working with the Rand Corporation in Santa Monica, USA, in relation criminal justice issues;
 - (v) playing an active role in the administration?
- (b) What was the total gross revenue received for services rendered in 1999-2000?
- (c) What was the total gross revenue received for services rendered in 2000-01?
- (d) Does the Minister anticipate future contacts with other countries in exchange for services provided by the Office of the Director of Public Prosecutions?
- (e) Can you provide a schedule of all anticipated overseas visits and contacts?

Answer:

- (1) It is too early in the current financial year for the ODPP to have received any revenue from services rendered to other countries in 2001-02.
- (2) (a) (i) The Office of the Director of Public Prosecutions (ODPP) did not provide training for the Social Welfare Department in Hong Kong.
- (ii) The ODPP did not participate in the management of a legal institutions strengthening project in Vanuatu.
- (iii) Nil. This was part of a continuing exchange arrangement with Canadian Prosecution agencies.
- (iv) The ODPP did not work with the Rand Corporation.

- (v) It is unclear to what “administration” this question refers.
- (b) \$224,380
- (c) \$354,465
- (d) The ODPP has a continuing program of providing assistance by way of training programs, staff exchanges, placements and the like to prosecution agencies.
- (e) It is anticipated that contacts with visiting prosecutors from other countries will continue.

3. Mr Pearce asked the Attorney General, the Hon Robert Debus, MP—

(Hansard, p 4)

- (1) In relation to Budget Paper No. 3, Volume 1, page 4-49, Crown Solicitor’s Office fees, how much of the \$13.067 million allocation was spent on providing legal advice or assistance to:
 - (a) the Premier,
 - (b) the Speaker,
 - (c) the Minister for Education and Training,
 - (d) the Member for Fairfield,
 - (e) the Member for Cabramatta,
 - (f) the Member for Kogarah,
 - (g) the Member for Parramatta,
 - (h) the Member for Auburn?
- (2) In relation to Budget Paper No. 4, page 41, Backlog Maintenance Program in Courts, what is the explanation for the discrepancy between the estimated expenditure to 30 June 2001 (\$10.517 million), and the estimated expenditure to 30 June 2000, which was \$12.95 million?

Answer:

- (1) See response to question 14.
- (2) This anomaly is due to a printing error in last year’s Budget Papers. Estimated expenditure to 30 June 2000 should have been shown as \$6.950 million.

4. Ms Rhiannon asked the Attorney General, the Hon Robert Debus, MP—

(Hansard, p 19)

What was the cost of Mr Milat’s hearing at Toronto Court?

Answer:

Apart from the normal costs associated with operating the Court, the Department (ie. the Sheriff’s Office) spent \$158.00 in overtime payments for staff to assist in the building security search prior to Mr Milat’s appearance in court.

5. **Mrs Sham-Ho asked the Attorney General, the Hon Robert Debus, MP—**

(Hansard, pp 2 – 3)

- (1) How many people in the following categories are accessing the Drug Court:
- (a) Aboriginal and Torres Strait Islander people,
 - (b) people of non-English speaking background,
 - (c) women?
- (2) In Budget Paper No 3, Volume 1, page 4-8, it is stated that significant improvements have been achieved in the Judicial Commission's ability to complete investigations of complaints as a result of new procedures.
- (a) What were those new procedures?
 - (b) How many complaints did the Commission receive this financial year?

Answer:

- (1) Country of birth, rather than whether a person is from Non English Speaking Background, is assessed as a less ambiguous measure of cultural diversity within a program, and is used in the Drug Treatment National Minimum Data Set.

As at May 9, 2001 Bureau of Crime Statistics and Research data indicated the following:

Gender	Male	372
	Female	74
	Total	446
ATSI status	Aboriginal	35
	Torres Strait Islander	2
	Both Aboriginal and Islander	1
	Not Aboriginal or Islander	380
	Unknown	28
	Total	446
Country of birth	Australia	359
	Cambodia	5
	Chile	1
	Czech	1
	England	5
	Indonesia	2
	Ireland	1
	Laos	1
	Lebanon	6
	New Zealand	8
	Vietnam	10
	Other - Southern Asia	1
	Papua New Guinea	1
Philippines	2	

Scotland	2
Thailand	1
Turkey	3
Uruguay	1
Unknown	36
Total	446

- (2) (a) The preliminary examination of all complaints must be undertaken by Commission members at a properly constituted meeting of the Commission. The Commission conducts a thorough investigation of every complaint received, which often involves an examination of transcripts, sound recordings, judgements and other material relevant to the complaint.

The new procedure relates to the way in which material is presented for the consideration of Members at those meetings and is a more efficient and effective means of filtering complaints.

- (b) The Commission received 87 complaints in 2000/1.

