



## LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEE NO. 3

### MEMORANDUM

To	Hon Peter Breen MLC Hon Amanda Fazio MLC Hon Edward Obeid MLC Hon Charlie Lynn MLC Hon Greg Pearce MLC Hon John Tingle MLC Hon Ian West MLC	cc:	Hon Peter Primrose MLC Hon Don Harwin MLC Hon Tony Catanzariti MLC Hon Henry Tsang MLC
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From Budget Estimates Secretariat

Subject Answers to Questions on Notice – Attorney General

Date 29 October 2004

Reference

Please find attached a copy of the answers provided to the questions taken on notice by the Hon Bob Debus MP, Attorney General, at the Budget Estimates hearing on Friday 17 September 2004.

Tanya Bosch  
Director, Budget Estimates



## ATTORNEY GENERAL

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28 OCT 2004

The Director  
General Purpose Standing Committees  
Parliament of NSW  
Macquarie St  
SYDNEY NSW 2000

**LEGISLATIVE COUNCIL  
COMMITTEES**

29 OCT 2004

**RECEIVED**

Dear Director

I refer to questions taken on notice during the Budget Estimates Hearing with General Purpose Standing Committee No 3 on Friday 17<sup>th</sup> September 2004.

Please find responses to the questions taken on notice at the hearing attached.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Bob Debus', written over the typed name.

**BOB DEBUS**

TON 1

**The Hon. GREG PEARCE:** How much money is allocated from the Attorney General's budget for the provision of legal advice to Ministers and to the Government generally?

**Mr BOB DEBUS:** As I understand it, there is no budgeted allocation. Rather, expenditures occur through the year according to circumstances, and the department's budget is supplemented accordingly.

**The Hon. GREG PEARCE:** Will you provide the actual figures for the past five years?

**Mr GLANFIELD:** I draw the honourable member's attention to the provisions shown on page 341, which are known as protected items. Under the heading "Witnesses expenses", \$482,000 has been budgeted for the coming year and \$370,000 has been budgeted for legal assistance claims. Those allocations cover the ex gratia scheme for public servants and Ministers and representation before the Independent Commission Against Corruption [ICAC] and the Police Integrity Commission [PIC]. In the past year we spent \$62,000 on witness expenses and \$20,000 on legal assistance claims.

**The Hon. GREG PEARCE:** Can you provide the breakdown of those expenses for the past five years?

**Mr BOB DEBUS:** Obviously we will have to take that question on notice.

**Answer**

*The following table shows the budget, actual expenditure and estimated expenditure (as shown in the Budget Papers) for Witness Expenses and Legal Assistance Claims for the past five financial years.*

<b>Witnesses Expenses</b>	<b>Budget \$'000</b>	<b>Estimate \$'000</b>	<b>Actual \$'000</b>
1999/00	500	0	21
2000/01	493	38	25
2001/02	489	6	4
2002/03	486	20	56
2003/04	484	62	32

<b>Legal Assistance Claims</b>	<b>Budget \$'000</b>	<b>Estimate \$'000</b>	<b>Actual \$'000</b>
1999/00	400	75	51
2000/01	393	7	3
2001/02	389	0	0
2002/03	386	0	0
2003/04	383	20	14

**TON 2**

**The Hon. GREG PEARCE:** Can you provide information about the legal fees paid by the Government in defence of Premier Wran when he was fined for contempt for comments he made about Justice Lionel Murphy? I know that was a long time ago, but I assume the bills have been paid.

**The Hon. HENRY TSANG:** Point of order: Is that question in order? This Committee is dealing with this year's budget.

**The Hon. GREG PEARCE:** We want to compare figures.

**CHAIR:** Order! The honourable member is speaking to a point of order.

**The Hon. HENRY TSANG:** Can honourable members ask questions about expenditure in 1850? If so, I want to know how much was spent by the Attorney General on legal costs in 1850.

**Mr BOB DEBUS:** The answer is that I probably will not be able to provide the answer. I make no specific undertaking to provide an answer in respect of Premier Wran's expenses.

**The Hon. CHARLIE LYNN:** He is not asking about the expenses; he is simply asking about the arrangements made.

**The Hon. GREG PEARCE:** No, I asked about the expenses.

**Mr BOB DEBUS:** I cannot give a guarantee to produce that level of detail. However, I will investigate it.

**The Hon. GREG PEARCE:** Thank you.

### **Answer**

I am advised that my Department has investigated this matter and despite extensive searches no records were found that would provide details of Premier Wran's expenses from nearly 20 years ago.

**TON 3**

**The Hon. GREG PEARCE:** What is the budget for solicitor trial advocates positions for 2004-05?

**Mr BOB DEBUS:** I will take that on notice.

**Answer**

The cash budget for 2004-05 is \$2,219,600.

