

Budget Estimates
AJAKA

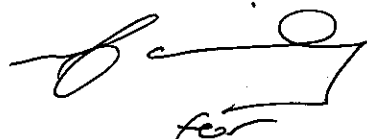
DPP

1. Have you requested advice from the Director General or from the Executive Director of the DPP concerning a new rank of Crown Prosecutor to be on a salary less than presently paid to Crown Prosecutors?
2. Have you requested or been provided with advice on the number of assistant solicitors employed by the DPP and/or whether the numbers should be reduced and/or eliminated?

ANSWER

I am advised:

1. I refer the Honourable Member to the Auditor-General's Report – Performance Audit, Efficiency of the Office of the Director of Public Prosecutions; the Office of the Director of Public Prosecutions' response to this report noted by the Public Accounts Committee and answers provided at last year's Budget Estimates hearing.
2. No.



(John Hatzistergos)

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NSW Trustee and Guardian

3. In regard to the judgment of McLaughlin AsJ in the matter MacDonald v Public Trustee [2010] NSWSC 684, how do you respond to His Honour's criticism of the management of this estate by the Office of the Public Trustee?
4. Have you ordered an independent review regarding the management of all current estates?
5. What procedures have you put in place to ensure that this type of conduct does not occur again?

ANSWER

I am advised:

I refer to the public statements on the matter.


(John Hatzistergos)

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Legal Costs

6. Despite the fact that you advised the General Purpose Standing Committee No 3, 12 months ago, that SCAG had agreed that its work on legal costs should be fed into the COAG Legal Profession Taskforce reform process, another year has gone by with no reform on this issue in NSW. Are you intending to take any initiative in the reform process to resolve this issue of excessive legal costs in NSW?
7. There has been considerable criticism of the time costing system including comments by the Chief Justice urging the profession to reconsider the use of billable hours or time costing to charge clients. Do you intend to abolish this system?
8. The Legal Services Commissioner Steve Mark has stated that he thought it was time consider a system of proportionate costs and that other States followed the lead of Queensland and adopt "the 50-50 rule". This would mean that legal fees must not exceed half of what remains of the judgment after the expenses are taken into account. Mr Mark is quoted as stating that this step would restore some proportion to litigation. Are you intending to introduce a system of proportionate costs?
9. When might we expect to see some action in regard to this issue?

ANSWERS

I am advised:

In May 2010, the COAG National Legal Profession Reform Taskforce released its draft Legal Profession National Law and National Rules for a three month consultation period. The package contained draft legislative provisions and rules in relation to legal costs. The Taskforce is currently considering the submissions and will report back to COAG before the end of 2010.

Given that concerns about excessive overcharging could arise in any Australian jurisdiction, it is desirable to seek national uniformity on legislative provisions to address them. Consequently, the NSW Government intends to await the outcome of the COAG national legal profession reform process before considering further action on legal costs within New South Wales.


(John Hatzistergos)

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Government Legal Services

10. Did you commission a review of Government Legal Services?

a) If so when?

11. Was the review to be conducted by Mary Rebehy – Manager, Ministerial & Executive Services Unit NSW Office of State Revenue?

a) Has the review been completed?

b) When?

c) Has it been released?

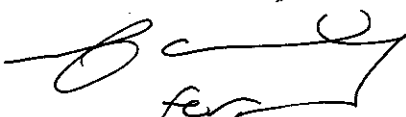
d) If not when will it be released?

12. What were the findings?

ANSWERS

I am advised:

The review was announced in the 2009-10 Budget and will be released in due course.

A handwritten signature in black ink, appearing to read 'John Hatzistergos', written over a rectangular stamp area.

(John Hatzistergos)

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Wollongong Courthouse

13. What repair work has been undertaken on Wollongong Courthouse to date?
14. What is the total cost of repair work undertaken in the past financial year?
15. What additional works need to be completed?
16. When will the additional repair works be completed?
17. How much will be spent on Wollongong Courthouse maintenance in 2010-11 and 2011-12?
18. Will maintenance and repair works be expedited given Vic Lilli's report which found Wollongong Courthouse fails to meet a number of Building Code of Australia standards?

ANSWER

I am advised:

13. Since mid 2008, over \$336,323 has been spent on general maintenance, structural repairs, security and fire safety works.
14. Over \$270,500.
- 15 & 16 Works scheduled for completion this financial year include repairs to the clock tower, structural repairs to facades and walls, painting and fire and life safety services including exit doors.
17. Estimated expenditure on maintenance and capital improvements are as follows:
2010/2011 - \$390,000
2011/2012 - \$500,000
18. I refer to my answer to a question without notice in the Legislative Council on 7 September 2010.


f (John Hatzistergos)