REPORT ON PROCEEDINGS BEFORE

PORTFOLIO COMMITTEE NO. 5 - JUSTICE AND COMMUNITIES

INQUIRY INTO IDENTITY PROTECTIONS FOR PROCEEDINGS INVOLVING CHILDREN

UNCORRECTED

At Macquarie Room, Parliament House, Sydney, on Friday 5 December 2025

The Committee met at 10:25.

PRESENT

The Hon. Robert Borsak (Chair)

The Hon. Susan Carter
The Hon. Greg Donnelly
Ms Cate Faehrmann
Ms Sue Higginson (Deputy Chair)
The Hon. Stephen Lawrence
The Hon. Cameron Murphy
The Hon. Nichole Overall

PRESENT VIA VIDEOCONFERENCE

The Hon. Natasha Maclaren-Jones

The CHAIR: Welcome to the first hearing of the Committee's inquiry into identity protections for proceedings involving children. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respect to any Aboriginal and Torres Strait Islander people joining us today. My name is Robert Borsak and I am the Chair of the Committee.

I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures.

Mr CRAIG HYLAND, Solicitor for Public Prosecutions, Office of the Director of Public Prosecutions, sworn and examined

The CHAIR: Welcome, Mr Hyland. Would you like to start by making a short opening statement?

CRAIG HYLAND: I had no intention of giving an opening statement until I read something that was posted on the parliamentary website last night. As a result of that, I'm going to give a short statement. On 28 August 2025 I attended and gave evidence at the August budget estimates. I answered those questions under oath and did so truthfully. I became aware at 6.30 a.m. this morning that Her Honour Judge P. Wass's submission to this Committee, dated 28 November, was only published in redacted form last night. In her submission she seeks to challenge my responses to questions posed at budget estimates. The late publication of that statement on the parliamentary website is a denial of procedural fairness and has provided me no time to respond to Judge Wass's extraordinary and untrue allegations. My responses were correct and were answered on my own knowledge and not as inferred by Judge Wass.

The issue related to an employee of the ODPP who provided a screenshot from the ODPP case management system to 2GB. The employee works in the office's media team within the director's chambers. The remit of my role extends to the office's 850 solicitors and legal support staff. To the best of my knowledge, none of those staff were involved in this matter. As advised to budget estimates, the responsibilities of my role do not extend to making a determination in relation to staff who are not within my area of control. Also as advised to budget estimates, I was not a party to the decisions that were made in response to any investigation, and I was not advised as to the outcome of the investigation.

I understand, as subsequently advised in responses to supplementary questions, that the employee was counselled in relation to this matter. The name of the child was not disclosed by 2GB and nor, to my knowledge, was any information which identified or was likely to lead to the identification of the child. This goes to the heart of Judge Wass's allegations, as the child's name that was the subject of the criminal proceedings—for what I will say are very serious crimes—was not publicly disclosed by 2GB and section 15A Children (Criminal Proceedings) Act was not breached.

The Hon. SUSAN CARTER: Thank you for coming today, Mr Hyland. The position occupied by Ms Killoran—at what level is she employed and what's her position description?

CRAIG HYLAND: She is an administrative officer level 7. She is the media officer, and she is attached to the director's chambers.

The Hon. SUSAN CARTER: In answers to supplementary questions, the ODPP indicated that the staff member interviewed by the police in relation to the disclosure was a prosecution officer, administrative level 5. Was Ms Killoran level 5 at the time of being interviewed by the police, or was that a different person who was interviewed?

CRAIG HYLAND: That was a different person.

The Hon. SUSAN CARTER: That was a different person who was interviewed by the police? So one person was interviewed by the police, and then a different person was interviewed by the external law firm who did the inquiry?

CRAIG HYLAND: I do not know whether they interviewed the level 7 officer as part of the external inquiry.

The Hon. SUSAN CARTER: But you do know that Ms Killoran was not interviewed by the police?

CRAIG HYLAND: Yes.

The Hon. SUSAN CARTER: Why was that?

CRAIG HYLAND: I do not know.

The Hon. SUSAN CARTER: We have a submission which indicates that there were conversations with the police, and that the police indicated that at a certain point the ODPP stopped cooperating with the police in their inquiries. Does the fact that only a level 5 officer was interviewed by the police indicate that ODPP officers ceased their cooperation with the police in this matter?

CRAIG HYLAND: My responses in budget estimates, and I maintain those, were that the ODPP cooperated in the process. Contrary to the assertion of Judge Wass, there was no direction, for want of a better word, to staff to comply or not to comply.

The Hon. SUSAN CARTER: I'm not asking about directions. It seems unusual, doesn't it, that the police would interview only one person and that is a different person to the person who appears to have been interviewed by the external law firm that your office engaged to do the inquiry?

CRAIG HYLAND: I cannot comment on police methodology.

The Hon. SUSAN CARTER: You're suggesting that if the police had wanted to interview any person in the ODPP, they would have cooperated with that inquiry?

CRAIG HYLAND: I can't make that assumption, but I would like to think so.

The Hon. SUSAN CARTER: Who would be able to assist us with that answer, Mr Hyland?

CRAIG HYLAND: You would have to ask the police officer who they asked to be interviewed and who declined to be interviewed. I do not know the answer to that.

The Hon. SUSAN CARTER: Can I just take you to answers that were provided to questions on notice, in relation to a question on notice No. 65, where you were asked to provide:

> details of any member of the staff of the ODPP who was found to have released information … the level of their employment—

and thank you for providing that information—

> and anybody they had conversations with who may have been seen to have encouraged or authorised the release of that information?

That part of the question was unanswered. I invite you to answer it now.

CRAIG HYLAND: I can only assume it is also, as you've already mentioned in your earlier questions, the administrative officer level 5.

The Hon. SUSAN CARTER: So is your answer that the only other person with whom the level 7 person spoke was the administrative officer level 5?

CRAIG HYLAND: I do not know who the level 7 spoke with, and I maintain that position.

The Hon. SUSAN CARTER: I'm asking for an answer to a question on notice which was only half answered. I'm asking you to provide that answer now. If you can't help us, Mr Hyland, who would be able to help us?

CRAIG HYLAND: It would be someone who's read the report.

The Hon. SUSAN CARTER: And who would that be, Mr Hyland?

CRAIG HYLAND: It would be someone within the director's chambers. It would be the—

The Hon. SUSAN CARTER: What name would you suggest we should make these inquiries?

CRAIG HYLAND: Justice Helen Wilson.

The Hon. SUSAN CARTER: Thank you very much. You can't add anything else?

CRAIG HYLAND: No.

The Hon. SUSAN CARTER: Help me: Is level 5 senior to level 7 or level 7 senior to level 5?

CRAIG HYLAND: Seven is senior to five.

The Hon. SUSAN CARTER: It's your submission that a senior media officer had conversations with a junior media officer and, either singly or together, they decided to release information about a matter in Taree District Court to the media?

