

GENERAL PURPOSE STANDING COMMITTEE No. 3

Tuesday 25 June 2002

Examination of proposed expenditure for the portfolio area

ATTORNEY GENERAL

The Committee met at 6.00 p.m.

MEMBERS

The Hon. Helen Sham-Ho (Chair)

The Hon. Ron Dyer
The Hon. Michael Gallacher
The Hon. John Hatzistergos

The Hon. Peter Primrose
Ms Lee Rhiannon
The Hon. James Samios

PRESENT

The Hon. R. J. Debus, *Attorney General*

Attorney General's Department
Mr Laurie Glanfield, *Director General*

Legal Aid Commission
Mr Bill Grant, *Director*

CHAIR: I declare the meeting open. I welcome you all to this public hearing of General Purpose Standing Committee No. 3. I wish to thank the Attorney General and the departmental officers for attending today. At this meeting the Committee will examine the proposed expenditure for the portfolio area of Attorney General. Before questions commence some procedural matters need to be dealt with.

Part 4 of the resolution referring the budget estimates to the Committee requires evidence to be taken in public. The Committee has previously resolved to authorise the media to broadcast sound and video excerpts of its public proceedings. In accordance with the Legislative Council's guidelines for broadcast of proceedings, only members of the Committee and witnesses may be filmed or recorded. People in the public gallery should not be the prime focus of any filming or photographs. In reporting the proceedings of this Committee, you must take responsibility for what you publish or what interpretation is placed on anything that is said before the Committee.

There is no provision for members to refer directly to their own staff whilst at the table. Witnesses, members and their staff are advised that any messages should be delivered through the attendants on duty or the Committee clerks. For the benefit of members and Hansard, I ask the departmental officers to identify themselves by name, position and department or agency before answering any question referred to them. When a member is seeking information in relation to a particular aspect of a program or subprogram, it would be helpful if the program or subprogram is identified.

Before declaring the examination of the proposed expenditure open, I just want to say to the Attorney General that if there is a division in the Legislative Assembly we will continue with your departmental officials. Is that all right?

Mr DEBUS: That is fine.

CHAIR: This hearing is scheduled for two hours and we have decided we will not have a break. I declare the proposed expenditure open for examination. Before we ask questions, would the Attorney General like to make an opening statement?

Mr DEBUS: No, thank you, Madam Chair.

CHAIR: As people know I am intensely interested in indigenous affairs. I refer the Minister to the circle sentencing for indigenous offenders. It is referred to as a key priority area in Budget Paper No. 3, Volume 1, at page 4-5. I would like the Attorney General to tell the Committee how much funding has been allocated to this program and what is the aim of circle sentencing? Is this a long term strategy by the department to encourage a move towards an indigenous customary law in New South Wales and does it have the support of the indigenous community in New South Wales?

Mr DEBUS: Madam Chair, the circle sentencing trial, as it has been called, is being conducted as a two year pilot at the Nowra Local Court. There is an intention, not yet fulfilled, to soon expand that pilot to include the Dubbo, Walgett and Brewarrina courts. The idea is that there will be an evaluation after two years to assess its effectiveness. It is co-ordinated by an Aboriginal project officer and some local people in Nowra at the present time. We have set aside \$100,000 for the Nowra trial and evaluation and there is additional funding of up to \$70,000 set aside for the extension.

The point of circle sentencing is that it draws an Aboriginal community into the question of crime prevention. It has the effect of making an Aboriginal community feel the responsibility for the resolution of issues of crime within the community itself. The best models that I am aware of exist presently in Canada and in New Zealand. The idea is that, consistent with some more widespread ideas of so-called restorative justice, the families of the victim and the offender in a particular case are engaged in a circle to discuss the possible treatment of the offender involved.

In the case of circle sentencing within Aboriginal communities, we have joined Aboriginal elders into that circle and they effectively advise the magistrate on the sentence that they believe ought to be actually imposed by the court. It is important to know that the magistrate must sanction the sentence. The community does not impose the sentence. The magistrate has that responsibility but it is a sentence applied only after this close consultation.

CHAIR: Is it something like the youth conferencing format?

Mr DEBUS: It bears a relation to the youth conferencing format. As I say, you have the offender, or the offender's family, the victim's family, but also in the case of the circle sentencing experiment that we are conducting within the Aboriginal community, you have representatives of the wider community. You have people who can, I suppose, appropriately be called elders who join in that process of discussing the offence, its consequences, the kind of restoration that might be involved on the part of the offender and their family, the kind of recompense that the victim and their family might accept, and in that way the wider local community is drawn into the process of justice and punishment itself. As I say, the essential benefit at a social level is that the community begins to regard itself as being engaged in the process of the resolution of questions of justice and thereby gradually to take responsibility also for the wider question of crime prevention.

CHAIR: My next question relates to Aboriginal communities. I am referring to the Aboriginal Justice Advisory Council [AJAC]. I understand the council consists of regional chairpersons, a State chairperson and an executive officer and has a network of six regional councils with representative from various sectors. How are the regional chairpersons and representatives on the regional councils appointed? Are they being paid? Do they get remuneration? Also, I want to refer you to the AJAC Strategic Plan 1998-2001. Women's issues, in particular the needs of Aboriginal women in the criminal justice system, were listed as a category of concern under the key result areas, yet there appears to be no women's representative on the advisory council. I would like to know who are the representatives who have been appointed to the council for the next three years?

Mr DEBUS: The Aboriginal Justice Advisory Council used in fact to consist of representatives of regions—I guess they were ATSIC regions—throughout the State, but in consequence of a fairly recent evaluation of the work of AJAC we have changed the system to one in which I appoint that committee on the basis of expressions of interest and at the present time I have every indication that that particular procedure is giving us a group of people who are especially effective. We obviously pay attention to the place of residence of these people to ensure that there is a reasonable distribution of representatives from around the State, even if we do not abide slavishly by the former ATSIC regions, but there are a number of women on the advisory council—I would not dare have things otherwise—and the chairman is Winsome Matthews, a formidable woman.

CHAIR: Do they get any remuneration?

Mr DEBUS: Yes, a sitting fee. I am not sure of the amount. No-one here knows. It is not very big. Their travel costs are covered.

CHAIR: Because there are so many Aboriginal people who go through the criminal justice system, can you tell the Committee are there any other initiatives taken by the Attorney General's Department to perhaps help the Aboriginal and Torres Strait Islander people?

Mr DEBUS: I in fact signed an agreement with AJAC just 10 days ago which gives formal recognition to the partnership between the Attorney General and the Attorney General's Department and AJAC in its work to reduce the involvement of Aboriginal people in the justice system, and indeed the commitment of that agreement is also to develop a very detailed Aboriginal justice plan. There is an acknowledgment in the agreement that we have already begun a number of initiatives and remain committed to them, including the Circle Sentencing pilot that you have just asked me about, but also including initiatives like the Aboriginal night patrols. We are funding, I think, 14 of those at the present time throughout the State in Aboriginal communities or in communities that have a very heavy Aboriginal majority.

The way they work is that a group of people are trained to go in the evenings, perhaps on Thursday, Friday or Saturday evenings, around the community, often in a bus—and if they need a bus arrangements are made to provide a bus—where they actually pick up people, often young people, who are apparently engaged in activity that it may be better that they were not engaged in. The people are taken home or to some safe place, but somewhere that is not the pub or a street corner where they might otherwise be drinking or committing acts of vandalism and so on.

I know that in the town of Dareton in the Riverina the Aboriginal night patrol has cut certain sorts of offending by 75 percent. In more recent times patrols have been introduced at Casino, Kempsey,

Brewarrina and, I am sure, a number of other of the towns along the Darling. They are immensely well-received in the communities where they have been set up. There are additional patrols operating or two operating at Brewarrina, Kempsey, Casino, Wilcannia, Mungindi, Bowraville, Wentworth, Dareton and Campbelltown. As I say, they are an initiative that is relatively cheap—\$250,000 is being spent by the Attorney General's Department on them—but they are, on our present limited experience, quite brilliantly successful. There are a number of other initiatives of that nature.