6. Mrs Sham-Ho asked the Attorney General, the Hon Robert Debus, MP—

(Hansard, p 12)

Why did those new procedures result in only 43 per cent of matters being finalised within two months of receipt in 1999-2000 compared to 51 per cent of matters being finalised within two months of receipt cited in the 2000-01 budget at 4-6?

Answer:

In February 1999, the Commission reviewed its procedures for examining complaints and put in place a streamlined process which resulted in a significant improvement in the Commission's ability to complete its investigations in a timely manner.

Every complaint which is received by the Commission is examined on its merits. Each complaint is different and they vary in the degree of complexity. Some matters require the Commission to gather material (including transcripts and sound recordings) and other information for the purpose of the examination. The time taken for this task can vary significantly from complaint to complaint. For these reasons, it is difficult and misleading to make a comparison of the type that is drawn in this question. To make any valid comparison would require a larger sample period and the Commission's performance would need to be benchmarked against other investigating bodies.

7. Mr Hatzistergos asked the Attorney General, the Hon Robert Debus, MP—

(Hansard, p 4)

How much did the Crown Solicitor's Office charge for legal advice provided to parliamentary committees, particularly Legislative Council committees, in 2000-01?

Answer:

\$9,947.50.

ADDITIONAL QUESTIONS ON NOTICE

8. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

(Relevant Area in Budget Papers: BP No4, p41)

- (1) (a) Did the Government announce plans for the expansion of Parramatta Court House, to include 21 courts, at a cost of \$71 million dollars
- (b) If so, when?
- (2) Was a \$50,000.00 grant given to Parramatta Local Council for a feasibility study?
- (3) Is the announcement of the Metropolitan Children's Court at Parramatta part of these extensions?
- (4) When will construction of the remaining 21 court commence?

Answer:

- (1) The Parramatta Government Property Strategy includes a justice precinct containing up to 21 courts (refer to Western Sydney Budget Statement – Page 8). Included in this is the 6 court Metropolitan Children's Court complex which has received funding in the current budget.
- (2) No.
- (3) The Metropolitan Children's Court was announced as part of the current budget and planning has commenced. The remaining courts are part of the longer term development strategy for the precinct
- (4) There has been no announcement on the construction of the remaining courts.

9. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

(Relevant Area in Budget Papers: BP No3 Vol. 1 4-74 to 4-78)

The 2001-02 appropriation for the Legal Aid Commission is \$50.508 million – an increase of \$10.628 million, or 26.6% since 2000-01 (4-72 line 13)

Given this:

- (1) Why has the rate of approval for applications fro legal for eligible persons in criminal law matters increased by just 3% - from 82.4% 2000-01 to 85% 2001-02?
- (2) Why has the rate of approval for applications for legal aid for eligible persons in criminal law decreased from 91.4% 2000-01 to 85% 2001-02?
- (3) (a) Did the rate of approval for applications for legal aid for eligible person in civil law matters increased from 58.8% 2000-01 to 68.2% in 2001-02?
- (b) How many additional applications will be approved in 2001-02?
- (c) Of these, how many will be assisted through the Legal Aid Helpline?
- (4) How many will be assisted through Alternative Dispute Resolution?

- (5) What is the current backlog for processing applications for legal aid for criminal matters (weeks)?
- (6) What is the current backlog for processing applications for legal aid for civil matters (weeks)?
- (7) Why was funding for the Legal Aid Helpline (\$385,000) transferred to the Attorney General's Department ? (Wednesday, 20 June 2001)?

Answer:

- (1) Criminal law costs have been rising as a function of increasing matter complexity and trial length. There is no direct or necessary correlation between available funding and the grant rate.
- (2) The anticipated grant rate of (approximately) 85% in 2001/02 is based on historical data trends, and remains a very high success rate for applications. It should also be noted that, whilst the grant rate may have declined slightly, the actual number of grants has increased very significantly over the same time frame. For example case approvals have increased from 7,363 in 1998/99 to an estimated 31,139 in 2001/02 (*Budget Estimates Paper No.3 – Volume 1 - p.4-76 – “Outcomes”*).
- (3)
 - (a) The anticipated grant rate of 68.2% in 2001/02 is based on historical data trends and anticipations arising from the Commission's policies becoming better known within private practice. The introduction of electronic lodgement should better tailor applications to Commission means tests and policies.
 - (b) A substantial increase in the number of case grants, from 22,676 in 2000/01 to 48,552 in 2001/02 is anticipated (ie. an increase of 25,876). However in 2001/02, there will be a change in service definitions to bring the Commission more into line with National Legal Aid standards. The vast bulk of this increase will be the result of a change in the definition of “duty work”. This is being introduced to bring the NSW Commission into line with National Legal Aid definitions in order to facilitate national benchmarking.
 - (c) The Legal Aid Helpline is a telephone service providing general legal information and advice to the public. Information is given without application of means or merit tests, or Commission policies relative to grants of aid. There is no direct relationship between the processing, or granting of applications for legal aid in a case matter, and the provision of telephone information and advice services.
- (4) Alternative Dispute Resolution relates to conference and mediation proceedings in family and civil matters that are undertaken with the aim of resolving or minimising issues between the parties in dispute. In 2001/02, approximately 2,000 ADR conferences and mediations will be undertaken.
- (5) There is no “backlog” in the processing of applications for legal aid for criminal matters. Currently, the average time taken to process an application from its receipt to determination is 2 weeks.
- (6) There is no “backlog” in the processing of applications for legal aid for civil matters. Currently, the average time taken to process an application from its receipt to determination is 3 weeks.
- (7) The Legal HelpLine project is an initiative of the NSW Attorney General's Department, NSW Legal Aid Commission, Law Society and Bar Association to establish a single legal information and assistance service for the people of New South Wales. The new service will merge the existing Legal Aid Commission HelpLine and Law Society of NSW's Community Assistance program.

The NSW Attorney General's Department, as a major referral destination for the existing services, was nominated by the parties to facilitate the initial scoping of the project.

In December 2000, the parties received a report from the consultants who were retained to prepare an Operational Blueprint for the new service. The report recommended that the NSW Attorney General's Department, as a large multi-organisational Department, was best placed in terms of its human resource, capital works, finance and IT services capacity, to manage the establishment of a new Business Centre and the associated

administrative structures. The Department also has experience in operating the large Contact Centre service at the State Debt Recovery Office, as well as a range of smaller specialist contact centre facilities across the Department.

The \$385,000 which the Office of Information Technology and NSW Treasury allocated to Legal Aid in 2000/2001 to establish the service has been transferred to the Department.

The Chief Executives of each of the parties, as well as representatives from the Combined Community Legal Centres Group, National Council on Social Services and Public Interest Law Clearinghouse, meet on strategic and policy matters. An Advisory Group, with staff representatives of each of the above organisations, meet regularly to consult on operational matters.

In May 2001, the Department established the Legal Resource and Referral Centre as a Business Centre which will have responsibility for managing the implementation and first two years of operation of the service. The centre will commence provision of services in the last quarter of 2001.

10. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

(Relevant Area in Budget Papers: BP No3 Vol.1 4-54)

- (1) Please explain the 21.5% increase in “other operating expenses” for the Supreme Court (from \$4.822 million allocated in 2000-01 to \$6.143 million allocated in 2001-02)
- (2) Why, given that the revised budget for “maintenance” was \$1.066 million, does the 2001-02 Budget only allocate \$370,000?
- (3) Please provide a schedule:
 - (a) of maintenance for supreme courts in 2000-01?
 - (b) of proposed maintenance for supreme courts in 2001-02?

Answer:

- (1) The increase is due to the inclusion of the Cost Assessors Scheme (2001-02 Budget allocation of \$1.255 million) in the budget of the Supreme Court.
- (2) The reduction in expenditure follows from catch up expenditure in 2000/01. During the year, there was extensive expenditure, of both a capital and recurrent nature, on the King Street Court Complex to provide improved facilities for the Supreme Court.
- (3) (a) During 2000/1, the following maintenance was carried out:

Location	Amount	Description of works
King Street Court Complex	\$704,000	For King Street Colonnade Works, Seepage Identification and Remedial Works/Greenway Wing, Seepage Identification and Remedial Works/Banco Court and Courtyard.
Darlinghurst Court Complex	\$124,000	General repairs, plumbing and painting of the Darlinghurst Court House.
Queen's Square Court Complex	\$238,000	Purchase of ergonomic chairs for the bar table and court staff for all courts

- (b) The maintenance budget of \$370,000 will be used in the various Supreme Court locations for general repairs and recurrent maintenance. At this stage, \$90,000 has been earmarked for general repairs in the King Street Complex and \$105,000 for the Darlinghurst Complex and the Queen's Square Complex. The balance of funds will be allocated throughout the year on an "as needs basis".

11. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

(Relevant Area in Budget Papers: BP No3 Vol. 1 4-56)

The 2001-02 Budget lists average staffing in the district Court as 267 in 2000-01 and 272 in 2001-02 – an increase of 5 staff.

The Budget also indicates that employee related operating expenses rose from \$29.338 million in 2000-01 to \$31.993 million in 2001-02 an increase of \$2.655 million.

- (1) Of this \$2.655 million, what percentage accounts for the salary of 5 additional staff?
- (2) Since 2000-01, how many additional judges have been appointed to the District Court (full-time and Acting judges)?

