



NEW SOUTH WALES

ATTORNEY GENERAL

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

Dear Director

I refer to questions taken on notice during the Budget Estimates Hearing with the General Purpose Standing Committee No 3 on Friday 16 September 2005.

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

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Bob Debus', with a long, sweeping flourish extending upwards and to the right.

BOB DEBUS

TON 1

The Hon. DAVID CLARKE: Attorney, when did you first become aware that complaints had been made against Judge Dodd?

Mr BOB DEBUS: I cannot recall exactly when I became aware of that.

The Hon. DAVID CLARKE: Can you say generally when you became aware of it?

Mr BOB DEBUS: I became aware, I think it would be fair to say, not very long before there were media statements made about the medical condition that he had had. But, actually, he had had that medical condition quite some time, I think several years before the statements began to be made.

The Hon. DAVID CLARKE: Is there any member of your department here who could be more specific as to when you became aware?

Mr BOB DEBUS: No, there is not, although we could certainly give you more precise information upon notice. But, in essence, we became aware of those complaints at or about the time they actually became public and, as I say, the key fact is that the complaints began to be made by some former litigants about events that were actually years old. I did establish, relatively quickly, that the judge had had treatment for sleep apnoea, as I recall, before any of these matters had become public and, as far as I am aware, for whatever justification, the litigants who have complained about the circumstances that they experienced while they were in Judge Dodd's court all did so about events that were long past before those matters became public and before I was aware of them.

The Hon. DAVID CLARKE: So you will take that question on notice and see if you can come up with some specific information from your department?

Mr BOB DEBUS: Yes. I do not believe that my written answers will materially add to what I have said, but I will take the question on notice.

ANSWER:

A complaint regarding Judge Dodd was forwarded to my office and then investigated by the Judicial Commission, which informed me of the results of their investigation on 24 March 2005.

TON 2

The Hon. CHARLIE LYNN: Could you advise of the number of senior officers you have in your department at each level? The salary levels are SO 1, SO 2 and SO 3.

Mr GLANFIELD: I would have to provide the details of that on notice.

The Hon. CHARLIE LYNN: And the number of chief executives, senior officers, in your department?

Mr GLANFIELD: Members of the senior executive service?

The Hon. CHARLIE LYNN: Yes.

Mr GLANFIELD: Again, I will take that on notice to give you exactly the right figure.

The Hon. CHARLIE LYNN: You will provide that information to answer that question and the previous question?

Mr GLANFIELD: Yes. Can I answer the second question? The first one you wanted was a break-up of senior officers and SES officers. For SES officers we have 44.

ANSWER:

As at 30 September 2005, the Department employs 34 Senior Officers Grade 1 and four Senior Officers Grade 2. There are no Senior Officers Grade 3 employed by the Department.

TON 3

The Hon. JON JENKINS: My final question is to do with an issue that I have raised with you before—the incident in Coffs Harbour where a large group of over 500 people assembled in a national park. The gathering, which was obviously illegal, did an extraordinary amount of damage to the national park. These people had no washing, bathing or cooking facilities and they stayed there for nearly a week. The organisers of that group were clearly identified to your departments, yet no action was taken against them. Can you explain why? It is a very interesting case as to why those people were not pursued legally.

Mr BOB DEBUS: Although you say that you have raised the matter with me before, I must confess that I do not recall it.

The Hon. JON JENKINS: I have raised it with your department.

Mr BOB DEBUS: Okay. This is a matter of fact—

The Hon. JON JENKINS: I accept that.

Mr BOB DEBUS: Although it is wildly outside the leave of the Committee's deliberations, I am happy to answer it on notice.

ANSWER:

A loose affiliation of people held a gathering at the Nymboida River camping area. The affiliation has no organisational hierarchy or nominated representatives.

No approval was sought or given for the gathering and none has subsequently been given.

As no organisation or representative responsible for the gathering could be identified no action could be taken against any organisation or individual.

National Parks and Wildlife Service officers found out about the event after it had commenced, but it had been planned and promoted nationally and internationally via a website over the past six months.