CRAIG HYLAND: That is not my submission at all.

The Hon. SUSAN CARTER: What is your submission?

CRAIG HYLAND: I have no submission.

Ms SUE HIGGINSON: Mr Hyland, thank you for being here and thank you for your evidence. In your opening you said words to the effect that Judge Wass has provided a submission that is untrue.

CRAIG HYLAND: That's correct.

Ms SUE HIGGINSON: Could you please explain and extrapolate what you mean by that?

CRAIG HYLAND: I refer to page 4 and, where she's dealing specifically with me, pages 14 and 15, where she is suggesting that I gave untrue evidence to budget estimates. The inference from the comment on page 4 is that that should result in perhaps the removal of me from my position, which is an extraordinary set of circumstances and deplorable that I only received it this morning. You would appreciate I haven't had time to fully absorb the entire submission. It's had the quickest of skims.

Ms SUE HIGGINSON: At paragraph 55 (5) of the judge's submission, she refers to that answer:

> He said however, that "one would expect hypothetically, the employee" was counselled.

It is now your evidence that the employee was counselled. Is that correct?

CRAIG HYLAND: The response to supplementary or questions on notice was that the employee was counselled. When I gave evidence at budget estimates, I did not know the outcome.

Ms SUE HIGGINSON: Is it now your evidence that the employee was counselled or were they cautioned?

CRAIG HYLAND: My understanding is counselled.

Ms SUE HIGGINSON: Is that still your understanding? Was that employee cautioned, to your knowledge, or not cautioned, to your knowledge?

CRAIG HYLAND: As I said in my opening statement, I am not responsible for this area of the office. From my knowledge, without having seen any documentation, counselled.

Ms SUE HIGGINSON: Mr Hyland, are you able to provide the Committee any assistance in terms of any further conversations that you have had amongst other officers of the ODPP at any levels that might assist this Committee in trying to understand what we are, which is essentially what mobilised or motivated the person who did provide the material to 2GB. Are there any conversations at all that you have had that you would like to share with us that could assist us?

CRAIG HYLAND: My conversations internally mostly relate to my anger at being drawn into something that I know nothing about.

Ms SUE HIGGINSON: Which is—

CRAIG HYLAND: That's my answer.

Ms SUE HIGGINSON: Thank you, and that's understandable. In terms of those conversations you've had in expressing your anger, are you able to share anything with this Committee that would help us understand, because clearly there are internal matters within the office. Clearly, some people know some things and some people don't know other things. In terms of those conversations you've had where you have expressed your anger, have you learnt anything in response to those expressions that might assist us as a committee?

CRAIG HYLAND: Nothing in addition to responses at budget estimates, questions on notice or supplementary questions on notice. That is the extent of my knowledge.

Ms SUE HIGGINSON: With that understanding, are you suggesting that the people within the office that you've spoken to know nothing more than the evidence that you have provided, or that other people you have spoken to have just not disclosed information? What is your understanding?

CRAIG HYLAND: I am unable to comment on what individuals' understandings or knowledge of any circumstance are. I'm afraid that's something I can't assist with.

Ms SUE HIGGINSON: So your clear evidence is nobody has provided you, in those conversations where you've expressed anger, any other further information than what you've provided.

CRAIG HYLAND: Nothing in addition to my evidence or the material provided in supplementary questions or questions on notice.

The Hon. SUSAN CARTER: I have a couple more questions in relation to the information that you provided in relation to supplementary questions. For your assistance, I am looking at answers to supplementary questions Nos 195 to 202. The issue was in relation to what may have been provided to the radio station but not actually published by them. It appears that the answer given to supplementary question No. 196 states:

> 2GB was provided information that identified the young person.
>
> No information capable of identifying the young person was published.

Am I correct in understanding that they had the information but they chose not to publish it, especially when I look together at the answer to supplementary question No. 198, "Was any material provided on the basis that it not be published?" The answer stated, "It is a matter for media outlets to determine what they publish." So the material provided actually disclosed the name, but it was the responsible decision of the media outlet not to disclose that name.

CRAIG HYLAND: I'm sorry, I was not following that. I was trying to find the reference. Could you give me the reference again?

The Hon. SUSAN CARTER: Sorry. Answers to No. 196 and No. 198.

CRAIG HYLAND: So the answer was, "2GB was provided information that identified the young person. No information capable of identifying the young person was published." What was your other question?

The Hon. SUSAN CARTER: No. 198.

CRAIG HYLAND: "Was any material provided on the basis that it not be published?" Yes, okay—and your question is?

The Hon. SUSAN CARTER: I just want to confirm that the material that was released from the ODPP contained the name of the young person, there was no undertaking not to publish that name, but it was the media outlet's own decision not to release that name.

CRAIG HYLAND: I can answer that in part. I can't answer anything about an undertaking. As I have said, I have no involvement in this.

The Hon. SUSAN CARTER: The answer to question No. 198, I think, that goes to that.

CRAIG HYLAND: "Was any material provided on the basis that it not be published?" "It is a matter for media outlets to determine what they publish." That doesn't say there was an undertaking. It doesn't say an undertaking was asked for.

The Hon. SUSAN CARTER: On the basis? So was it provided—

CRAIG HYLAND: I cannot assist you, Mrs Carter.

The Hon. SUSAN CARTER: Are you able to assist me with more information in relation to supplementary question No. 207, which discusses members of ODPP staff accessing information about court cases. The answer states it's only to be done consistently with the staff member's duties. Is it typical of a media staff member's duty to access information about a range of matters directly from the ODPP website?

CRAIG HYLAND: It's not the ODPP website. We have a matter management system called Matters. Permissions for access are based on your level of employment within the organisation. There are also three categories of information in there—there's restricted; there's executive, which is the director and myself; and there's unrestricted. I would expect the media officer, in order to do their job, would have access to restricted and unrestricted but not to executive matters.

The Hon. SUSAN CARTER: Could you take on notice whether information in relation to proceedings involving a minor would be restricted or unrestricted?

CRAIG HYLAND: I would suggest there are other factors to consider in the restriction level. If the matter is a special interest matter, we have categories of special interest matters. We have other matters such as Alan Jones, which is highly restricted. Reasons for special interest are media interest, political interest and particular sensitivities about it. There is the scope there, based on the facts of a particular matter, to make a decision as to the level of access. I cannot say what the level of access to this file is or was, subject to whoever had it. I did, when I became aware of the 2GB media coverage, ask that the access be blocked for everyone within the organisation, because obviously if something is published, the tendency is to jump on and have a look.

Ms SUE HIGGINSON: Who did make the decision prior to you making the further decision about what access this material would have been?

CRAIG HYLAND: If it was a special interest matter, I would have made the decision.

Ms SUE HIGGINSON: No, but I'm asking in fact, not hypothetically. In this particular matter, before you determined to give it that higher blocked level, who had already determined the level of access in this matter?

CRAIG HYLAND: I cannot answer that. I would have to look at the particular matter and see if it's recorded in the history.