It is worth mentioning that we have also increased the number of so-called Aboriginal client service specialists, that is the people who are attached to courts and give assistance to Aboriginal offenders who are to be tried. Again, I have been quite gratified at the response that the Aboriginal community has had to the appointment of these officials. There are now 15 and they provide support, information and advice to those who are before the courts or who are on bail and they appear to be having again a most salutary effect, calming people down, ensuring that they do get appropriate sorts of legal advice and assistance.

The Hon. JAMES SAMIOS: I refer you to Budget Paper No. 3 Volume 1, page 4-56. It says that in the Supreme Court we had 1,100 criminal cases finalised for this year. Can you please outline how many of these were plea bargaining cases?

Mr DEBUS: I clearly do have to take that on notice.

The Hon. JAMES SAMIOS: For the District Court it says that 9,000 criminal cases were finalised for this year. Could you please outline how many of these were plea bargaining cases?

Mr DEBUS: Same answer. I would point out that we had asked the Hon. Gordon Samuels to investigate the whole system of so-called plea bargaining and he delivered a report to us early this month in which he indicated that the existing framework for so-called plea bargaining was fundamentally sound. He made some particular recommendations. I make that observation merely in light of the direction your questions seem to be moving in.

The Hon. JAMES SAMIOS: That report was commissioned by the Government, I presume?

Mr DEBUS: It was commissioned by me, yes.

The Hon. JAMES SAMIOS: Did you not, in the terms of reference perhaps, inquire as to the analysis of the plea bargaining aspect?

Mr DEBUS: I did. I asked Justice Samuels to pay particular attention to the structure and operation of the system called plea bargaining and he made the observation that, if I may paraphrase him, that activity was essential to the effective operation of the system of criminal justice and said that, as I said, the existing framework was fundamentally sound, but it is worth pointing out that some form of that procedure—called in New South Wales plea bargaining—exists in every common law jurisdiction and is properly regarded as being an entirely appropriate approach to prosecutions. Nevertheless, it must be done according to a set of principles, which in the present case Justice Samuels thought we had followed.

The Hon. JAMES SAMIOS: Did he indicate that it was a substantial percentage of cases that were involved without detailing the number?

Mr DEBUS: I do not recall that.

The Hon. JOHN HATZISTERGOS: The report is public, is it not?

Mr DEBUS: The report is public indeed. I do not recall that he said it, but it is easy to check.

The Hon. JAMES SAMIOS: So we have your assurance that you will do an analysis of the numbers and let us know?

Mr DEBUS: I will certainly make an analysis in response to your questions. I imagine that there is some question about how to characterise individual cases because the process is more or less implicit depending upon the case directly involved. It is, in a sense, an inescapable process that goes on in almost

any prosecution. I am not absolutely certain that I will not have to adopt some rather arbitrary mechanism for deciding what was in fact appropriately characterised as a plea bargain.

The Hon. JAMES SAMIOS: Could we have that assurance in relation to lower courts?

Mr DEBUS: Indeed.

The Hon. JAMES SAMIOS: The other question that I would like to ask in that area is how much does a case cost if a plea bargain is accepted?

Mr DEBUS: There is no particular answer to that question. Every case is different. I suppose what you can say is that the overwhelming likelihood is that without some such process the case would cost more.

The Hon. JAMES SAMIOS: Would you be able to give us some idea of what it costs if we proceed to trial?

The Hon. JOHN HATZISTERGOS: It is actually in the report.

Mr DEBUS: There is an analysis in the report that describes the process that goes on, how it works in a qualitative way, but in relation to the quantitative assessment one might be able to make some approximation, I suppose, but that, at the very best, is what one could do. Perhaps I will ask the director-general to make some observations.

Mr GLANFIELD: The difficulty in being able to answer your question precisely is that it depends when the plea is made because many people when first indicted will plead at that point without any bargain, so the cost there is quite different to a plea that is taken at the start of a trial when a lot of preparation has occurred or indeed during a trial where there is a change of plea. We could certainly look at it, but it would be very difficult to come up with a figure that is more than reflective of the circumstances of a particular case.

The Hon. JAMES SAMIOS: You would agree, would you not, that this is very relevant in relation to the budgeting for this jurisdiction, how much it is going to cost if the case proceeds to trial?

Mr GLANFIELD: There has always been a fairly large number of cases where, with a properly presented prosecution brief, people will plead guilty. I am not sure of a significant impact on the budget at all. In fact there is always a proportion of cases that simply are the subject of pleas.

Mr DEBUS: I believe the majority of criminal cases proceed on the basis of a guilty plea.

The Hon. JAMES SAMIOS: I will move to Budget Paper No. 3, Volume 1, 4-88. Attorney, how many times did the Director of Public Prosecutions [DPP] go overseas?

Mr DEBUS: That figure is reported in the annual report of the Director of Public Prosecutions. I can tell you the figure for 2000-2001; I can tell you the cost right now. It was low: \$30,000. Much of the travel that the DPP has conducted is funded by the host countries that he has been visiting. There are two sorts of visits that he has conducted. One has been in response to invitations by international aid agencies and others to assist in the training of prosecutors, that kind of thing. The other thing has been in connection with the work of a professional association of which he has been the international chair. I think he stops being the international chair in a few days time. I am unable to tell you right now the exact number of trips that he took in the year just ended.

The Hon. JAMES SAMIOS: How many staff did he take with him?

Mr DEBUS: I would have to take that on notice. It is not many. He mainly goes by himself, but sometimes, in my general recollection, he has been accompanied by a small number of staff, particularly if he has been on one of these training exercises.

The Hon. JAMES SAMIOS: That information would be also necessary in relation to the number of days that each trip took him away from New South Wales.

Mr DEBUS: I would have to take the questions concerning the fine detail, in terms of days and miles travelled and money spent, on notice.

The Hon. JAMES SAMIOS: Also the cost of each trip?

Mr DEBUS: Yes, all of that kind of detail, but all of which is published in each annual report in detail.

The Hon. MICHAEL GALLACHER: Before the DPP goes overseas, does he have to seek your permission before leaving?

Mr DEBUS: He does.

CHAIR: So on each trip, whether it is in a private capacity going to some symposium somewhere or representing the people of New South Wales, you give approval prior to him leaving the shores?

Mr DEBUS: That is correct. I am not aware of him going in what you would call a strictly private capacity ever. He does not have to get my approval for a private trip. These are trips of the two sorts that I mentioned, the major ones being for his work in the International Association of Prosecutors.

The Hon. MICHAEL GALLACHER: Have you and the DPP ever happened to be at one of these locations at the same time?

Mr DEBUS: Never. I am not a prosecutor.

The Hon. MICHAEL GALLACHER: But maybe you might have been a guest speaker on some other aspect of law?

Mr DEBUS: No.

The Hon. JAMES SAMIOS: Attorney, as Chairman of the International Association of Prosecutors, that would require a certain amount of time.

Mr DEBUS: A certain amount of time.

The Hon. JAMES SAMIOS: Is that measurable?

Mr DEBUS: Yes, in the way that I mentioned. When the annual report of the Director of Public Prosecutions comes out each year, it gives a full account of activity on his behalf, and when the annual report for the year ended 30 June 2002 is published it will contain all that information. As I say, the DPP has been the chair of this international organisation. It is the pre-eminent organisation that deals with the business of prosecutors around the world. It is a very high-level position that he holds. He has been the chair of that association, ending 30 June, and when he makes those trips they are always paid for by that organisation. The taxpayers of New South Wales have not paid for any of that travel.

The Hon. JAMES SAMIOS: Presumably because it is such an important position internationally, it would involve, I would have thought, a considerable period of time for a chairman to discharge his obligations.

Mr DEBUS: As I say, I take the exact time on notice. It would be a number of days.

The Hon. JIM SAMIOS: I refer to Budget Paper No. 3, Volume 1, page 489. How many complaints have been received about the Director of Public Prosecutions in the past year?

Mr DEBUS: Could you be a little more specific with that question? Received by whom?

The Hon. JIM SAMIOS: Well, the appropriate authority that would receive complaints about the DPP. Is that you?