Answer:

- (1) Of the \$2.655 million \$444,000 (17%) provides for additional staff.
- (2) Provision has been made for an additional Acting judge during 2001/02.

12. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

(Relevant Area in Budget Papers: BP No3 Vol 1, 4-58)

In 2001-02 Budget provides for an average of 10 additional staff for Local Courts (1,192 in 2000-01 to 1,202 in 2001-02). Employee related operating expenses increased from \$79.539 million (revised, 2000-01) to \$87.9 million in 2000-01 – an additional \$8.361 million.

- (1) Of this \$8.361 million, how much will be allocated to the provision of the 10 additional staff?
- (2) How much accounts for salary increases?

Since 1999-2000, average staffing levels have increased by 19, but employee operating expenses have increased from \$77.105 million (revised, 2000-01 BP vol 3. no 1. 4-39) to \$87.9 million – an increase of \$10.795 million.

- (3) Of this \$10.795 million, what percentage accounts for increased staffing levels and what percentage accounts for salary increases?
- (4) Since 1999-2000, how many additional full time magistrates have been appointed to the NSW Local Court?
- (5) Since 1999-2000, how many part-time magistrates have been appointed to the NSW Local Court?

Answer:

- (1) Of the \$8.361 million approximately \$731,000 is for additional staff.
- (2) Provision for salary increases account for approximately \$4.050 million.

- (3) Of the \$10.795 million approximately 13% was for additional staff and 53% for salary increases.
- (4) One additional magistrate was appointed during 2000-01.
- (5) Four new part-time magistrates were appointed to existing positions as they became vacant.

13. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

(Relevant Area in Budget Papers: BP No5, p6)

The 2001 appropriation for recurrent services, Attorney General's Department is listed at \$340.087 million. The 2000 appropriation for recurrent services, Attorney General's Department was \$319.514 million

Of this additional 6.3% over the budgets expenditure for 2000-01, how much has been allocated to

- (a) Employee expenses,
- (b) Administrative expenses (total, Departmental),
- (c) Local Court,
- (d) District Court,
- (e) Supreme Court,
- (f) Land and Environment Court,
- (g) Adult Drug Court program?

Answer:

- (a) \$11.8 million.
- (b) \$0.3 million.
- (c) \$5.5 million.
- (d) \$2.3 million.
- (e) \$1.6 million.
- (f) \$0.2 million.
- (g) \$0.9 million.

14. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

(Relevant Area in Budget Papers :BP No3 Vol. 1; 4-49)

- (1) Of the \$13.067 million spent on Crown Solicitor's Office Fees in 2000-01, how much (if any) was spent providing legal advice and assistance to the following:
 - (a) The Premier, the Hon Bob Carr MP,
 - (b) The Speaker, the Hon John Murray MP,

- (c) Minister for Education and Training the Hon John Aquilina MP,
- (d) Member for Fairfield Joe Tripodi,
- (e) Member for Cabramatta Reba Meagher MP,
- (f) Member for Kogarah Cherie Burton MP,
- (g) Member for Parramatta the Hon Gabrielle Harrison,
- (h) Member for Auburn Mr peter Nagle MP?

(2) For each, please provide details of the nature of the matters for which legal advice provided.

Answer:

(1) The Crown Solicitor’s Office has provided the following figures based on information available on their practice management system and enquiries made of legal staff within the CSO. It may not include legal advice or assistance provided to the Department of Education at the request of the Minister. It also does not include advice provided to the Premier’s Department, The Cabinet Office or the Clerks of the Houses of Parliament.

- (a) the Premier,
- (b) the Speaker, \$15,466.50
- (c) the Minister for Education and Training, \$26,824.40
- (d) the Member for Fairfield, -
- (e) the Member for Cabramatta, -
- (f) the Member for Kogarah, -
- (g) the Member for Parramatta, -
- (h) the Member for Auburn -

(2) **The Speaker, the Hon. John Murray MP**

Advice	Moderation of costs RE: appearance before ICAC.
Advice	Approval of Ex Gratia Legal assistance to Speaker.
Defendant Civil act for	Kaye, AE V Speaker Legislative Assembly - Unfair Dismissal.
Defendant Civil act for	Stonham V The Speaker and NSW.
Defendant Civil act for	Frost, K V The Speaker and NSW.
Defendant Civil act for	Durovic, D V Murray, J Speaker Legislative Assembly.

Minister for Education and Training, the Hon. John Aquilina MP

Appeal/Review	Morgan V Dept of School Education and Minister for Education.
Advice	Announcements of school closure under S28. Education Act.
Advice	Advice to Minister for Education RE: incorrect information.
Advice	Proposed amendment of University of Sydney by Law 1999.
Defendant Civil act for	Boxx V Minister for Education and Training.

15. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

- (1) For each of your portfolio agencies:
 - (a) How much money was spent on advertising in 2000-01?
 - (b) What is the estimate of money to be spent on advertising in 2001-02?
- (2) Can you please provide a list of each campaign and cost for (a) and (b)?

Answer:

All advertising was undertaken in accordance with government guidelines for advertising. The cost of advertising in 2001/02 will depend on the nature and scope of advertising identified as necessary for 2001/02.

16. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

- (1) For each of your portfolio agencies:
 - (a) How much was spent on consultants in 2000-01?
 - (b) What is the estimate of money to be spent on consultants in 2001-02?
- (2) Can you please provide a list of each consultant, project and cost for (a) and (b)?

Answer:

The cost of consultants is reflected in the Annual Reports of the respective agencies. Expenditure for 2001-02 will depend on the need for consultancy services throughout the year.

17. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

- (1) For each of your portfolio agencies:
 - (a) How much was spent on overseas trips in 2000-01 by officials?
 - (b) What is the estimate of money to be spent on overseas trips in 2001-02 by officials?
- (2) Can you please provide a list of each trip, purpose and costs for (a) and (b)?

Answer:

1. Details regarding all official overseas travel is included in the Annual Reports of the respective agencies and in accordance with the appropriate guidelines.
2. Expenditure in 2001-02 will depend on the particular issues requiring overseas travel. It is too early to provide an estimate at this stage of the financial year. However, the Annual Reports for 2001/02 will contain the full list.

18. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

- (1)
 - (a) What is the total cost of your overseas trips in 2000-01?
 - (b) What is the estimate of money to be spent on your overseas trips in 2001-02?

- (2) Can you please provide a list of each trip, purpose and cost for (a) and (b)?
- (3) For each trip, can you please provide a breakdown in airfare costs, hotel costs, car hire and accompanying staff and officials?

Answer:

The Attorney travelled overseas on privately funded leave. When undertaken, overseas travel is undertaken in accordance with appropriate guidelines. Costs incurred during official overseas travel will be in accordance with the appropriate guidelines.

19. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

- (1) For each of your portfolio agencies:
 - (a) How much was spent on interstate trips in 2000-01 by officials?
 - (b) What is the estimate of money to be spent on interstate trips in 2001-02 by officials?
- (2) Can you please provide a list of each trip, purpose and cost for (a) and (b)?

Answer:

- (1) (a) Interstate travel was undertaken in accordance with appropriate guidelines and costs incurred were also in accordance with those guidelines.
- (b) Travel costs for 2001/02 will depend on the nature and scope of any travel required to be undertaken.
- 2) Costs incurred during official interstate travel was in accordance with appropriate guidelines.

20. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

- (1) (a) What is the total cost of your interstate trips in 2000-01?
- (b) What is the estimate of money to be spent on your interstate trips in 2001-02?
- (2) Can you please provide a list of each trip, purpose and cost for (a) and (b)?
- (3) For each trip, can you please provide a breakdown in airfare costs, hotel costs, car hire and accompanying staff and officials?

Answer:

- (1) (a) Official travel was undertaken in accordance with guidelines and within costs expectations.
- (b) It is too early to provide an estimate at this stage of the financial year. However, expenditure will depend on the nature and scope of any travel in 2001/02.
- (2) and (3) See previous answer.

21. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

For each of your portfolio agencies:

- (1) How much money in total was spent on Olympic-related costs?
- (2) Of this amount, how much was reimbursed by additional appropriations, or by assistance from Olympic agencies?

Answer:

- (1) Expenditure was in accordance with Olympic-related priorities
- (2) Expenditure was in accordance with agency requirements.

22. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

For each of your portfolio agencies:

- (1) How much money was spent on performance pay for public servants in 1999-00, and 2000-01?
- (2) Did you personally approve these bonus payments?

Answer:

- (1) On August 28, 2000, Premier's Memorandum 2000-21 was issued indicating that performance pay was not to be made available to members of the Chief and Senior Executive Services. In August 2000, details of performance payments were published in the Sydney media relating to a range of performance payments made in 2000.
- (2) Approvals of remuneration to members of the SES were made by the respective Chief Executive Officers.

23. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

For each of your portfolio agencies:

- (1) How many times were matters referred for independent investigation to ICAC in 2000-01?
- (2) Can you please provide a breakdown of these referrals?

Answer:

Officers who are charged with breaches of discipline under the Public Sector Management Act, 1988 are referred to the Commissioner, Independent Commission Against Corruption as required under the legislation. Additionally, where corrupt conduct as defined under the ICAC Act is suspected, the matter is referred to the ICAC, whether or not the officer has been charged. It is not appropriate to canvass issues that may be the subject of an ICAC investigation.

24. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

- (1) In 2000-01, how much was spent on your ministerial expenses?
- (2) Can you please provide a breakdown by expense, for example hotel expenses, office refurbishments etc? what is the forecast amount to be spent in 2001-02?

Answer:

Expenditure was in accordance with the relevant approvals and guidelines. Expenditure for 2001/02 will depend on the extent and nature of requirements.

25. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

For each of your portfolio agencies:

- (1) How much money was spent for entertainment purposes in 2000-01?
- (2) What is the breakdown by cost and nature of these functions?
- (3) What is the forecast to be spent in 2001-02?

Answer:

Expenditure was undertaken within the allocations to agencies. Expenditure for 2001/02 will depend on the nature and extent of expenditure required. It is too early in the financial year to estimate a figure.

26. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

- (1) In 2000-01, how many board appointments were made by you, or by your portfolio agencies?
- (2) Of these appointments:
 - (a) How many were women?
 - (b) How many people were from a non-English speaking background?
 - (c) How many people were with a disability?
 - (d) How many were Aboriginal or Torres Strait Islanders?
 - (e) How many were young people?

Answer:

The Government has provided detailed responses on the notice paper to this question previously.

27. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

- (1) For each of your portfolio agencies in 2000-01, what fees and fines were increased, and by how much?
- (2) In 2001-02, what is the forecast for fees and fines to be increased, and by how much?

Answer:

Fee increases are originated within agencies on an annual or periodic basis and are referred to Parliament's Regulation Review Committee for consideration. Most increases fall within the Consumer Price Index (CPI).

Fines are set under the relevant legislation and are usually subject to annual CPI adjustments.

28. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

- (1) (a) In 2000-01, for each of your portfolio agencies, how many media or public relations advisers were employed?

- (b) What is the total cost of this?
- (2) What is the forecast for 2001-02 for the number of media or public relations advisers to be employed, and their total cost?

Answer:

Staff numbers in various agencies within the portfolio vary according to leave, recruitment and periods of peak demand.

29. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

- (1) For each of your portfolio agencies in 2000-01:
- (a) How much was spent on legal expenses?
- (b) What was the breakdown for these expenses?
- (2) In 2000-01, how much did you spend on legal expenses?

Answer:

Expenditure on legal expenses followed appropriate review of the circumstances, the need for such expenditure and within appropriate guidelines.

In the case of core work for public sector agencies the Crown Solicitor meets these costs.

30. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

For each of your portfolio agencies in 2000-01:

- (1) How much was spent on public opinion surveys?
- (2) What is the breakdown for the cost of these surveys?

Answer:

On 20 December 2000, Premier's Memorandum 2000-28 was issued indicating that under no circumstances should surveys of clients, other users of government services or citizens be used to elicit information of a political nature.

31. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

- (1) How many Ministerial Staff are currently employed by you?
- (2) What is the total salary cost of these staff?

Answer:

Ministerial staff are employed by the Director General of the Premiers Department in accordance with the provisions of the Public Sector Management Act 1988. Staff and salary costs are allocated accordingly.

32. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

- (1) For each of your portfolio agencies in 2000-01, how much was spent on office fitouts and refurbishments?

(2) What is the estimated cost for 2001-02?

Answer:

All expenditure was in accordance with guidelines and procedures for office fit-outs and refurbishment. Estimated cost for 2001/02 will depend on the nature and extent of any changes to office fit outs and refurbishments required.

33. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

(1) For each of your portfolio agencies in 2000-01, how much was spent on the cost of leases in Sydney CBD?

(2) What is the estimated cost for 2001-02?

Answer:

Expenditure on leases of government office accommodation followed careful review of the particular circumstances and needs of agencies. The Government Asset Management Committee oversees government accommodation.

The estimated cost of 2001/02 will depend on a range of factors and it is too early in the financial year to estimate expenditure. The Government Asset Management Committee will oversight leasing issues.

34. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

For each of your portfolio agencies in 2000-01:

(a) Was there any vacant or under-utilised office space?

(b) If so, how much did this cost?

Answer:

The Government Asset Management Committee oversees all asset management in the NSW public sector. The GAMC ensures that all agencies adopt a strategic approach to property management.

35. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

(1) For each of your portfolio agencies in 2000-01, how much was spent on the salary packages for senior Executive Service?

(2) What is the estimated cost for 2001-02?