Ms SUE HIGGINSON: Could you please take that on notice and see what you can do to assist us?

CRAIG HYLAND: Yes, certainly.

The Hon. STEPHEN LAWRENCE: Mr Hyland, thanks for coming along. I wonder if I could take you to page 14 of the submission from the judge, which you were talking about. I assume that the parts you were taking issue with that you said weren't correct are those numbered (1), (2) and (3) at the bottom of the page. Is that right? Paragraph 54.

CRAIG HYLAND: And 56, and 55 (6) in its entirety.

The Hon. STEPHEN LAWRENCE: In respect of (1), (2) and (3) in paragraph 54, could you just explain in what respect they're wrong?

CRAIG HYLAND: Number (1), the judge conflates who was interviewed and who was asked to be interviewed. I would know from the brief of evidence who was interviewed if they gave a statement. I would have no idea who they asked to be interviewed. So she's wrong there.

The Hon. STEPHEN LAWRENCE: And then subparagraph (2)?

CRAIG HYLAND: Mrs Carter has already asked those questions and I've already responded. My response was, "Not to my knowledge."

The Hon. STEPHEN LAWRENCE: Not to your knowledge, what?

CRAIG HYLAND: If staff had cooperated in the NSW Police Force investigation. It states:

> He responded that staff had "participated in the process". From the information I obtained from the NSWPF, the accurate answer to that question should have been "staff were initially instructed to cooperate, but later their cooperation was withdrawn".

The Hon. STEPHEN LAWRENCE: She's imputing that knowledge to you, I assume, from what you're saying.

CRAIG HYLAND: Exactly. And I'm refuting that.

The Hon. STEPHEN LAWRENCE: Subparagraph (3) is the same point, I suppose?

CRAIG HYLAND: It is.

The Hon. STEPHEN LAWRENCE: Could I just take you to appendix 2 to the submission?

CRAIG HYLAND: I don't think I've got that.

The Hon. STEPHEN LAWRENCE: That's the transcript of the 2GB interview.

CRAIG HYLAND: Okay. I haven't read it, but if it's here, yes.

The Hon. STEPHEN LAWRENCE: Yes, appendix 2 is a copy of a transcript. If you look at the third line of the first part of Ben Fordham's, I was just going to ask, is that a pseudonym, as far as you know?

CRAIG HYLAND: I don't know. Just while you're in that line of questioning, the other thing that is offensive is submission 56, where Her Honour impugns to me that I knew the effect of these proceedings or the disclosure on her, and she infers some level of maleficence on my part. Reading from her email to me, which I checked this morning, dated 28 March, "I would like in due course to make a submission to you on the damage that the disclosure of that information that was not only sensitive, but was also misleading if not false, has done to me personally." That's not telling me what the damage was to her. What she is asking for is for her views to be heard. I facilitated that with Norton Rose. I find it incredibly offensive that this judge has inferred that I knew what the impact on her was and did nothing about it.

The Hon. STEPHEN LAWRENCE: Are there any other specific things that are in that submission that you'd like to correct?

CRAIG HYLAND: As I've said, I've only had the briefest of skims, and I think the director will—I may be saying the wrong thing here, but the office would like the opportunity to do a written response to this submission with the fullness of time and the ability to reflect on what it is.

The Hon. STEPHEN LAWRENCE: I'm going to ask you one other thing. There's a reference in this submission, at paragraph 32 on page 10, to the police having told the judge—it's the first point there. It states:

> Other than the junior media officer (who he said took the screenshot and provided it to "a superior"), the ODPP officers were no longer cooperating with the investigation.

Do you have any knowledge about who the superior was?

CRAIG HYLAND: The superior is the administrative officer level 7.

The Hon. STEPHEN LAWRENCE: Right.

Ms SUE HIGGINSON: Can I just ask, how do you know that for certain?

CRAIG HYLAND: Sorry?

Ms SUE HIGGINSON: How do you know that for certain?

CRAIG HYLAND: Well, the junior media officer is the level 5. Her superior would be the senior media officer.

Ms SUE HIGGINSON: You would think so, but how do you know that for certain? How was she not, this person, not referring to some other—"superior" is a very broad word for somebody more senior, isn't it?

CRAIG HYLAND: It is.

Ms SUE HIGGINSON: Who is the superior to the level 7?

CRAIG HYLAND: The level 7, I believe, it's a PLA within the director's chambers.

Ms SUE HIGGINSON: Right. So how do you know that this person wasn't referring to that person?

CRAIG HYLAND: I don't.

Ms SUE HIGGINSON: Right, okay. You don't know that it's the level 7. You're assuming that.

CRAIG HYLAND: I'm assuming it's the level 7.

The Hon. STEPHEN LAWRENCE: Just for clarity—and I think this is probably established elsewhere—but was it the person who took the screenshot or was it the superior who then provided it to the radio station?

CRAIG HYLAND: My understanding is it was the superior.

The Hon. STEPHEN LAWRENCE: The superior. Okay.

Ms SUE HIGGINSON: The level 7, you mean. We don't know.

CRAIG HYLAND: My interpretation of "superior".

Ms SUE HIGGINSON: I understand.

The Hon. STEPHEN LAWRENCE: Again, for the sake of clarity, is the junior media officer the person who declined to attend this morning, or is that the superior media officer?

CRAIG HYLAND: The person was not one of those invited to attend.

The Hon. STEPHEN LAWRENCE: The person who provided it to 2GB was not one of the people invited?

CRAIG HYLAND: No. The admin level 5 was not invited to attend.

The Hon. STEPHEN LAWRENCE: That's the person who took the screenshot.

CRAIG HYLAND: Allegedly, yes.

The Hon. STEPHEN LAWRENCE: So the person who forwarded it to 2GB was the person who was invited to attend. Is that right?

CRAIG HYLAND: Again, that's my understanding.

Ms SUE HIGGINSON: Does the person who took the photo of the screenshot, is that person still in the employ of the Office of the Department of Public Prosecutions?

CRAIG HYLAND: Office of the Director of Public Prosecutions.

Ms SUE HIGGINSON: Director, sorry.

CRAIG HYLAND: Yes.

The Hon. SUSAN CARTER: And is it your understanding that the level 5 person was acting on the direction of the level 7 person?

CRAIG HYLAND: That is what is in her statement, yes.

The Hon. SUSAN CARTER: Sorry, which statement is this?

CRAIG HYLAND: Her police statement that was in the brief of evidence.

The Hon. SUSAN CARTER: Is that why the level 5 person was not counselled?

CRAIG HYLAND: I do not know because, as I've said, I'm not responsible for the media function in the office.

The Hon. SUSAN CARTER: Who is responsible for that function?

CRAIG HYLAND: It sits within the director's chambers, as I said in my opening statement.

The Hon. SUSAN CARTER: Who would be the appropriate person if we wanted to speak to somebody further?

CRAIG HYLAND: I would assume the director could nominate who would be the appropriate person to speak to.