Mr DEBUS: Could you be a bit more precise than that? Do you mean received by him? It is appropriate that he receives complaints. It is appropriate that I receive complaints about him, if people choose to write to me. The answer is not many.

The Hon. MICHAEL GALLACHER: So you understood what the answer was?

Mr DEBUS: No. The answer was I do not understand what the question is.

The Hon. MICHAEL GALLACHER: You said the answer was not many. Not many what?

Mr DEBUS: I request that you ask a precise question. It would be much more helpful.

The Hon. MICHAEL GALLACHER: Just following on from that point, you said, "The answer is not many".

Mr DEBUS: Would you ask me a precise question? That would be very helpful.

The Hon. MICHAEL GALLACHER: In that last answer you said, "The answer is not many". Not many what, please?

Mr DEBUS: I have given my answer to that. It would be very helpful if you would ask me a sensible, direct question.

The Hon. JAMES SAMIOS: I will ask the question again. How many complaints have been received about the Director of Public Prosecutions in the past year?

Mr DEBUS: With all respect to the Hon. James Samios, that is not a precise question at all. I will take on notice such a question and assume that in reality it means how many complaints has the Director of Public Prosecutions received and how many complaints has the Attorney General received about the activity of the Director of Public Prosecutions?

The Hon. JAMES SAMIOS: No. I would have thought that it would mean how many complaints have been received in the past year by the authority that you would normally complain to about the DPP.

Mr DEBUS: Yes, but you are not saying who that is, and I am trying to fill in and say that the complaints would, in the ordinary commonsense course, be received by the Director of Public Prosecutions' office, by the Attorney General's office and by some other people.

The Hon. PETER PRIMROSE: By letters to the Telegraph?

Mr DEBUS: By letters to the Telegraph, ringing up radio hosts. I don't know.

The Hon. MICHAEL GALLACHER: When a complaint is made about the Director of Public Prosecutions or one of his staff, who handles those complaints?

Mr DEBUS: It depends on where the complaints are directed. If they are directed to me, I answer them.

The Hon. MICHAEL GALLACHER: So do I take it then by your answer that you are not aware of all complaints that are lodged against the Director of Public Prosecutions?

Mr DEBUS: Of course.

The Hon. MICHAEL GALLACHER: How many has your department received about the Director of Public Prosecutions for the past year?

Mr DEBUS: You would be astonished to discover that I have to take that question on notice, and the answer to that question, however, bearing in mind my recollection of the pieces of paper that cross my desk, is not many.

The Hon. MICHAEL GALLACHER: In other words, you understood that at the outset and you have just decided to spend a bit of time—

Mr DEBUS: No—

CHAIR: We want more specific questions.

The Hon. MICHAEL GALLACHER: I think I am very specific, Madam Chair. How many complaints have been received by your office about judges in the past year?

Mr DEBUS: I do not know. Some—not a great many, some. Letters arrive from time to time.

The Hon. MICHAEL GALLACHER: I take it they are investigated?

Mr DEBUS: Of course.

The Hon. MICHAEL GALLACHER: Who are they investigated by?

Mr DEBUS: It depends upon their nature.

The Hon. MICHAEL GALLACHER: Could you give me the details?

Mr DEBUS: Such letters may be investigated by the Attorney General's Department. They may be investigated through or by the head of jurisdiction. They might be investigated, if they are matters that appear to be of a serious nature, by the Judicial Commission.

The Hon. MICHAEL GALLACHER: On the issue of the DPP, if someone was not satisfied about the actions of the DPP, they were not happy about the way a decision was taken and they wrote a letter of complaint to the ICAC for example, would the ICAC automatically forward that on to you if there was not a question of corruption?

Mr DEBUS: I do not know. You will have to ask the ICAC that.

The Hon. MICHAEL GALLACHER: Quite simply, Attorney, you are saying that you do not know if there are complaints out there in relation to the conduct of the DPP that you are aware of?

Mr DEBUS: I find that line of questioning completely bizarre. There are obvious ways in which someone can complain if they dissatisfied with some aspect of the work of the Office of the Director of Public Prosecutions. The merest common sense tells you that some of those complaints will come to my notice and some will not, and those that do come to my notice are investigated in the way that I have generally described and responded to.

The Hon. MICHAEL GALLACHER: What type of matters are brought to your notice?

Mr DEBUS: They are very varied, as you can imagine. They are sometimes observations being made by people who have been involved in a trial, in any of a range of roles, who are unhappy about some aspect of the way that the trial was conducted. That is what you would expect, is it not?

The Hon. MICHAEL GALLACHER: How many of those complaints that your officers have received have been found to be sustained?

Mr DEBUS: Since I do not recall the exact numbers of complaints received, I am unable therefore logically to tell you how many have been sustained or, in any event, whether it is even possible to characterise the response as sustaining complaint or not. The questions raised are answered.

The Hon. MICHAEL GALLACHER: I take it therefore from your answer that you cannot recall whether you have had to speak to the DPP in the last 12 months—and I mean write to the DPP—in relation to complaints?

Mr DEBUS: Yes, from time to time I seek information from the office of the DPP about a matter that has been raised.

The Hon. MICHAEL GALLACHER: Will you come back to the Committee with a breakdown of this small number of complaints that you have told us you have received in the last 12 months about the conduct of the DPP showing exactly what the final outcome was of the complaints, and by that I mean what the action was as a result of the complaint?

Mr DEBUS: You understand that I am having a degree of difficulty with the questions you are asking because of their profound lack of precision. I will do my best to give a brief account of the nature of the inquiries and complaints that have been received in my office and the kind of responses that have been made. I cannot quantify it. I am not sure, without investigating the matter some more, just how precise it is possible to be.

The Hon. MICHAEL GALLACHER: There appears to be a fairly sort of haphazard approach to filing complaints by citizens in relation to the conduct of the DPP within your office. I would not expect that it would be something that you would dismiss in the way that you have. I am interested to know what process you have in place within the Attorney General's Department to maintain suitable records in relation to the complaints regarding the conduct of the DPP. It is not too much to ask.

The Hon. RON DYER: Point of order: The Attorney has not been dismissive of the questions at all. The Attorney has, in fact, undertaken to take the question on notice and to respond in detail. That is far from being a dismissal.

The Hon. MICHAEL GALLACHER: To the point of order: These questions are very straightforward and for the Attorney General to suggest otherwise is below him.

CHAIR: I think the Attorney has in effect said that he is willing to take them on board.

Mr DEBUS: If I may say so, here is an example of the lack of precision that I am talking about. I am wondering whether the questions apply, for instance, to complaints about the conduct of a case, about the way in which an individual prosecutor has actually gone about the technical business of prosecuting a case, or whether it is a complaint about the sentence—because a complaint about the sentence may arrive as if it is a complaint about the DPP. It is actually a complaint about the court, but nevertheless the DPP's office and the Attorney General's Department and I will find a way to answer the constituent who has complained about the sentence. But it will not really be a complaint about the DPP, even though the complainant may at first have thought so. So you see it is not such a precise question to answer at all.

The Hon. MICHAEL GALLACHER: The New South Wales police have no problems when they have complaints about their handling of matters, as well as issues relating to corrective services, and I would have thought that your office would have had some process by which you could delineate between matters relating to the conduct of DPP officials and those relating to judges or anyone else involved in the court system.

The Hon. PETER PRIMROSE: Point of order: the member is becoming argumentative and seeking to avoid the consequences of the answer that the Minister has given.

The Hon. MICHAEL GALLACHER: I am trying to assist the witness.

CHAIR: There is no point of order. The witness may answer the question however he sees fit. I would like to ask a question relating to sentencing: There are a lot of media reports claiming that sentences being imposed in some criminal matters are too lenient. How many appeals on those lenient sentences has the DPP lodged and how many of those appeals have been successful?

Mr DEBUS: I would have to take that question on notice.

The Hon. JAMES SAMIOS: Can you please outline what training or education judges receive with respect to consistency of sentences?