On a visit to the site on 12 April 2005 officers made an assessment of the area.

Following assessment of the activity, location, site, potential impacts and response capacity (during school holidays with large numbers of visitors in popular coastal national park camping areas), an approach of managing impacts rather than site closure and visitor removal was adopted.

Six portable toilets were placed at the site, at the participants' cost, Grafton Police were notified and briefed on the matter and the Department of Environment and Conservation (DEC) initiated a monitoring, patrol and liaison program with staff present every two to three days.

Although the group had no formal structure or official spokesperson, it was made clear to those present that very large gatherings are inappropriate in national parks and reserves because they are beyond the capacity of most visitor areas. They were told that any large gatherings or proposed events to be held in national parks require approval and that it is most unlikely that any future similar gathering on national park would be approved.

They were further advised that DEC's response to any similar future gathering held without approval would be to close the site and require participants to leave.

Numbers at the gathering built up on the weekend of 23-24 April 2005 to an estimated 400-500 people. Apart from increased road use, staff reported no significant impacts associated with the gathering and that the participants were well behaved.

TON 4

The Hon. CHARLIE LYNN: Yes. Minister, what were the total legal costs incurred during the Orange Grove affair?

Mr BOB DEBUS: I am not certain what the total legal costs were. I think they will become known in the relatively near future. They are quite high, as you would imagine with so many people involved in what turned out to be such a wild goose chase.

The Hon. CHARLIE LYNN: How much of those legal costs were for Ministers Craig Knowles and Joe Tripodi and former Premier Bob Carr?

Mr BOB DEBUS: I understand that those costs will become clear in the quite near future. I can tell you that the assistance provided to Ministers and staff during the Orange Grove inquiry was approved in accordance with Premier's memorandum 99/11. That is the usual procedure followed in these cases. Applications for legal and financial assistance for people appearing before the ICAC are considered in accordance with the provisions of section 52 of the ICAC Act and applications for Ministers who are required to appear before the ICAC are considered under the terms of Premier's memorandum No. 99/11. There is nothing new about that; it is the way things have always been done. As I have said, the details of the costs of the ICAC inquiry and those fees that were provided for legal counsel for those involved in it will all be made public in a relatively short time.

The Hon. CHARLIE LYNN: Could you take the question on notice? Specifically, we would like to know how much was for the Ministers I mentioned—Craig Knowles and Joe Tripodi—and for the former Premier.

Mr BOB DEBUS: Yes.

The Hon. CHARLIE LYNN: We would also like to know what costs were involved for staff Michael Meagher, Graeme Wedderburn and Jennifer Westacott. Could you take that question on notice?

Mr BOB DEBUS: Yes.

The Hon. CHARLIE LYNN: Could you advise the Committee whether the department refused any requests for legal costs in the Orange Grove affair?

Mr BOB DEBUS: We will have to check that, but there is no doubt that those who appeared were given assistance.

The Hon. CHARLIE LYNN: But none were refused?

Mr BOB DEBUS: I am not aware of that but I will take the question on notice. I am not aware that anybody who sought assistance was refused it.

ANSWER:

To achieve effective representation and cost efficiencies where appropriate and where there is no conflict of interest, individual Ministers and their staff share legal representation.

I am advised that to date total payments of \$847,147.92 (including GST) have been made to the legal representatives of former Premier Carr, former Minister Knowles, Minister Beamer and their staff in relation to the Orange Grove ICAC inquiry.

As these legal representatives constituted a single legal team representing those Ministers and their staff no breakdown of the legal costs by individual can be made.

Payments of \$83,125 (including GST) have been made to the legal representatives of Minister Tripodi. Prior to Mr Tripodi becoming a Minister, he was granted assistance through the Legal Representation Office (LRO) under section 52 of the Independent Commission Against Corruption (ICAC) Act 1988. The LRO paid a total of \$25,190 to his legal representatives.

No application was received from Ms Westacott for assistance under Premier's Memorandum 99-11 or section 52 of the ICAC Act and no applications for assistance were refused.