The Hon. SUSAN CARTER: In relation—for your information—to an answer given to supplementary question No. 216, if you want to find that. The question went to asking for an explanation of the chain of communications between the taking of that screenshot and the final disclosure. The answer appears to be that the ODPP cannot explain the chain of communication. We clearly know now the chain had at least two persons involved: the level 5 and the level 7. I just wonder exactly what was investigated, if the process by which information was obtained, considered and transmitted was not part of the subject of that investigation.

CRAIG HYLAND: Which investigation? Are you talking about the police or the internal—

The Hon. SUSAN CARTER: No, the internal investigation that I understand was briefed out to Norton Rose Fulbright.

CRAIG HYLAND: Again, Mrs Carter, I'm not privy to that because that is not within my area of responsibility.

The Hon. SUSAN CARTER: Who prepared the answer to supplementary question No. 216?

CRAIG HYLAND: It would be the director's chambers.

The Hon. SUSAN CARTER: Would somebody in the director's chambers be privy to that investigation?

CRAIG HYLAND: I do not know whether that person had read the material or not.

The CHAIR: Thank you for your evidence, Mr Hyland. The secretariat will be in contact with you. I don't think you took any questions on notice.

CRAIG HYLAND: There was one question on notice in relation to what the restriction of the access level was to the matter in question within the organisation.

The CHAIR: Thank you very much. The secretariat will be in contact with you in relation to a reply. Thank you for attending today.

(The witness withdrew.)

Ms SALLY DOWLING, SC, Director of Public Prosecutions, affirmed and examined

The CHAIR: Thank you very much for coming, Ms Dowling. Sorry we are running a bit late. Would you like to make a short opening statement?

SALLY DOWLING: This inquiry purports to be concerned with the statutory identity protections for children involved in the criminal justice system. Prior to Wednesday this week, it was my understanding that the purpose of this inquiry, and my appearance before it, was to inquire into the operation of legislation protecting the identity of children involved in the criminal justice system. However, on Wednesday I was put on notice by the Committee that my evidence was likely to concern a particular case in which my office was involved and the events that followed that case. At about 5.00 p.m. yesterday, this Committee posted a submission by Judge Wass, dated 28 November 2025. This Committee has never provided me with that submission, or told me of the existence of that submission or the contents of it, or asked me to address any allegation in that submission.

Judge Wass's submission is directed solely at her personal grievance with me and my office, arising from a single case that has already been subject to extensive scrutiny and examination, including a police investigation that uncovered no breach of the law. The bulk of the issues canvassed in Judge Wass's submission could not possibly fall within the terms of reference of this Committee. Allowing these grievances to be examined under the guise of a committee inquiry is not an appropriate use of this Committee's powers and privileges and amounts to a de facto parliamentary inquiry into the conduct of officers at the ODPP under the guise of an examination of the operation of legislation.

The current circumstances involve a gross denial of procedural fairness. In particular, there is nothing in the terms of reference to suggest this is an inquiry into the conduct of the director or of ODPP staff. The invitation to appear was extended to me and my staff on Friday last week—when the Committee was in possession of Judge Wass's submission—ostensibly to give evidence about the operation of the legislation in accordance with the terms of reference. It was only on Wednesday, as I said, that an indication was given obliquely through an email that the Committee had an interest in this particular case. The evening before I was due to give evidence, a previously confidential submission was released. The submission is 68 pages in length. It was not provided to me, as I said before, but instead was posted on your website after the close of business.

That submission includes serious allegations against me and my staff. It goes so far as to suggest that I and other senior officers should be removed from our statutory offices. The fact that this submission has been in the possession of this Committee since 28 October 2025 but has never been provided to me and instead was made public, out of hours, the day before I was to give evidence is extraordinary and constitutes a gross denial of procedural fairness. The Committee's failure to provide the submission to me and to Mr Hyland, the Solicitor for Public Prosecutions, is deeply unfair. Indeed, I go so far as to say the denial of procedural fairness by this Committee is disgraceful.

I will endeavour to assist the Committee today as best I can. However, in light of the lack of procedural fairness afforded to me, there will be limitations on what I can answer. I expect, as a minimum of fairness, that this Committee will permit my office to provide a further written submission to the Committee at a later date responding to the serious allegations made in Judge Wass's submission and addressing the multiple factual and legal inaccuracies that it contains. The submission contains, at appendix 6, an image of an alleged file note containing third- or perhaps fourth-hand hearsay, making an allegation that I instructed someone to leak confidential information to 2GB. I gave no such instruction.

I would now like to make some comments concerning that case, which I hope will clarify what occurred and assist the Committee. I am aware that on 11 October 2024 at Taree District Court, a young person whose name cannot be published was sentenced by Judge Wass for two offences of aggravated break and enter, one that included the sexual touching of a very elderly woman. Very shortly after the sentencing proceedings, I was told by senior lawyers and the senior witness assistance officer at our Newcastle office that the judge had invited the young person to conduct a welcome to country ceremony at the beginning of the sentence proceedings. This was a highly unusual event, which, as far as I'm aware, had not occurred previously in any court of New South Wales and has not occurred since. Contrary to the suggestion of Judge Wass in her submission, a welcome to country is not evidence because it's not relevant to any issue in the sentence proceedings. It is a ceremonial event and has cultural significance for the individual and the offender involved in that case.

The fact of the young person performing the welcome to country was widely discussed amongst the legal community, both within and outside the ODPP. It rapidly became notorious. I discussed the matter with a number of ODPP staff, including the ODPP's First Nations project officer. It was conveyed to me that ODPP First Nations staff and members of the First Nations community in Taree were distressed with what had occurred. While the person was of First Nations background, I was informed that he was not on his own country and so couldn't

perform a welcome. He was not a respected member of the local community and, as I mentioned, he was being sentenced for a very serious offence of a sexual nature against a very elderly woman. A welcome to country is an important and solemn rite and, while it may be entirely appropriate in some judicial settings, it was regarded by many as not appropriate in these circumstances.

I am also aware that on 25 October 2024 the 2GB radio host Ben Fordham discussed this case on his program. As I understand, Mr Fordham was highly critical of the judge for inviting the young offender to perform a welcome to country at his own sentence proceedings. Importantly, at no time did Mr Fordham or any other media outlet publish the name or identifying information of the young person involved. Shortly before the story was broadcast, I became aware from the ODPP media manager that 2GB might be interested in the story. At this time I did not know how 2GB knew about the judge inviting the young person to give the welcome to country.

On a date following the broadcast, I became aware that a report had been made to New South Wales police concerning the provision of purportedly confidential information to 2GB allegedly by the ODPP. I was informed that police intended to investigate whether any offence had occurred. As would be expected, I confirmed with police that I would assist their investigation to the extent that I was able to do so. I'm also aware that at some point thereafter the fact that an investigation was being conducted was leaked to the media. I'm aware of this because my office received a number of media enquiries about the investigation. I do not know who notified the media of the police investigation.