Answer:

(1) Salary packages for the Senior Executive Service are set by the Statutory and Other Offices Tribunal. Current bands for each level are:

Level 8	\$258,000 to \$318,315
Level 7	\$218,615 to \$276,135
Level 6	\$181,960 to \$219,510
Level 5	\$158,840 to \$194,770

Level 4	\$145,350 to \$169,420
Level 3	\$132,410 to \$155,575
Level 2	\$118,675 to \$137,145
Level 1	\$109,225 to \$127,130

- (2) This will depend on the number of SES officers employed and their current point within the particular range.

36. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

- (1) (a) Did you seek or receive reimbursement, or did your government agency pay or is in the process of paying, for an “out of pocket” expense, incurred by you, as outlined in Ministerial Memorandum No.99-24, in 2000-01?
- (b) If so, what was the breakdown of these expenses?
- (2) What is the forecast amount to be spent in 2001-02?

Answer:

Ministerial memorandum 99-24 provided guidelines on the policy for reimbursement of expenses related to general expenses. The expenditure must relate to expenditure on official government business.

37. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

- (1) Does your Ministerial Office have a discretionary allowance?
- (2) How was it expended during 2000-01?
- (3) What is the forecast for expenditure in 2001-02?

Answer:

There is no discretionary allowance pertaining to the Department of the Attorney General and related agencies.

38. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

- (1) What is the breakdown of expenditure for the day-to-day running of your Ministerial Office in 2000-01?
- (2) What is the forecast for expenditure in 2001-02?

Answer:

Expenditure for Ministerial Offices is determined by the Budget Committee of Cabinet. Expenditure must be in accordance with the provisions of the Public Finance and Audit Act.

39. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

- (1) What is the breakdown of expenditure, as authorised by your Chief of Staff, and outlined in Ministerial Memorandum No 96-28, for 2000-01?

(2) What is the forecast for expenditure in 2001-02?

Answer:

There does not appear to be a question 48.

40. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

What is the total cost of Ministerial motor vehicle expenses in 2000-01?

Answer:

Motor vehicle management is undertaken within policies administered by State Fleet Services and the Department of Public Works and Services.

41. Hon Greg Pearce MLC asked the Minister for Attorney General, the Hon Robert Debus, MP—

For each agency in your portfolio, what was spent in 200-01 on media services?

Answer:

Without a clearer definition of media services it is difficult to address the question. However, as was the case under the former Coalition Government, all agencies undertake a range of monitoring activities and monitoring is undertaken within appropriate delegations.

42. Hon Helen Sham-Ho MLC asked the Minister for Attorney General, the Hon Robert Debus, MP –

(Relevant in Budget Papers: BP No3; Vol. 1)

I refer to self-administration.

- (1) How often was it a stand-alone charge in 2000-01?
- (2) How many convictions for self-administration alone were there in that period?
- (3) The Government has indicated that it would reconsider its rejection of the Drug Summit's recommendation for the repeal of self-administration as an offence – when will this review take place and how does the government propose to do this?
- (4) What is the cost-effectiveness of retaining self-administration on the books as an offence, as opposed to focusing those resources on trafficking?

Answer:

- (1) Local Court statistics are currently available up until the end of June 2000. Between July 1999 and June 2000, 212 people appeared in the NSW Local Courts for a sole charge of self-administration.
- (2) Of the 212 people charged solely with self administration in the Local Courts in 1999/00, 194 people had the charge proven against them.
- (3) At this stage, the Government has determined that the offences of self-administration of a prohibited drug and possession of equipment for the administration of drugs should remain.

One of the rationales underpinning the recommendation for repealing the offence of self-administration was the need to encourage peers to seek immediate health intervention, especially from ambulance services, in cases where an overdose occurs. This issue has been dealt with by establishing appropriate guidelines for the exercise of police discretion when attending incidents of drug overdose. These guidelines commenced on 3 April 2000. Diversionary schemes to deal with drug users will also obviate the need for the repeal.

The offences of self-administration and possession of equipment will be continually monitored for their effectiveness.

- (4) The cost-effectiveness of retaining self-administration on the books as an offence, as opposed to focusing those resources on trafficking cannot readily be calculated.

43. Hon Helen Sham-Ho MLC asked the Minister for Attorney General, the Hon Robert Debus, MP –

(Relevant Area in Budget Papers: BP No3 Vol.1; p-8)

- (1) The Justice Agencies data exchange project (referred to a 4-8) is described as enabling the electronic transfer of data between the Attorney General, Police, Juvenile Justice and the DPP, “thereby saving costs and increasing community safety”.
- (a) Is wardship status (either current or former) or substitute care included as a category by the Data Exchange Project?
- (b) If not, will the Minister direct that this category now be added?
- (c) If not, why not?
- (2) (a) Has any research been done by the Crime Prevention Division into the connection between wardship and the criminal justice system?
- (b) What, if any, research, programs, projects or bibliographies have been undertaken by divisions in the Attorney-General’s Dep’t; and the Criminology Research Council?

