

24 November 2006

The Honourable Justice R O Blanch AM
Chief Judge
District Court of New South Wales
PO Box K 1026
Haymarket 2000

Dear Justice Blanch

RE: INQUIRY INTO THE 2006-2007 BUDGET ESTIMATES

During a recent hearing for the Inquiry into the 2006-2007 Budget Estimates, the Director General of the Department of Community Services undertook to provide a copy of a District Court judgement and transcript concerning [*initials omitted*] *v The Department of Community Services* (263/02) to General Purpose Standing Committee No 2.

On 22 November 2006, a copy of the judgement and transcript in relation to this matter were provided to the Committee by the Minister for Community Services and Youth, the Hon Reba Meagher MP, along with a request that these documents remain confidential to the Committee.

The Committee understands that in relation to Care proceedings, transcripts are not published by the Court. The Committee also understands that while judgements in relation to Care matters held in 'closed court' are not published as a matter of course, the Court may publish some or all of a particular judgment under certain limited circumstances.

At a meeting held on 23 November 2006, the Committee resolved the following:

- That the Committee Chair write to Judge J B Phelan of the District Court of New South Wales requesting that the judge release for publication, part of the judgement delivered on 14 October 2002, on the basis that there is high public interest in the contents of the judgement
- That the correspondence to Judge Phelan attach the transcript of Budget Estimates hearings in which the judgement was discussed; and a chronology of the Committee's consideration of this matter
- That parts of the judgement approved by Judge Phelan for publication be published on the Committee's website.

The Committee is now aware that Judge Phelan has retired from the District Court. Accordingly, the Committee seeks your consideration of its resolution in relation to this matter.

Relevant excerpts from the Budget Estimates hearings and the chronology referred to above, are enclosed for your information.

If you have any questions or wish to discuss this matter, please contact the Clerk of the Parliaments, Mr John Evans on 9230 2321 or the Clerk Assistant Committees, Mr Steven Reynolds on 9230 2464.

Yours sincerely

Hon Robyn Parker MLC
Committee Chair