I am now aware that prior to 25 October 2024, the ODPP's media manager spoke to someone associated with 2GB about the judge inviting the young person to give a welcome to country on the understanding that they may wish to run a story about it. Before the broadcast on 25 October, however, I was not aware that that conversation had taken place. I am now also aware that the media manager provided a screenshot of the ODPP case management system to someone associated with 2GB. That screenshot contained details of the case, including the young person's name. Provision of that screenshot did not involve any offence. At that time, the media manager was relatively new in her role and had only worked at the ODPP for about 10 weeks. I wish to make it clear that at no time did I direct or ask for the media manager to provide the story to 2GB. At no time did I approve the provision of a screenshot of the ODPP case management system to any external person. I was not even aware of the provision of the screenshot until after the commencement of the police investigation.

On 21 March 2025, New South Wales police advised the ODPP that they had concluded their investigation. Police took no further action reflecting, as I said, that no offence had been committed. While I considered it clear that there had been no breach of the law, I did consider that the provision of confidential or privileged information held by my office to the media may constitute misconduct under the Government Sector Employment Act 2013. The Act requires in such a case that the employer investigate the circumstances of possible misconduct. Accordingly, as required by the Act, I instructed an independent law firm to conduct an investigation into the possible misconduct. That investigation was completed in June 2025.

I then requested a further report from then Acting Deputy Director and former Supreme Court Justice Helen Wilson, SC, concerning what action should be taken. Ms Wilson advised that there should be a finding of misconduct made against the media manager and that they should be administered a caution against any future disclosure of privileged or protected information. A caution was administered to the media manager by then deputy director, now District Court Judge Frank Veltro, SC. I was not personally involved in the investigation of this matter or the disciplinary process.

In budget estimates in February this year I was asked questions about this matter. At that time the matter was still under investigation by police and it was not appropriate for me to comment. In budget estimates in August, as you have already heard this morning, the Solicitor for Public Prosecutions, Craig Hyland, was asked about this issue and gave evidence. To the extent that it involved an instance of internal misconduct by an ODPP employee, this has been thoroughly investigated and scrutinised, including by New South Wales police, and all appropriate action has been taken by my office. That's my statement.

Ms SUE HIGGINSON: Thank you very much for that statement. I do absolutely understand the limitation and time and very much appreciate the effort and work that you've put into assisting the Committee.

The Hon. SUSAN CARTER: A couple of questions in relation to the internal investigation. Did that focus entirely on ascertaining if there had been a breach of the government sector employee Act or did that also look more broadly at what steps could be taken to ensure that similar breaches didn't occur in the future?

SALLY DOWLING: The former.

The Hon. SUSAN CARTER: Is there any intention to consider more broadly how to protect against this type of disclosure in the future?

SALLY DOWLING: I need to say at the outset I only read the report of the external law firm and Justice Wilson this week when it became apparent to me that that's what this Committee was interested in. Deputy Director Veltro had had carriage of that aspect. He had considered the report and administered the caution. To answer your question, Ms Carter, that will have to be considered.

The Hon. SUSAN CARTER: At what point is it going to be considered?

SALLY DOWLING: I would imagine in the near future.

The Hon. SUSAN CARTER: To the extent to which you're aware of the police investigation, I understand that was focusing on section 15A. Was any consideration given to section 62 of the Privacy and Personal Information Protection Act?

SALLY DOWLING: You would have to ask police.

The Hon. SUSAN CARTER: But what about your own internal investigation?

SALLY DOWLING: Not that I'm aware of.

The Hon. SUSAN CARTER: Is that a matter that concerns you?

SALLY DOWLING: I'll have to take that on notice. I'd have to refresh my memory as to which section.

The Hon. SUSAN CARTER: I've got a copy of it here.

SALLY DOWLING: That's okay. I'll take that on notice.

The Hon. SUSAN CARTER: If you can take it on notice, that would be very good. I'm just trying to get the timeline straight. You first became aware of the events in the court at Taree shortly after they had occurred?

SALLY DOWLING: Yes, on the same day.

The Hon. SUSAN CARTER: What was your view as to whether any action needed to flow from that information when you had it?

SALLY DOWLING: I'm not sure of the relevance of that question, what my view was. I was quite taken aback. I was told by the lawyers who were in the proceedings. Bear in mind, I am the client of those lawyers. I thought that what had happened was quite extraordinary.

The Hon. SUSAN CARTER: When was the first conversation you had with the media manager or anybody in the media unit in relation to what had occurred in Taree?

SALLY DOWLING: I don't recall.

The Hon. SUSAN CARTER: Is there any way of refreshing your memory in relation to that?

SALLY DOWLING: No. There are many, many conversations that take place in the office about many things that are going on in the office.

The Hon. SUSAN CARTER: But I believe, and I may have misheard, that you earlier said that you hadn't spoken to the media officer until after the information had been broadcast by 2GB.

SALLY DOWLING: That's not correct. That was not my evidence. There were conversations before the story ran on 2GB about the welcome to country.

The Hon. SUSAN CARTER: So you had had conversations with the level 7 media officer?

SALLY DOWLING: Yes.

The Hon. SUSAN CARTER: I understand that questions had been put to you from *The Australian* in relation to a number of matters, I believe, on the Thursday. Was the media manager involved in liaising between *The Australian* and yourself in relation to those questions?

SALLY DOWLING: Yes, she would have been.

The Hon. SUSAN CARTER: You were aware of those questions and she was aware of those questions?

SALLY DOWLING: The line of command, for want of a better phrase, which is not rigid, is that the media manager reports to a principal legal adviser and then through to a deputy director, who was Judge Veltro, and then on an ad hoc basis, as necessary, I would be consulted.

The Hon. SUSAN CARTER: So the likely chain would have been that questions come to that media manager, who would have moved it up the chain, and then obviously they were questions to you, so they would have needed to go to you.

SALLY DOWLING: Yes.

The Hon. SUSAN CARTER: I think the timeline was you received the questions on the Thursday, the disclosure was on 2GB on the Friday and then the story was in *The Australian* on the Saturday. Would the media person have been managing both the disclosure to 2GB and those questions from *The Australian* at the same time?

SALLY DOWLING: As I say, I don't know about the disclosure to 2GB.

The Hon. SUSAN CARTER: Sorry, I thought you had just said that you had actually discussed the general issue with the media manager in relation to Taree.

SALLY DOWLING: I had talked about the welcome to country and the notoriety of that story, but I was not aware of the disclosure to 2GB.

The Hon. SUSAN CARTER: The media manager, who clearly operates under, as you described it, a chain of command—it's sort of going up several steps, ultimately to you, as necessary—are you aware whether the media manager escalated the decision to release information to anybody in that chain of command?

SALLY DOWLING: No, I'm not aware of that.

The Hon. SUSAN CARTER: Who would be aware of that?

SALLY DOWLING: It would have had to happen for anyone to be aware of it, and I'm not aware of it.