Mr DEBUS: The Judicial Commission conducts increasingly elaborate programs of training in this area. The commission has a quite extensive conference and seminar program for judicial officers at all

levels which includes specific aspects of judging. I might say that the statistics that are collected by the Judicial Commission, which assist in the establishment of consistent decision making, are now treated by jurisdictions around the world as being, as it were, benchmarks. The English judicial authorities have recently been in Australia to see how our Judicial Commission goes about collecting statistics which are then available to a judge in any particular case to assist with the assessment of any individual sentence. This whole system is called JIRS, the Justice Information Research System, which has a computerised sentencing database of statistical and legal information relevant to sentencing and is based on original research by the Judicial Commission.

As I understand it, judges in criminal cases may press a button on their lap-top while they are on the bench and get a very clear indication of the length of sentences that have occurred in cases of that general nature elsewhere in the system, but of course that whole procedure is also supplemented by the system of existing guideline judgments. Guideline judgments exist in areas like robbery, culpable driving, and break, enter and steal. There is one in preparation now concerning police assault and there is one that with respect to pleas of guilty. These are all judgments which lay out the principles under which decisions should be made with respect to the length of sentences in those particular areas, the areas indeed where the highest number of criminal offences are committed.

The Hon. JIM SAMIOS: Page 471 of Budget Paper No. 3, Volume 1, provides information relating to average staffing involved with sentencing consistency and judicial education or training. My question is how many judges are involved in this training?

Mr DEBUS: As I understand it, most of them spend some time with the Judicial Commission in the course of any year or 18 months. I could take that question, at least in part, on notice and give you some more precise information, but the use of the Judicial Commission's educational facilities by the judiciary is very high and the director-general points out to me that there is also an annual conference of each court which has an educative purpose as well.

The Hon. JAMES SAMIOS: Of each court?

Mr DEBUS: Of each jurisdiction.

CHAIR: I would like to know whether this training or education for judicial officers is compulsory.

Mr DEBUS: No, not compulsory, but the number of judicial officers is very small and peer pressure is very strong. The director-general has just pointed out to me that attendance by judicial officers at the commission's program is voluntary, but attendance levels at the annual conference run at between 85 and 90 percent. I am sure the others were sick.

The Hon. JAMES SAMIOS: Would you also be able to inform us how many judges as a percentage of the total have been involved in the education and training?

Mr DEBUS: I cannot say exactly. The Judicial Commission's educational program involves in some instances judges teaching other judges, judges with a specialty talking to other judges. In others it involves outsiders with expertise being brought in. It depends on the nature, obviously, of the training involved.

The Hon. JAMES SAMIOS: Would you be able to assist the Committee in relation to specific education or training about community values and expectations? What sort of training is there or what sort of awareness system is there about community values and expectations at those seminars or forums or conferences?

Mr DEBUS: The term "community values" means whatever you want it to mean. What we can do is give you a rather precise account of the courses that are run. That may well be the easiest way to deal with the matter.

The Hon. JAMES SAMIOS: That would be a step in the right direction, if you could do that. I suspect that you are indicating that you are not aware of any specific course in relation to an awareness about community values, as such.

Mr DEBUS: I am acting on a presumption that it is quite hard to give a specific course about something called community values, that community values is in fact an accretion of a great many different sets of attitudes and that judges understand that through a variety of mechanisms, not merely formal training.

Ms LEE RHIANNON: Attorney, homophobic violence continues to be a problem in many parts of the State. Could you outline how much money is being spent to combat this problem and, particularly, any examples of community education programs?

Mr DEBUS: The Crime Prevention Division of the Attorney General's Department conducts a number of community awareness programs. Amongst the range of admittedly modest expenditures that occur under the rubric of the Safer Communities Development Fund there are grants that are directed towards the question of violence against gay people, about \$75,000 in the budget.

Ms LEE RHIANNON: Is that an increase or a decrease on last year?

Mr DEBUS: I cannot answer that. I would guess it was about the same.

Ms LEE RHIANNON: Will you take that on notice?

Mr DEBUS: I will take it on notice, yes. There is a strategy conducted in schools which is an attempt to deal with homophobic activity in schools—it is called School's Out. The AIDS Council has a community awareness campaign on same-sex domestic violence to initiate an education campaign to provide awareness on same sex domestic violence issues.

Ms LEE RHIANNON: Are they all coming under that \$75,000?

Mr DEBUS: No, that is a separate \$50,000.

Ms LEE RHIANNON: Could you give us a costing on the different programs?

Mr DEBUS: I will take that on notice.

Ms LEE RHIANNON: And a comparison with last year?

Mr DEBUS: Yes, I will take that on notice and do so.

Ms LEE RHIANNON: Moving to Budget Paper No. 3 Volume 1, page 4-6, \$3.7 million has been provided to meet rising workloads resulting from increased policing activities. Could you explain how you went about determining that figure? Did your department make an assessment of the impact that the current raft of law and order legislation that has been passed or will shortly pass through this Parliament will have on the workload of the New South Wales court system? Did you look at the Bail Act and say, "This is going to add so much to our workload and we have to increase funding." How did you come up with \$3.7 million?

Mr GLANFIELD: The \$3.7 million is not specifically related to any legislative strategy. There is a range of them. Over the last couple of years we have had an allocation of additional funding related to the increase in police strength and it has been spread across a number of the court jurisdictions. In relation to the bail changes, we do expect some difference. There is in fact a capacity within that additional funding that has been made available that will address that as well as a range of other issues, additional criminal cases, within the courts generally.

Ms LEE RHIANNON: So there has been this raft of legislation: the young offenders legislation, the drug sniffer dogs, amendments to the Bail Act, penalty notice offences, et cetera. There has been a lot. You do not look at it in terms of the load that you could expect it will add to the court system?

Mr GLANFIELD: Of course we try to, but it is very much crystal balling. We do our best to work out what we would likely think is the increase, but until legislation has been in place and the flow of

cases or changes has been affected, it is hard to tell the resource implications. So we do our best, and, obviously, if we need more resources, then we seek more resources in the budget process.

Mr DEBUS: We seek supplementation from the Treasurer.

Ms LEE RHIANNON: Surely you must be expecting a huge increase in workload because of the amendment to the Bail Act. There must have been some specific work done at least on that piece of legislation that is extrapolated out to a budgetary amount.

Mr GLANFIELD: We do have a criminal justice system model that is being produced by the Bureau of Crime Statistics and Research [BOSCAR]. It works on the basis of certain parameters being chosen for certain parts of the criminal justice system, the flow of people through the system, but when it comes to something like a change such as this, we do not know what the impact is going to be in terms of numbers. One of the reasons it is difficult in relation to bail is that there are a number of appeal processes, and when someone has had bail refused, there is an opportunity for that to be re-tested. The real question of the impact will be whether in fact there is an additional number of appeals or whether in fact we can have magistrates hearing these appeals up front more regularly, which is what we endeavour to do. We have been talking to the Chief Magistrate about that. That may well have the impact of reducing the number of appeals and we may end up not having a massive financial impact on the system, but it is very difficult to estimate.

Ms LEE RHIANNON: I take your point. I do not understand enough about the court system, so I appreciate your explanation. I think your answer outlines that we are going into uncharted waters. Do you have anything in place to make an assessment, perhaps in three months time or six months time, about the impact this will have and whether you will be asking for more money? When it was debated in the House there was an expectation by many speakers that it would blow out. Indeed, your Premier has boasted about how many more people it is going to put behind bars.

Mr DEBUS: The Courts Administration Division of the Attorney General's Department will obviously continue to monitor that circumstance. I dare say that even if it did not, the Chief Magistrate would let us know in short order if there were problems arising because of an inability of the courts to meet their own standards in dealing with any increase in the number of cases. But I guess it is not much more than commonsense to suggest that you will always be seeking a balance too between processes that cost more and procedures that save time. So it is appropriate I think to say that informed predictions may be made, but especially at the beginning, in the first months of a new piece of legislation like this, to some extent you have to wait for what experience will bring, and if more money becomes necessary, then to seek supplementation.

Ms LEE RHIANNON: So to sum up, no special monitoring process has been put in place. It will just fit in with how your department looks at the present time. Is it fair to say that?

Mr GLANFIELD: No. We will definitely be monitoring this, but can I say that in every case there is already a bail application. The question of whether there is an impact will be when it is refused—and under this legislation it will be refused more often—and whether in fact that person then appeals. That is what we are saying is uncertain, but we will monitor it.