Answer:

- (1) (a) Wardship status (either current or former) or substitute care are not yet included as a category by the Justice Agencies Data Exchange (JADE) project.
- (b) and (c) JADE is a cooperative project between the various justice agencies to improve the flow of electronic data between the agencies. It receives capital funding through Treasury for specific projects supported by a business case. Whilst the Attorney General’s Department is the lead agency for funding purposes, the project is not directed by any one agency. If long-term research is undertaken on the connection between wardship status or substitute care and the criminal justice system by one or more of the participating agencies, then the JADE project could be the instrument by which the necessary data sharing is established.
- (2) (a) No.
- (b) The Criminology Research Council is not part of the Attorney General’s portfolio.

The NSW Bureau of Crime Statistics and Research have several research reports which consider parenting, family factors and their role in offending behaviour. These include:

What Causes Crime? Don Weatherburn, 2001, Crime and Justice Bulletin Number 54, Bureau of Crime Statistics and Research: Sydney

Juveniles in Crime - Part 1: Participation Rates and Risk Factors, Joanne Baker, 1998, Bureau of Crime Statistics and Research: Sydney

Poverty, Parenting, Peers and Crime-Prone Neighbourhoods, Don Weatherburn and Bronwyn Lind, 1998, Trends and Issues Number 85, Australian Institute of Criminology

Social and Economic Stress, Child Neglect and Juvenile Delinquency, Don Weatherburn and Bronwyn Lind, 1997, Bureau of Crime Statistics and Research: Sydney.

Child Neglect: Its Causes and Role in Delinquency, Pia Salmelainen, 1996, Crime and Justice Bulletin Number 33, NSW Bureau of Crime Statistics and Research.

44. Hon Helen Sham-Ho MLC asked the Minister for Attorney General, the Hon Robert Debus, MP –

(Relevant Area in Budget Papers: BP No3; Vol.1)

- (a) How much of the Attorney General's Budget explicitly targets people who have been in substitute care or have a history of wardship?
- (b) If none have been allocated, why not?

Answer:

The Attorney General's Department has a policy of developing programs and initiatives which are accessible to all people in New South Wales. Additionally, it has developed programs designed to address the needs of people facing particular disadvantage in our community. Other programs are designed to reduce offending behaviour and divert people from the criminal justice system.

45. Hon Helen Sham-Ho MLC asked the Minister for Attorney General, the Hon Robert Debus, MP –

(Relevant Area in Budget Papers: BP No3; Vol. 1; p4-7)

Children needing care and protection have been termed "pre delinquent" and treated as criminals by courts in the past and until fairly recently, children could be charged with being neglected and placed in detention centres alongside young offenders. This year, the Law Society's examination of the children's court system found that care and criminal matters were still often placed in the same holding room, with no privacy for lawyers or parental discussions. In respect of Cobham Children's Court, the Law Society criticised the facility on the grounds that it "is inappropriate for care matters to be dealt with in what is effectively, a gaol".

Given that the new children's courts at Parramatta and Worimi referred to at 4-7 of the Budget Papers combine both care and criminal matters, what provision and budget allocation has been set aside for education programs for magistrates and Judges specifically on the issues affecting children in need of care, and those from a care background before the courts on criminal charges?

Answer:

The Judicial Commission has responsibility to provide a scheme of education and training for judicial officers.

In 2001/2, the Commission plans to conduct up to four days of education for Children's Magistrates. The content of the program has not been settled by the relevant education committee but it is intended to cover both care and criminal matters.

46. Hon Helen Sham-Ho MLC asked the Minister for Attorney General, the Hon Robert Debus, MP –

(Relevant Area in Budget Papers: BP 3; Vol. 1; p4-76)

In the Budget there is an item titled “percent of Grants to Access and Equity Target Group clients” in Legal Aid matters (p4-76). Although female, non-English speaking background, and Aboriginal and Torres Strait Islander clients are recorded, there is no mention of people who have been or are in, the substitute care system or are State wards.

Given that people who have been in the substitute care system are highly likely to end up in the criminal justice system at some stage, why are they not a recognised access and equity target group?

- (a) Will the Minister now revise the Access and equity categories so as to include people who have been in substitute care?
- (b) If not, why not?

Answer:

The Legal Aid Commission does not currently collect this category of client information on its database, and is of the view that to require such information of its clients would be unduly intrusive.

47. Ms Lee Rhiannon MLC asked the Minister for Attorney General, the Hon Robert Debus, MP –

(Relevant Area in Budget Papers: BP No3)

What is the average cost per prisoner per day to keep a prisoner in the High Risk Management Unit at Goulburn?

Answer:

This question should be directed to the Minister for Corrective Services.