The Hon. SUSAN CARTER: You're suggesting that of her own volition, a new media officer chose to disclose without checking with anybody senior?

SALLY DOWLING: Ms Carter, you often do this to me, and you suggest that I have suggested things. I haven't suggested that. I'm answering your questions.

The Hon. SUSAN CARTER: I'm trying to clarify and really understand what it is you're saying, Ms Dowling. You've told us that she was relatively new in her position, told us that there's a chain of command in which she operates. You've indicated that you're unable to indicate whether it was escalated, and I'm asking you how usual that would be for a relatively new person who sits at least at the midpoint in a chain of command to, of their own volition, release information like this to a media outlet.

SALLY DOWLING: I can't answer that question. She conducts multiple, multiple conversations with multiple media outlets at any given point in time. That is her job. She is having discussions and conversations with journalists all the time. As far as I'm aware, many of those are not escalated beyond her. She is the senior media manager. Everybody else involved in that is legal. As I said before, I'm not aware of anything else.

The Hon. SUSAN CARTER: Just to confirm, the media officer would have been aware of the questions from *The Australian* and they would have also been aware of the information in relation to Taree at the same time, because they were—

SALLY DOWLING: Yes, they were unrelated things, I understand, but simultaneous.

The Hon. SUSAN CARTER: How usual is it for media officers, in your experience, to access information about particular cases from the Matters site?

SALLY DOWLING: That's their job. They do that all the time. The principal role or the principal task of the media officers at the ODPP is to fact-check things for journalists, and they do that by way of accessing the Matters database.

The Hon. SUSAN CARTER: Ms Dowling, can I just ask though, a media officer actually providing a screenshot—is that something that a media officer would normally do?

SALLY DOWLING: No, that was the subject of a finding of misconduct under the GSE Act. That was not something that was known to me until well after the event had happened. I can anticipate and answer the questions that you're going to ask. There was a formal caution delivered and a formal process of counselling that was delivered by Deputy Director Veltro.

Ms SUE HIGGINSON: In terms of the level of security or confidence that particular case had—I know that you would have heard the questions directed to Mr Hyland—do you have knowledge about what level of security that particular case had at the time or around that time the screenshot was taken?

SALLY DOWLING: I don't. That can be confirmed, but there is nothing about that case of which I'm aware at this point in time that would suggest to me that it would have had anything other than unrestricted access. The fact that it involves a young person is not of itself a factor that we then put a restricted access on it. The reason for that is that this is an operational database that is used by our administrative staff and our legal staff, and multiple lawyers and admin officers need to have access to that database in the life of a particular matter, and even to have regard to it when they are preparing other matters. Operationally, that ease of access is important.

Ms SUE HIGGINSON: A little bit further to what Ms Carter was asking, in terms of the circumstances, you've made it very clear that there was clearly discussions within the office about this particular matter and what took place during the proceedings. Did you ever look yourself and familiarise yourself with the transcript of those proceedings?

SALLY DOWLING: We don't have a transcript of the proceedings. I understand that we have the audio recording of the proceedings and transcript has been made by my office from that audio. I haven't read that in full. My assistants have.

Ms SUE HIGGINSON: At the moment, this idea, according to 2GB, is that a welcome to country was performed.

SALLY DOWLING: I can assist you in that regard. The judge repeatedly referred to it as a welcome to country. The young person was giving evidence remotely from a youth detention facility that was not in Taree. The young person, understandably, gave an acknowledgment of country.

Ms SUE HIGGINSON: I'm just wondering why in your evidence you have referred to as a welcome to country consistently. Is there any particular—

SALLY DOWLING: Because that's what the judge called it.

Ms SUE HIGGINSON: Right. But you're now correcting this record here and assisting the Committee by making it clear—

SALLY DOWLING: The young person—

Ms SUE HIGGINSON: —and dispelling what 2GB and everybody else has been saying for months and months on end, that a young person somehow performed some big ceremonial welcome to country, when in fact your evidence is it was a couple of words, perhaps, acknowledging country.

SALLY DOWLING: That wasn't my evidence, because I just told you that I haven't got a transcript. It was an acknowledgment of country, and I believe the transcript is annexed to Judge Wass's submission, if I'm correct.

Ms SUE HIGGINSON: So your evidence is that you're aware, and have been for some time, that it wasn't a welcome to country.

SALLY DOWLING: No, I think I became aware of the actual wording of what the young person said in the last couple of days.

Ms SUE HIGGINSON: Right. How did that happen?

SALLY DOWLING: Because one of my staff listened to the audio and made a transcript of it.

Ms SUE HIGGINSON: Up until this point, though, you had no interest or concern to find out what had in fact happened in those proceedings, that 2GB had broadcast it at large in a particular character and way?

SALLY DOWLING: I wouldn't agree with that at all.

Ms SUE HIGGINSON: So you did other things to familiarise yourself or to find out the actual facts?

SALLY DOWLING: The question that you just put to me, Ms Higginson, is that I had no interest. I disagree with that question.

Ms SUE HIGGINSON: Fantastic. Could you explain to me what your interest before today was, to clarify and familiarise yourself with the facts?

SALLY DOWLING: You need to understand, with respect, that my office is extremely busy, and I am extremely busy. I was aware that the judge had invited, in her words, "a young person to do a welcome to country", and that he had done what was initially conveyed to me as a welcome to country. We didn't have a transcript at that point in time.

Ms SUE HIGGINSON: Can I just stop you there, if it's okay? Where did that happen?

SALLY DOWLING: That came from the lawyers who were in the—

Ms SUE HIGGINSON: Not the judge herself? That was the lawyers who told you that the judge had invited the young person to do a welcome to country?

SALLY DOWLING: Yes.

Ms SUE HIGGINSON: And you never sought to investigate whether that was true or not?

SALLY DOWLING: No, I asked for a transcript. A transcript wasn't available. I think the tapes were available and somebody in my office confirmed that they had listened to the tapes, and that had happened. That was certainly the notation that was made on the report of the proceedings on the database by the team that were in court at the time.

Ms SUE HIGGINSON: I know you'll think this is controversial, but can I just put to you, just in full frankness, further to your evidence that this was a matter that built some controversy and there was a lot of discussion in your office and surrounding, was the tone of the office at the time that there was this almost panic or an impropriety about what had happened?

SALLY DOWLING: I wouldn't agree with panic. I would agree with impropriety.

Ms SUE HIGGINSON: Do you still think that, now that you've listened to the words?

SALLY DOWLING: I do. I don't think what I think about this is relevant to the terms of inquiry of this Committee, but I do think there was a grave impropriety in that.

Ms SUE HIGGINSON: Can I just be clear. The only reason that I have remotely any interest in this is because of the potential breach of the law that is designed to protect young people in criminal proceedings.

SALLY DOWLING: Ms Higginson, there has been no breach of the law as it stands, as you know, because 15A prohibits the publication to the public, or a section of the public, of a name or information that can identify a young person. As the lack of charges laid by the police indicates, that hasn't happened.