Ms LEE RHIANNON: I appreciate that, but I was just trying to sum up in terms of the monitoring. It seems as though that is fitting in with your usual procedures?

Mr GLANFIELD: Yes.

Ms LEE RHIANNON: We can leave it at that?

Mr GLANFIELD: Yes.

Ms LEE RHIANNON: Attorney, what is your budget for the Privacy Commission? In a similar way to the last question, the New South Wales health records legislation will kick in. I would imagine that will mean there will be increasing demands on the Privacy Commission. I am just curious about that; I could not find the budget item for it.

Mr DEBUS: I will let the director-general answer. It is a fair question.

Mr GLANFIELD: There is not a breakdown specifically for the Office of the Privacy Commissioner, but it is found at pages 4-54 and 4-55 of Budget Paper No. 3, Volume 1. You will see that under the Human Rights Services program, there is reference to the privacy complaints lodged, and so it is aggregated under those amounts on those two pages. We could provide you with a separate breakdown, but we do not have it at this point.

Ms LEE RHIANNON: I was again trying to work out if you have looked at the impact the new health records legislation will have on the Privacy Commission? Was that taken into account when you were working out your budget for the coming year?

Mr GLANFIELD: If I can explain the budget process that I go through with my business managers in relation to the break-up of these allocations, we sit down at least a month or so before the end of June and talk to them, each one individually, about the implications of any changes upon their workload. We then endeavour to adjust the budget within the program so that those needs are met.

Ms LEE RHIANNON: So was that factored in? I am just not sure of the time line. That is what I am trying to get.

Mr GLANFIELD: I am sure Chris Puplick would have raised it if he thought that was appropriate to be taken into account.

Ms LEE RHIANNON: So you are comforted that that has been taken in?

Mr GLANFIELD: I am sure Chris Puplick as the president would have raised that if he felt that that was a factor that needed to be taken into account.

Mr DEBUS: I can confirm that.

Ms LEE RHIANNON: On page 4-10 of Budget Paper No. 3, Volume 1 it is stated that the Legal Aid Commission will receive additional funding to offset the cost to it of the increasing number of extended court sitting times, new laws and other trends. What is this increase and, again, how is it determined?

Mr DEBUS: I will ask the Director of the Legal Aid Commission, Bill Grant, to answer that question.

Mr GRANT: There has been a number of extra allocations made to the Legal Aid Commission to cover this sort of activity. The first one I point to is an amount of \$5 million that has been made available to the commission, which covers a number of items, including the items that the honourable member was referring to for the glad bag of criminal law activity increases, et cetera. So \$5 million has been made available. An amount of \$2 million has been made available to the commission for pre-trial disclosure. There has been an amount of approximately \$464,000 made available for the extension of the youth telephone hotline, which started in fact in March this year, but an additional amount of \$464,000 has been made available this financial year. Those are the main items that I think I would want to refer to in relation to that.

CHAIR: Mr Grant, how do you measure whether pre-trial disclosure is shortening the delay and the court waiting time? Have you quantified how much saving you make because of those?

Mr GRANT: At the Legal Aid Commission we do not necessarily expect to make great savings. That is why we have been given an increase in resources to meet the payments. The system may ultimately benefit, but the pre-trial disclosure in fact introduces for legal aid, for the defence side of things, additional matters along the way before you get to the trial, where you hope that that will then have an impact on the ultimate length of the trial. I think in terms of anyone being able to do that—whether it is the court system, the Legal Aid Commission, or the Director of Public Prosecutions—it is a little too early because of the uptake of that legislation in the courts.

Mr DEBUS: Which is, however, where the budget savings will eventually occur if, as we hope, they do.

The Hon. MICHAEL GALLACHER: During yesterday's hearing of Juvenile Justice estimates it was revealed that Juvenile Justice funds hotel/motel accommodation for Aboriginal families visiting young people in custody. Do you have any similar sort of funding programs within your portfolio?

Mr DEBUS: Not that I am aware of, no. That funding would be obviously Juvenile Justice and perhaps some in Corrective Services as well.

CHAIR: During our hearing the Minister for Juvenile Justice said she does not have a budget for the youth Drug Court, that it is in your jurisdiction. I would like to clarify, apart from the budget itself, whether the youth Drug Court and the adult Drug Court are the same or they are separate?

Mr DEBUS: No, they are separate. The adult Drug Court, which is situated at Parramatta and has recently had its operation extended for at least two years, deals with relatively serious drug offenders who are also adult. The youth Drug Court, which is established at Cobham and Campbelltown Children's Courts, is conducted on similar principles to that of the adult Drug Court, but of course applies quite specifically only to people who are under 18.

CHAIR: What is the budget for the youth Drug Court in your portfolio? Is it also a pilot?

Mr DEBUS: It is a pilot and its budget is divided between, I think, several departments. The director-general will tell you.

Mr GLANFIELD: The primary cost is, of course, health care. There is also funding though Community Services and, I think, some Juvenile Justice funding.

Mr DEBUS: Or maybe not.

Mr GLANFIELD: Maybe not, but it is spread amongst the participating agencies, for both the youth Drug Court and also for the adult Drug Court. The allocation is spread amongst the agencies. In relation to the Attorney General's Department, that money is within the Local Court budget or program allocation.

CHAIR: You said the youth Drug Court has been evaluated by the Bureau of Crime Statistics and Research.

Mr DEBUS: You are correct to mention the bureau in the context of the adult Drug Court. The youth Drug Court is being evaluated by the Social Policy Research Centre of the University of New South Wales. That evaluation will not be complete until 2003, although I am told that the evaluation design is rather similar to that which BOCSAR has used to evaluate the adult Drug Court.

CHAIR: When do you expect the evaluation to be completed?

Mr DEBUS: The end of 2003. I am advised that it is too early to venture a judgment about the objective success of the juvenile court. Informal reports that one hears about the response of young people and the feeling that youth workers have about the court have been encouraging, but those who are involved in detached social research and evaluation are yet to pass their opinion about it.

CHAIR: The Bureau of Crime Statistics and Research recommended further research. Is the department conducting other research and evaluation of the Drug Court? This is not the youth Drug Court, but the adult Drug Court.

Mr DEBUS: Surely there will be further evaluation. I would have to take a detailed description of that further evaluation on notice, but following the evaluation that occurred and the decision to extend the court I am certain that there will be further evaluation. That which has taken place might well be the most detailed evaluation that ever took place of a drug program or a court in the country. It was very detailed and it would obviously make sense if that research was followed up as the work of the court continued.

CHAIR: They also recommended reform to improve services for women, Aboriginal offenders and those with psychiatric problems. Have those reforms been implemented?

Mr DEBUS: A number of recommendations of the evaluating report are being implemented. Again, I would have to take the fine detail of that on notice, if you would like, but of course the bureau's review was treated very seriously by the Attorney General's Department and by myself. It was, as I said, a most intricate and painstaking review and we were only too happy to take its recommendations seriously.

CHAIR: I would appreciate it if you would take it on notice.

Mr DEBUS: We will do that.

The Hon. JAMES SAMIOS: I refer to Budget Paper No. 3 Volume 1, page 452. Could you provide the Committee with an explanation of why court security incidents reported at page 452 have increased for the seventh year in a row?

Mr DEBUS: You are asking why there are more incidents?

The Hon. JAMES SAMIOS: Yes.

Mr DEBUS: I will let the director-general respond to that.

Mr GLANFIELD: I am not sure that that is the case. It is just in terms of incidents being noted and recorded—that has increased. The reason for that is that we have put considerable additional resources into the number of sheriffs and also into the security around the courts. The major courts in Sydney now have perimeter security, airport security, so an incident might be, for example, the identification of a knife at one of those detection machines. I guess we see it as being a positive factor in a sense that we now have in place a system that is recording all of those properly. We are identifying them all and responding to them, but we see security as a very serious matter and even more so since late last year. I know that the Government has put considerable funds into capital works that improve the security of the courts themselves, whether it is through detection machines or providing for secure garages for magistrates and judicial officers, whether it is changing the fit-out of the Local Court to ensure that offenders do not pass by judicial officers' chambers. We have tried to reduce the number of incidents.