#### **TON 4**

**The Hon. PETER BREEN:** Attorney, could I just take up the question that Mr Pearce asked in relation to legal representation for the Premier at the ICAC hearing into alleged contempt charges? I think Mr Glanfield suggested in his reply to that question that the fees for the Premier's representation were included in the projected figure for legal assistance of some \$370,000. Is it not a fact that the Premier was actually represented by the Crown Solicitor and that the legal representation office only pays \$1,000 a day, which would hardly cover the Premier's fees? I think the Crown Solicitor is the representative.

**Mr GLANFIELD:** The question I thought I was asked was directed to Orange Grove. The question of contempt in relation to the nurses health inquiry is a different issue. What you say is true, the Crown Solicitor, with counsel, were representing on that contempt issue.

**The Hon. PETER BREEN:** I just understood that that was the question.

**The Hon. GREG PEARCE:** That was the question. There were two questions.

**Mr BOB DEBUS:** There were two questions.

**The Hon. PETER BREEN:** But it is the case, is it not, that the Crown Solicitor represents the Premier in relation to the alleged contempt charge. He is not covered by the legal representation?

**Mr GLANFIELD:** That is right. But in relation to Orange Grove there is private representation.

**The Hon. PETER BREEN:** In the response to that question I think you suggested that there would be figures provided. Will those figures include the fees of the Crown Solicitor or the costs of the Crown Solicitor involved in defending the charges?

**Mr GLANFIELD:** We can provide that information.

#### **Answer**

To date the Crown Solicitors fees and disbursements and other legal fees for the contempt allegations in relation to the nurses inquiry total \$67,041.

Accounts are yet to be received in relation to the Orange Grove ICAC inquiry.

**TON 5**

**The Hon. CHARLIE LYNN:** Attorney, has the Newcastle office of the DPP been audited, either internally or externally, to examine allegations of corruption made by a whistleblower?

**Mr BOB DEBUS:** I am not aware of that.

**The Hon. CHARLIE LYNN:** Is anyone else aware?

**Mr BOB DEBUS:** Nobody at the table is aware.

**The Hon. CHARLIE LYNN:** Could you take that question on notice? I will give you another couple of questions to take on notice in regard to that question. If it is the case, what were the allegations made by the whistleblower? What actions were taken by the Newcastle office of the DPP following the allegations, and if an audit did occur, will the Attorney General make public the details of the audit? Is the person who made the allegations still employed by the Newcastle office of the DPP and, if not, under what circumstances did this person's employment cease?

**Mr BOB DEBUS:** We will take all of those questions on notice.

**Answer**

I am advised by the Office of the Director of Public Prosecutions (ODPP) that in late 2003 a staff member in the ODPP Newcastle Regional Office made numerous allegations against other staff in the office. The Director of Public Prosecutions instigated an independent investigation by the Internal Audit Bureau.

The external investigation found that the allegations could not be substantiated. Proceedings arising from this staffing dispute were before the Industrial Relations Commission. However, the Public Service Association have lodged a Notice of Discontinuance.

The Officer concerned has advised, through her private solicitor, that she intends to resume duty in the Sydney Office on 1 November 2004.

**TON 6**

**The Hon. CHARLIE LYNN:** Can you provide us with an idea of what the expected costs are for the court?

**Mr FENELEY:** The additional budgetary costs, I can give you that figure; I just cannot give you a figure off the top of my head. At the moment the agencies have had to reallocate resources internally to support the project. Certainly, the bulk of the resources at this stage come as a consequence from the agencies making a commitment to do that because of their belief in this model. So we would need to reassess the budget consequences once we assess whether the model is an appropriate one, but at this stage the bulk of the costs are being borne by the Department of Community Services and Corrective Services in terms of providing specialist programs.

**The Hon. CHARLIE LYNN:** Will you take that on notice to give us an idea?

**Mr FENELEY:** Yes.

**Answer**

The Domestic Violence Intervention Court Model (DVICM) receives funding from several human services and criminal justice agencies. The Government has committed additional resources of just over \$1million dollars over two years for the implementation of DVICM. This is made up of;

- \$508,000 from the Premier's Community Solutions Program (soon to be transferred to DoCS) for project management, capital equipment and evaluation.
- \$446,000 from the Department of Community Services (DoCS) Supported Accommodation Assistance Program (SAAP) for the welfare of women and children attached to a trial.
- \$82,000 from the Attorney General's Department and the Strategy to Reduce Violence Against Women.



**TON 7**

**The Hon. GREG PEARCE:** Attorney, I am interested in the way that your resources seem to be shifting from front line to policy and support. The Justice Policy and Planning Unit has an extra 23 staff for 2004-05. Since 2001-02 it has increased by extra 35. Human Rights Services loses six staff, the Supreme Court loses seven, the District Court fifteen, the Local Court seven and the Industrial Commission five. Would you explain that approach and why those front-line delivery units are losing staff while your policy units are growing?