Ms SUE HIGGINSON: Is it your understanding that the police had some difficulty with completing a full investigation because they determined that this was not an offence where they could issue particular warrants or—

SALLY DOWLING: I have no knowledge of that.

Ms SUE HIGGINSON: Have you got Judge Wass's submission in front of you?

SALLY DOWLING: I have, but I haven't had time to finish reading it.

Ms SUE HIGGINSON: I understand that and I appreciate that. Can I ask you to go to appendix 2 of that submission, and line 3 of that submission?

SALLY DOWLING: Yes.

Ms SUE HIGGINSON: Does that identify the particular young person involved, to your knowledge?

SALLY DOWLING: No, it does not.

Ms SUE HIGGINSON: Is that some kind of pseudonym or is that—

SALLY DOWLING: That's not the name of the young person.

Ms SUE HIGGINSON: Thank you. When you say that no breach of the law has occurred here, that is because the police did not find the breach of the law. Is that your—

SALLY DOWLING: No, because there has not been a publication to the public or a section of the public of the name or any information that can identify the young person.

Ms SUE HIGGINSON: You've looked at that transcript and you've listened to that 2GB story that was broadcast on 25 October?

SALLY DOWLING: I haven't seen the transcript of it until today and I haven't had a chance to read this.

Ms SUE HIGGINSON: Did you listen to, at any point in time, the broadcast on 25 October 2024?

SALLY DOWLING: Yes, I did.

Ms SUE HIGGINSON: You don't think that there is material in that broadcast that could identify the young person—in general terms, not specific terms?

SALLY DOWLING: No, I don't think so.

Ms SUE HIGGINSON: Not in his community or any other community?

SALLY DOWLING: Not on the basis of what I know.

Ms SUE HIGGINSON: In terms of the actual commission of an offence, that is only because 2GB chose not to broadcast material that the DPP representative had given to 2GB. Is that your view?

SALLY DOWLING: I'm not going to speculate on what could have happened to cause the commission of an offence.

Ms SUE HIGGINSON: No, I'm talking about what in fact happened.

SALLY DOWLING: There was no offence committed, in fact.

Ms SUE HIGGINSON: And that's because, in fact, the 2GB broadcasters, apparently both Ben Fordham and Ray Hadley, didn't disclose the whole of the information that they had been provided by somebody within your office?

SALLY DOWLING: It appears that way.

Ms SUE HIGGINSON: In terms of the caution that was provided to the officer within your office, what determined, to the best of your ability, that this person should be cautioned rather than discharged?

SALLY DOWLING: The subject of that process was discussed in the report by the external investigator. It is subject to legal professional privilege because it contains employment law advice and I don't waive that privilege at the moment, so I am not prepared to answer that question.

Ms SUE HIGGINSON: Was any of that internal material that you commissioned provided to the police as part of their investigation?

SALLY DOWLING: That happened afterwards.

Ms SUE HIGGINSON: Has there been any discussion around whether or not there should be any further engagement with the police around the issue in terms of any material that may have come to light?

SALLY DOWLING: I'm not aware of that.

The Hon. SUSAN CARTER: In relation to the question of a potential breach of 15A, I wonder if you're aware of the answers given to supplementary questions Nos 195 to 202. The answer to No. 196—what was provided to 2GB but not published by them—is, "2GB was provided information that identified the young person." Clearly the name was released to 2GB.

SALLY DOWLING: That was the name in the screenshot.

The Hon. SUSAN CARTER: Yes, so clearly that name was released, and question No. 198—

SALLY DOWLING: Can I just—

The Hon. SUSAN CARTER: Yes. Please—

SALLY DOWLING: Add an adjective? It was unauthorised. That release was unauthorised by me or Mr Hyland.

The Hon. SUSAN CARTER: I think this goes to the nub of the question. In a sense, this is a very important case study for how these provisions are actually working, which is why we are so interested in this, and the chain, and how it could have happened, and what steps are now being taken as a result of this. If you've had an opportunity to read some of the other submissions—The Law Society submission in relation to jigsaw identification is becoming an increasingly important issue. It is a fact from material we received from you that—authorised or unauthorised, advertent or inadvertent—the name of a young offender was actually given from your office to a radio station. They chose not to produce that name. Other information given was there was no deal, no undertaking, no basis on which, "We will give you this but please don't use the name." I am very concerned by that. I would expect, frankly, that your office would be concerned by that.

SALLY DOWLING: I am also concerned by that, absolutely. Which is why there has been a caution, counselling, training of that person.

The Hon. SUSAN CARTER: You indicated before that you tried to get a transcript but you'd been able to get an audio copy. What was your intention in seeking a transcript of the matter?

SALLY DOWLING: Just to find out what happened.

The Hon. SUSAN CARTER: With a view to what?

SALLY DOWLING: Knowing what happened.

The Hon. SUSAN CARTER: No information or anything? No idea of what might flow from that?

SALLY DOWLING: The first step is always to find out what happened.

The Hon. SUSAN CARTER: Then with a copy of the transcript, nothing was done until the material was disclosed to 2GB?

SALLY DOWLING: What do you mean, "Nothing was done?"

The Hon. SUSAN CARTER: That's a question. So you had the transcript, you understood what had happened. You're discussing things with the media officer in broad terms about Taree but there's no decision by your office that there is a next step? The next step that happens is disclosure to the radio station.

SALLY DOWLING: I asked my First Nations staff whether the First Nations community around Taree wanted something more to be done by my office about it. The first response back from First Nations staff was that they were very uncomfortable and upset that this had happened. My approach with issues that impact the First Nations community is always to consult them and be guided by them as to what they would like me, as the director, to do. So I tasked my First Nations project officer and one of our First Nations Crown prosecutors with consulting with community. They didn't get back to me with anything so I didn't take that issue further formally.

The Hon. SUSAN CARTER: Was your prosecutor in court that day aware that the judge was going to issue this invitation to the offender?

SALLY DOWLING: No. I'm told, no.

The Hon. SUSAN CARTER: Okay, so you understand that there was no conversation between legal counsel and the judge as to the opportunity to demonstrate what this young offender had been learning by providing an acknowledgement of country?

SALLY DOWLING: The account that has been given to me, which I checked this morning when I became aware of what it was exactly that you were interested in, is that shortly before the sentence proceedings occurred the judge called the two lawyers—the defence lawyer and the prosecution lawyer—into the judge's anteroom, which of course is not recorded, and told the parties that she was going to ask the young person to conduct a welcome to country. They then left the anteroom and went straight into the sentence proceedings. I am instructed that there was no invitation to seek instructions or to consult community.

The Hon. SUSAN CARTER: I want to go back to section 62 of the Privacy and Personal Information Protection Act.

SALLY DOWLING: I'm sorry but I don't have that in front of me and I haven't considered it.