The other thing that is a very significant precautionary measure is the use of video conferencing. We now are using video conferencing to ensure that prisoners do not need to be brought to the court. The number of video conferencing bail applications has increased quite dramatically since we rolled video conferencing out to prisons, to courts and to other facilities, so we are aware that we have to try and reduce the number of incidents. On the other hand, I think that we are recording these incidents and responding much better now than we have perhaps in the past.

The Hon. JAMES SAMIOS: I suppose you are indicating that you are providing security in more courts now than before?

Mr GLANFIELD: We are providing a different level of security.

Mr DEBUS: More security. My information is that last financial year there were 23 additional sheriff's officers, for instance, deployed in the courts and that in May of this year another 24 officers were deployed, so if you add that to the nearly \$5 million spent on video conferencing and video link-ups with people in custody, the construction of that high-security dock in Central Court last year and what-have-you, what you are seeing is an increased emphasis on security and, as the director-general says, a more precise documentation of incidents that occur at court than has been the case before.

The Hon. JAMES SAMIOS: Are you able to say by looking at certain courts that security has either improved or dropped and where those courts have had security installed for some time?

Mr DEBUS: We can certainly say, because of the introduction of both the people and the machinery that I have just mentioned, that the level of security provided over a large part of the court system is clearly more intense than it was even a couple of years ago. We can say that we have a risk assessment going on now. I think in virtually all courts across the State a task force has been set up,

chaired by the sheriff, for that purpose and it is going to make a formal report to me in a couple of months' time, but there is no doubt that more attention has been paid in recent years to these questions.

The Hon. JAMES SAMIOS: How much does a court security officer cost in general terms?

Mr DEBUS: I think it would be appropriate to take the question on notice because you have not only the question of wages but of the facilities that all the sheriff's officers are using.

The Hon. JAMES SAMIOS: What powers do security officers have?

Mr DEBUS: That is to say sheriff's officers, an ancient role.

The Hon. JAMES SAMIOS: I had phrased a question in this way: Do they have similar powers of detention and arrest as, for example, a sheriff? But you are talking about a sheriff anyhow.

Mr DEBUS: The sheriff's officers do not have the full powers of a police officer. Indeed, there are plenty of circumstances in which they would—in the event of a disturbance, for instance—call the police. It happens that the whole role of the sheriff's office is under review at the present time. Many of the aspects of the work of the sheriff are under review at the present time. We will continue a process of modernisation which affects not only the role of sheriff's officers in the security of courts but their role in enforcing civil actions and, indeed, the powers that they exercise in the pursuit of those duties.

The Hon. JAMES SAMIOS: I think it indicates also how difficult it is for them to provide sufficient security when they do not have the powers of police officers.

Mr DEBUS: I am not sure if that is true.

The Hon. JAMES SAMIOS: If you have to ring a police officer when you are a sheriff or a court security officer, there is a time factor.

Mr DEBUS: That is true.

Mr GLANFIELD: Could I say that not in every case will a police officer be called. In fact the person who is causing a disturbance will be detained by the sheriff's officer and if there is a need for that person to be arrested and charged, the police will be called. Sheriff's officers undertake fairly intensive training. All of them undertake a training course of just short of two-months, and that includes training in defence and security measures, so they are able not only to look after themselves but protect the public.

Mr DEBUS: But they do not have to call a police officer to detain somebody who is causing a disturbance or threatening a juror or a judge or what-have-you; they can move and grab that person. Then the formalities will be taken over by the police.

The Hon. JAMES SAMIOS: It is the same for a court security officer, who is one level below a sheriff, is he not?

Mr DEBUS: They are all sheriff's officers.

The Hon. MICHAEL GALLACHER: But they make the arrest. The sheriff makes the arrest—they deny the liberty of the person, therefore the arrest is made by the sheriff.

Mr GLANFIELD: It depends, can I say, on the circumstances.

Mr DEBUS: This is a particular matter on which I would accept your advice, but yes, if someone is causing trouble in the court, the sheriff's officer can grab them.

The Hon. MICHAEL GALLACHER: How many arrests by sheriffs were made last month?

Mr DEBUS: You are going to start this again.

The Hon. MICHAEL GALLACHER: No. In the light of the large number of security incidents that you have talked about, I think it is a fairly natural question to ask how many arrests have been made.

Mr DEBUS: I will take it on notice.

The Hon. JAMES SAMIOS: What weapons or other similar prohibited items have been confiscated in the last year?

Mr DEBUS: I will take it on notice.

The Hon. JAMES SAMIOS: If you would be good enough also to tell us how many weapons or other similar prohibited items have been confiscated?

Mr DEBUS: I do not know, but I will take it on notice.

Ms LEE RHIANNON: Attorney, I want to explore issues to do with communications coming out of your department and your office. How many people are employed working on issues to do with communications, and I am referring to media and public relations.

Mr DEBUS: You mean within the Attorney General's Department?

Ms LEE RHIANNON: Yes, your office and the department.

Mr DEBUS: Well, I have one press secretary who is concerned with the Attorney General's portfolio. Various divisions of the Attorney General's Department have specialist officers who are concerned with public relations, communication and education. It appears that the director-general could tell you some more.

Mr GLANFIELD: If you are just talking about media, we have no-one dedicated to media.

Ms LEE RHIANNON: That is why I referred to communications.

Mr GLANFIELD: If you are talking about such things as preparing pamphlets, brochures, information for the community—

Ms LEE RHIANNON: Yes.

Mr GLANFIELD: —whether it is victims' pamphlets or pamphlets about disability or services the department provides, we have a section called the corporate communications unit. It has three people in it. They are responsible for the preparation of all of the publications for the whole of the Attorney General's Department. They are also involved in developing and assisting in programs such as you would have heard on the radio recently—the spiked drinks awareness program. We have a fairly healthy range of educational programs in relation to anti-discrimination and crime prevention. They also look after launches. We recently launched Law Access New South Wales, the new legal assistance line, and they were involved in doing that. So they have a fairly broad ambit, but the focus of it is information.

Ms LEE RHIANNON: What is the budget that you have there?

Mr GLANFIELD: I do not have that separate breakdown, but as I say there are three people.

Ms LEE RHIANNON: And for media, does the department have any media people?

Mr GLANFIELD: No. We would liaise with the Minister's press secretary.

Mr DEBUS: Not enough then, is it?

Ms LEE RHIANNON: I will leave that to you to take up with your Treasurer and your Premier. I notice on page 4-5 of Budget Paper No. 3, Volume 1 you talk about the strategic directions for your department. I think I have heard you speak about crime prevention, Attorney, and on that page it refers to the enhancing of crime prevention responses.

Mr DEBUS: Yes.

Ms LEE RHIANNON: Can you give us an example of your strategy, apart from the one detailed here about drug crime diversion programs? You only give one example.

Mr DEBUS: The Crime Prevention Division administers the Safer Communities Development Fund, which in turn conducts a series of grants in particular areas. We mentioned some of them before, those concerning crime prevention. That division also conducts the grants that are issued under the so-called Safer Community Contracts, where regional councils make agreements about the way they will conduct crime prevention.

Ms LEE RHIANNON: When you say regional councils —

Mr DEBUS: I mean local government councils in the regions adopt crime prevention plans, and when they have adopted crime prevention plans, they become at least entitled to receive grants for particular purposes to support their plans. It could be something like a youth centre, a skate park, whatever it might be, that is seen to be part of a crime prevention plan. Many of the Aboriginal projects that I mentioned are conducted under that particular program. There are grants to local domestic violence committees that in turn are administered by domestic violence workers who are scattered throughout the State and so on.

The Crime Prevention Division now works in close co-operation with the Premier's Department Community Solutions Unit, which is responsible for the conception and conduct of some of those crime prevention programs, for instance, that are being implemented now in Redfern, in the western rivers towns, the Darling River towns and what-have-you, Cabramatta—all of those large-scale programs that involve bringing together many parts of the Government to apply particular solutions in particular local circumstances. The unit in the Premier's Department is responsible for those bigger programs, but they nevertheless work in close co-operation with the Crime Prevention Division of the Attorney General's Department.