**Mr BOB DEBUS:** The losses that you describe are infinitesimally small against the total number of staff involved. At the policy level there has been significant and, I believe, entirely beneficial restructuring within the department. Mr Glanfield, I am sure, could give you a more precise response.

**Mr GLANFIELD:** Firstly, can I say that the increase in the Justice Policy and Planning Unit is primarily directed to service provision, not policy, because within that program there is the Aboriginal Justice Advisory Council and, more particularly, the Crime Prevention Division. I will come back to that in a minute and some of the very important Aboriginal justice initiatives for which the Government has allocated additional funding.

**The Hon. GREG PEARCE:** Are you saying staff are going to those programs?

**Mr GLANFIELD:** Yes. I will come back and give you some detail on that. Generally, on the issue of reductions across programs, including this program, some of these initiatives are offset by other savings. The way the budget is set up is all about corporate support costs spread across all the programs. At the moment in that area—together with the Legal Aid Commission, the Public Trustee Office and the Protective Commissioner—we have a very intensive corporate services reform initiative. We expect during the course of this year to be able to deliver considerable savings in corporate support, back room, IT and HR areas. That is reflected in the reduction across the programs. In the case of some programs there are some other minor adjustments but, as the Attorney General said, they are relatively minor.

For example, in Privacy the Attorney General took the decision to create a full-time senior Privacy Commissioner position. We combined a junior position with a part-time position to create that. So there is one loss, but the net effect for Privacy in our view is to have a much more committed and senior officer to promote Privacy. Going back to the Aboriginal initiatives, there is considerable funding included in that program and therefore staffing for more community justice groups. There is funding for an additional 10 community justice groups, which are groups set up in the communities with Aboriginal elders and senior people looking at community issues and giving advice within the community on

what initiatives might be developed. There will be an additional five Circle Sentencing programs added to the existing programs.

There is also an Aboriginal sexual assault task force, the support staff of which will be undertaking some research targeting particular offences where Aboriginal people seem to be over-represented. Considerable funds and, therefore, staffing are dedicated to the late-night community patrols, and there is an extra \$792,000 dedicated to creating additional patrols as well as the 10 that already exist. I think there was reference earlier to intensive court supervision programs, which will be run at Bourke and Brewarrina. They are funded and they have obviously some staff implications as well. Probably one of the most innovative things being pursued in that program is the creation of the Tirkandi Innaburra Aboriginal outstation, which is down near Griffith. It is being established and it will have staff to support what is effectively a diversion program for Aboriginal youth at risk.

**The Hon. GREG PEARCE:** There is a great deal of detail in those programs. Would you take it on notice and give us the budget and number of staff for each of the programs?

**Mr GLANFIELD:** We will provide more detail about the programs and the budgets.

**The Hon. GREG PEARCE:** Including staffing?

**Mr GLANFIELD:** Yes.

### **Answer**

The Government has budgeted \$2.45million for Aboriginal Justice initiatives to commence in 2004/05 and \$4.024million over three years for the construction of the Tirkandi Innaburra Aboriginal Outstation in the Murrumbidgee Shire Council.

### **Aboriginal Justice Initiatives**

#### **Community Justice Groups**

##### **Budget & Staffing**

\$536,000 has been budgeted for this initiative in 2004/05

This covers two full time equivalent centralised positions to coordinate the program and direct funding to support the establishment of a total of 24 groups over four years.

#### **Offence Targeting**

##### **Budget & Staffing**

\$176,000 has been budgeted for this initiative in 2004/05

This covers two full time equivalent positions to lead the research on the project.

**Child Sexual Assault Taskforce****Budget & Staffing**

\$131,000 has been budgeted for this initiative in 2004/05

This covers two full time equivalent positions working in a secretariat carrying out the work of the taskforce.

**Intensive Court Supervision****Budget & Staffing**

\$306,000 has been budgeted for this initiative in 2004/05.

This covers additional sitting time for magistrates and a local Juvenile Justice worker based in Bourke.

**Community Patrols****Budget & Staffing**

\$792,000 has been budgeted for this initiative in 2004/05.

This provides for a centralised coordinator to organise and improve the operation of the program across NSW. A grant of \$641,000 will be provided by way of competitive tender to an organisation able to provide the patrol workers.

**Circle Sentencing****Budget & Staffing**

\$506,580 has been budgeted for this initiative in 2004/05

This provides for a total of six full time equivalent staff and the expansion of the program to an additional five locations on top of the present four.

**Tirkandi Inaburra Cultural and Development Centre****Budget & Staffing**

\$3.574 million will be expended on the centre's construction in 2004/05 and a further \$405,000 has been allocated to support project and program development for the centre.

One staff member from within the Attorney General's Department has responsibility for program management of the construction, for supporting the development of programs, policies and systems and for monitoring the implementation of the project.