Ms LEE RHIANNON: You just mentioned local councils. I am not sure whether this will come under your portfolio or not, but last week there was a report about rangers for a local council taking photographs of people attending a large gathering. There was a rally and they took photographs of them, and they then said that they were only taking photographs of the local creek. How does the law work? Who is responsible?

Mr DEBUS: The council officers obviously remain within the everyday operational responsibility of the council. The legitimacy of their photograph taking is something that I suppose falls within the laws of privacy and surveillance, and it would depend upon the particular circumstances whether that activity that you have described could be characterised as being intrusive. I would need to know more about it, but local council rangers engaged in behaviour of that nature remains the responsibility of the local council and may come before the courts if somebody chose to raise a charge against them.

The Hon. MICHAEL GALLACHER: On page 4-6 of Budget Paper No. 3, Volume 1, under "Total Expenses" it says that \$660,000 has been allocated to the appointment of an additional Industrial Relations Commission judge and associated costs. What is the amount for the judge's salary?

Mr DEBUS: It is the same rate as a Supreme Court judge.

The Hon. MICHAEL GALLACHER: And that is?

Mr DEBUS: I do not know. I would have to take that on notice.

The Hon. MICHAEL GALLACHER: Could you break down for the Committee the associated costs, therefore, if you deduct the amount of a Supreme Court judge's salary from the \$660,000?

Mr DEBUS: The details of additional staff and associates and what-have-you and the overhead cost of the registry and so on—a Supreme Court judge, by the way, has a salary of \$234,230. The Vice

President of the Industrial Relations Commission has a salary of \$234,230, as does the Deputy President. But the more detailed breakdown that you asked for, obviously we would have to take that on notice.

The Hon. MICHAEL GALLACHER: Therefore, am I right in assuming that it will cost \$660,000 for each judge down at the IRC?

Mr GLANFIELD: That amount is our estimate of the total cost of an additional judge. That includes such things as transcripts, the court security we were talking about, the judge's staff, the administrative costs that relate to the additional judge. Also, there is a cost for the judge's pension. That is a funded-as-you-go arrangement, so part of the \$660,000 will also include an amount for the judge's pension. So all of that adds up to \$660,000. We can provide the breakdown on notice, but that is basically what is covered by it.

The Hon. MICHAEL GALLACHER: If you look at the Budget Papers for the 2002-2003 period, you predict that the total number of disputes finalised will remain the same as this year. That is on page 4-64 of Budget Paper No. 3, Volume 1. Could you explain the differential? If disputes finalised will remain the same, therefore there will need to be an additional \$660,000 funding?

Mr GLANFIELD: Can I simply indicate that that is an estimate. I think it has probably simply been taken as being an estimate that is the same as the estimate for the number completed this year, but in that area it is difficult to know how long a dispute will take in the courts; it is very complicated.

Mr DEBUS: Would it help if we pointed out that the judge was appointed last year?

The Hon. MICHAEL GALLACHER: The judge has already been appointed?

Mr DEBUS: Yes.

The Hon. MICHAEL GALLACHER: So there is no vacancy down there? You have not got a vacancy that you are proposing to fill in the next 12 months for this \$660,000?

Mr GLANFIELD: No. We were part funded in the current financial year for the position and the position has been fully funded from 1 July. So the \$660,000 represents the full funding of the position that had been filled during the course of the last financial year.

The Hon. MICHAEL GALLACHER: Can we move onto the Local Court, Budget Paper No. 3, Volume 1, page 4-60. For the Local Court, why do you expect that there will be a \$5 million increase in employee-related expenses?

Mr GLANFIELD: That is the difference between the estimated for this year and the budgeted amount of \$92 million.

The Hon. MICHAEL GALLACHER: I am looking at the difference between the operating statement under "Expenses employee related", which takes it up to \$92 million.

Mr GLANFIELD: There are a number of factors leading to that. One is simply a natural increase of costs of the existing court structure. Also we have additional money for police flow-on funding for the expected workload. We also have to cover award increases for both the magistrates and support staff. There are a range of other additional on-costs that are built into that. We are appointing from 1 July two additional magistrates, and during the course of this year we appointed an additional magistrate. So it reflects all of those matters.

The Hon. MICHAEL GALLACHER: Under current grants to non-profit organisations, last year you budgeted for \$83,000, then revised that to \$10,000. Can you tell the Committee why you again budgeted for \$82,000?

Mr DEBUS: We would have to take that on notice.

CHAIR: While you are on that line item, can you tell me what are these non-profit organisations grants were for, the \$82,000?

Mr GLANFIELD: Recurrent grants to non-profit organisations?

CHAIR: Yes. If you are going to take it on notice, I would also like to know what is it for and what organisations they are.

Mr GLANFIELD: Yes.

Mr DEBUS: We will have to take it on notice, but it is probably an organisation that gives assistance to offenders, Mission Australia or something like that.

Mr GLANFIELD: I am not sure why it is \$10,000, but it could well be a contribution we make to the Salvation Army, which provides court assistance at the Local Court. It may well be that for some reason we paid the two amounts in the previous year. I would have to check on that, but that is the kind of organisation anyway that we do from time to time provide some assistance to.

CHAIR: I think it is a good idea. I am not suggesting that you should not give grants to non-profit organisations.

The Hon. JAMES SAMIOS: Attorney, what effect will the amendments to the Land and Environment Court have on the budgeted figures? I am referring to Budget Paper No. 3, Volume 1, page 4-62.

Mr DEBUS: The budgeted figure, the increase in operating expenses of a little over \$200,000, is to appoint an extra commissioner to the Land and Environment Court. I think otherwise we are rather in the situation that we described in another context earlier in the evening, that it will be some time before we will know just what degree of difference in expenditure will be caused by the new procedures in the Land and Environment Court, but generally the procedures will not be operating for, I think, several months yet, partly depending upon whether the Legislative Council passes the amendments in the present sitting.

The Hon. JAMES SAMIOS: Is it fair to say that because of this you have been unable to take the changes into consideration? How can it remain exactly the same for 2002 and 2003 in terms of disputes finalised?

Mr DEBUS: I think it is simply normal practice to make that kind of approximate prediction in the absence of useful indicators that might otherwise exist. So if there is in fact just a deliberate assumption, we will end up about the same, and that is because there is no effective way of making an alternative prediction at the present time.

The Hon. JAMES SAMIOS: Do the estimates reflect the expected effect of the Civil Liability Act on, first, the case load; second, case times; and, third, human resources required by the courts? If so, how? If not, why not?

Mr DEBUS: Of course, the Civil Liability Act will not affect the Land and Environment Court. It simply must be the case, the estimates having been properly completed before the Civil Liability Bill was introduced, that we will have to work to some degree from experience during the next year, probably a bit longer.

The Hon. JAMES SAMIOS: And would your answer be relevant in relation to any courts, not just the Land and Environment Court?

Mr DEBUS: To return to a question that the honourable Lee Rhiannon was asking much earlier about the Bail Act, I think we are also in the circumstance that intelligent presumptions can be made about the consequences, but no one can be sure and, since in any event the full effect of a change of this nature often takes quite a long time to bring about its full effect, it is quite reasonable to work on an assumption that it may be necessary to have supplementation.

Ms LEE RHIANNON: I thought you said that when you were determining the budget you in fact had not taken into account the Civil Liability Bill?

Mr DEBUS: That is so.

Ms LEE RHIANNON: So that is different from the Bail Act.

Mr DEBUS: Yes, it is. Well, there is a difference in predictability, even with the the existence of the new legislation at the time when the budget was originally drawn, but in the end we are still left in each case with the circumstance where we must simply make an intelligent anticipation of what might happen but be ready to adjust the expenditures. There is no choice with that and the uncertainty will be greatest in the first year of operation.

Ms LEE RHIANNON: I think we would agree that an ongoing shame in this State is the extraordinary incarceration levels of indigenous people and how they, in large numbers, continue to find themselves on the wrong side of the judicial system. Does your department keep figures on the number of Aboriginal and Torres Strait Islander people who are arrested, charged, convicted, fined, or gaoled? Do you have that breakdown?

Mr DEBUS: Those records exist in a combination of the statistics kept by the Attorney General's Department so far as the courts are concerned, the police so far as arrests are concerned and obviously the Department of Corrections as far as incarceration is concerned. Yes, those figures exist across the Government.

Ms LEE RHIANNON: Do they come together at any time? I have just outlined five categories. Does anybody pull them together? Are they kept on a yearly basis or in terms of gender and region? I mean the situation in this State is horrendous.

Mr DEBUS: Yes.

Ms LEE RHIANNON: And research obviously helps to come to grips with what the solution should be.

Mr DEBUS: The consolidation of those figures is most frequently accomplished by two organisations, the Bureau of Crime Statistics and Research and the organisation that we have talked about several times this evening, AJAC, the Aboriginal Justice Advisory Council, which is administered as an autonomous organisation within the Department of the Attorney General. Both of those organisations from time to time compile consolidated figures for various research purposes. I am not sure that they do them absolutely consistently or at regular intervals, but they often bring together these various figures for research purposes and we would be more than happy to make some of that research available to you if you wished.

Ms LEE RHIANNON: Yes, I appreciate that offer. I am also interested in any budgetary initiatives that you are taking to help develop this line of research in a more co-ordinated way.

Mr DEBUS: There are several streams of activity. We have already discussed the Aboriginal justice initiatives—not in exhaustive detail but we have talked about them—and it is relevant to mention that the Attorney General's Department has an extra \$1 million each year for four years specifically for initiatives in the Aboriginal justice area. That is the money that is applied to the circle sentencing pilot, the night patrols and those sorts of things that I described. The Bureau of Crime Statistics and Research actually maintains a line of information on everything that is happening to Aboriginal and Torres Strait Islander people in the courts and the criminal justice system. The annual publication of the Bureau of Crime Statistics and Research includes those figures.

Ms LEE RHIANNON: When we were together last year for estimates you gave us details about a pilot program on domestic violence. I would be interested to hear where that is up to, if it has been extended to other areas and if it is going to pass the pilot stage and become a regular program.

Mr DEBUS: Yes, the perpetrator program. It has operated for 12 months. We were talking about it beginning at our last estimates hearing. The pilot was to continue for two years. That means that it will end in about a week, but the last participants will complete the program in August 2002 and I expect to receive the evaluation report in October.

Ms LEE RHIANNON: And a timeline past that time when you envisage that you may act on it and take it further? Have you any thoughts in mind?

Mr DEBUS: Yes, I do. Much, of course, will depend on the evaluation, but unless I am advised that, for reasons that are presently obscure to me, it has not worked very well I shall be active in my moves to expand it.

CHAIR: On this particular point of the domestic violence intervention program, are these programs specifically tailored to women from non-English speaking backgrounds? I know it is very important in a multi-cultural society.

Mr DEBUS: As I understand it, the program is designed to assist women of all backgrounds, so it is capable of—

CHAIR: There are cultural differences in different cultural groups. Do they have any substance within the program that particularly targets these groups?

Mr DEBUS: Well, you will recall, Madam Chair, because I recall that you were interested in this program at our last estimates meeting as well, that there is a partnership between a variety of government agencies and a non-government organisation, a community health centre in Penrith, and as I understand it the community health centre is able to identify the circumstances in which people of non Anglo-Irish background are involved and to provide advice of a culturally sympathetic nature on how such circumstances might be dealt with.

The Hon. JAMES SAMIOS: On that point, bearing in mind that we are a multicultural and multireligious society with people coming from 230 or more ethnic backgrounds, what cross-cultural training is there across the board available to judges and magistrates?

Mr DEBUS: Certainly there is some training of that sort conducted by the Judicial Commission, particularly as it affects Aboriginal and Torres Strait Islander people. I am not able to be specific about courses beyond that for judges.

The Hon. JAMES SAMIOS: Bearing in mind the sensitivities, say, in the family law area where a number of judges have been attacked and one was killed I think—

Mr DEBUS: I think it goes like this. As you are aware, specifically family law is not within the State jurisdiction, but you do have programs for judicial officers in gender awareness and you do have them in, as I say, awareness of Aboriginal cultural needs. Unfortunately, as we have been discussing, Aboriginal people do make up a most extraordinarily high proportion of those who appear in our courts. The director-general is showing me a list here which has a number of Aboriginal cultural awareness programs—five or six during the course of the year. There is a seminar with Indonesian judges which may be at least tangentially of benefit in the area of which you are speaking, but it does not appear from the list that I have that judges are given specific training with respect to the cultural needs of people with other cultural backgrounds. Of course, judges have to be aware of the significance of interpreter services and these kinds of things.

The Hon. JAMES SAMIOS: This is an issue that has been raised in the Ethnic Communities Council, certainly by the foundation chairman some time ago. Would it not seem reasonable, bearing in mind the burgeoning increase in the number of ethnic groups coming into Australia, that we should address that?

Mr DEBUS: I am sure that there is more information available in answer to your entirely sensible question. It is also the case that the education program changes each year, so there are seminars—and large numbers of them—during the course of the year. I would be happy to pass your observations on to the Judicial Commission. Indeed, I would be happy to pass on some correspondence or invite you to write to Mr Schmatt, the head of the Judicial Commission, who I am sure would be responsive. My guess is that there is a little more education of relevance going on than I have been able to tell you about. My guess would also be that the commission would appreciate a submission from you of an informal nature of that sort.

The Hon. JAMES SAMIOS: Would you be able to write the letter yourself?

Mr DEBUS: I would. If you would care to write a letter to me, I will happily pass it on with some endorsing remarks.

The Hon. JAMES SAMIOS: Thank you.

The Hon. MICHAEL GALLACHER: Going back to the issue I raised with you earlier in relation to accommodation, do you have any programs or is there any assistance given within the Attorney General's portfolio to assist people who are accompanying persons who are appearing in court, especially people from regional or country New South Wales who may well be coming to the city. Is there accommodation assistance given to them?

Mr DEBUS: I am not aware of that. There have been very occasional circumstances in which some assistance has been given to a family, for instance, who are interested in a coronial inquiry, some people who are in a very particular circumstance of that nature, but there is not a general program at all.

The Hon. MICHAEL GALLACHER: Is there any allowance given to assist in transportation for people coming from country or regional New South Wales who are accompanying persons who are appearing before court?

Mr DEBUS: I think not. There are witness expenses, of course, but there is not a program for reimbursing people who might accompany somebody who is required to appear in a court case.

CHAIR: To clarify that, the Legal Services Commission is not mentioned in the budget papers. Is that under your jurisdiction?

Mr GLANFIELD: The Office of the Legal Services Commissioner comes under the regulatory program, which is on page 448 of Budget Paper No. 3, Volume 1. You will see reference there to complaints and consumer disputes. That is reference to the work of the Office of the Legal Services Commissioner. It is funded through the Public Purpose Fund. It is not funded through the budget process, but, nevertheless, the expense is incurred by the Attorney General's Department and we are reimbursed from that fund.

CHAIR: So if I have a question about complaints about solicitors, I would ask questions under that heading. I will put my question on notice in relation to the Legal Services Commission because I receive a lot of complaints about solicitors and I could not find it before.

Mr DEBUS: The other thing, Madam Chair, is that you can send them on to the Legal Services Commissioner. The Legal Services Commissioner does have an annual report, but we will also be happy to assist you with inquiries that are related to that office.

CHAIR: You have taken a number of questions on notice. The Committee would like to know how long you need to be able to provide the answers.

Mr DEBUS: I think the standing arrangements are that I should reply within 30 days, are they not?

CHAIR: Thirty-five days.

Mr DEBUS: I absolutely guarantee that, Madam Chair.

CHAIR: If there are questions on notice that Committee members wish to ask, members have until Thursday, two days time, to lodge them. Is that okay with you?

Mr DEBUS: Yes.

CHAIR: On behalf of the Committee, I thank the Attorney General and the departmental officers for attending our hearing.

The Committee proceeded to deliberate.