The Hon. SUSAN CARTER: No. I'm happy to give you a copy to take for reference. It's just that I am concerned about the adequacy of any investigation which hasn't considered section 62. I'm happy to provide a copy—

SALLY DOWLING: I can get it up on my computer.

The Hon. SUSAN CARTER: I would appreciate on notice if you could indicate whether that was a matter that was considered or whether the external legal advisers that you engaged also raised that as a matter that should be of concern?

SALLY DOWLING: Certainly.

Ms SUE HIGGINSON: In terms of the offence of the publication of a child's name, the particular offence, the express intention of sending a child's name to the media, clearly it concerns everyone, and acknowledging the police's findings—my understanding is they were quite restricted and limited in how far they could go—is there not some publication in the act of pressing send on the device that then provides that?

SALLY DOWLING: The section provides for a definition of publication, and it's "publication to the public or a section of the public".

Ms SUE HIGGINSON: Is it not a section of the public—

SALLY DOWLING: Can I just finish, please, Ms Higginson?

Ms SUE HIGGINSON: Yes, sorry; apologies. Please do.

SALLY DOWLING: Section 10 of the Act makes it quite clear that the Act is not intended to prevent media reporting on things that happen in proceedings concerning children and young persons. There is this limitation on publication to the public, and there is a decision in a case called *RP v The Queen*. It's a doli incapax case that considers expressly, or holds expressly, that the section in the Act was not intended to prevent the communication of the name or the identity of the young person to people who already know that or have a purpose in knowing it. I think the terms of the section, the way it's been construed by the courts, speak for themselves. My expressing a view on what "publish" could mean if it was defined in a different way is not going to assist the Committee.

Ms SUE HIGGINSON: Are you aware of other provisions—clearly, and you expressed it very clearly, this was not authorised; in fact, this was an unauthorised disclosure. To that extent, and I accept there's the government sector employee legislation and there has been a caution, have you considered any other provisions that may apply to such conduct? I'm thinking of one at the moment, section 62 of the Privacy and Personal Information Protection Act, that refers to corrupt disclosure or the use of personal information by public sector employees or officials.

SALLY DOWLING: I don't think that this was corrupt. I think this was inadvertent.

Ms SUE HIGGINSON: Inadvertent?

SALLY DOWLING: The fact that the name was included in the disclosure, I imagine that the significance of that was not understood by the media officer. I don't know.

Ms SUE HIGGINSON: Just to confirm, in terms of your evidence, in terms of your office—the executive office—who was at that time responsible for that level 7 media officer? Who was their direct executive report line?

SALLY DOWLING: A principal legal adviser and Deputy Director Veltro.

Ms SUE HIGGINSON: When you say the principal legal adviser, is that a specific person in the office?

SALLY DOWLING: Yes.

Ms SUE HIGGINSON: Is it your understanding that they had any knowledge before the sending of that material—the unauthorised sending? Are you aware, or do you have any knowledge whatsoever, of what they knew at the time of the sending of that screenshot?

SALLY DOWLING: My understanding is they did not know anything about the sending of the screenshot until much later.

Ms SUE HIGGINSON: And it's your understanding and your evidence today that nobody other than the level 7 and the level 5 knew of the sending of the screenshot within your office?

SALLY DOWLING: That's correct.

Ms SUE HIGGINSON: The first that you became aware of the sending of the screenshot, do you recall that?

SALLY DOWLING: I don't clearly recall, but it was quite a while later on. I think it was during the police investigation.

Ms SUE HIGGINSON: Do you have any recollection of when the first time you heard the broadcast on 25 October?

SALLY DOWLING: It would have been on the day.

Ms SUE HIGGINSON: Did you raise suspicion at that point? I've read the transcript, but it talks about "We have this information from a very credible, reputable source." Did that trigger anything for you?

SALLY DOWLING: I understood from that that the story had been confirmed by the ODPP to the journalist. Which is what routinely happens. We are asked to confirm what things have happened in court. I assumed that the media team had confirmed that. I didn't know how that had been confirmed.

Ms SUE HIGGINSON: I see. Does it concern you now that there has been so much misinformation about the performance of a welcome to country in a courtroom when, in fact, what actually happened was

somebody acknowledged country? As I understand it from Judge Wass's submission, it was done on the intention that related to the young person's—that it was part of the evidence.

SALLY DOWLING: It wasn't. As I said before, it couldn't be part of the evidence because it's not a relevant factor in sentencing proceedings. My understanding of the transcript is not that it formed part of the evidence. It's the judge that called it a welcome to country.

Ms SUE HIGGINSON: Yes, but the facts matter.

SALLY DOWLING: The fact that the young person self-corrected that and gave an acknowledgement, I don't think makes a substantive difference.

Ms SUE HIGGINSON: Sorry, you don't think there's a substantive difference between somebody acknowledging country or welcoming country?

SALLY DOWLING: No, I didn't say that. I said I don't think it makes a substantive difference to the issue as it was reported.

Ms SUE HIGGINSON: Right.

The Hon. STEPHEN LAWRENCE: In terms of the late provision of the statement and the procedural fairness issues, I just wanted to give you an opportunity to directly respond to, in particular, the file note that is attached to Judge Wass's statement suggests that—it's third-hand hearsay or second-hand hearsay—

SALLY DOWLING: Perhaps fourth-hand.

The Hon. STEPHEN LAWRENCE: It could be fourth-hand. It suggests that you directed the media officer to provide that information to the media. So I just wanted to give you an opportunity to respond directly to that.

SALLY DOWLING: Thank you. I deny that.

The Hon. STEPHEN LAWRENCE: To clarify some earlier evidence, do you recall whether you talked to the media officer in question about what had occurred in the proceedings prior to the publication of the story on 2GB?

SALLY DOWLING: Yes, I would have.

The Hon. STEPHEN LAWRENCE: In those conversations, did you authorise the disclosure of any information?

SALLY DOWLING: No.

The Hon. STEPHEN LAWRENCE: Would it have been within the inherent scope of her position to provide some information?

SALLY DOWLING: As I've said before, a significant part of her role is to talk to the media about things that have happened in court. It depends on the particular interaction. It would not be outside the scope to confirm what had happened in the proceedings.

The Hon. STEPHEN LAWRENCE: Do you know if the DPP was 2GB's source for the story in the sense that are you aware whether the DPP gave the story to 2GB, to use the vernacular?

SALLY DOWLING: That is my understanding now.

The Hon. STEPHEN LAWRENCE: That is your understanding, now?

SALLY DOWLING: Yes. It was not my understanding until, I think, two days ago.

The Hon. STEPHEN LAWRENCE: Is it normally the practice in the office that the director herself would handle all media stories in the sense of the media officer reporting directly to you and you authorising them?

SALLY DOWLING: No.

The Hon. STEPHEN LAWRENCE: The person in that position operates within the guidelines but with some sort of autonomy?

SALLY DOWLING: Yes.

The Hon. STEPHEN LAWRENCE: That's helpful. Thank you.

Ms SUE HIGGINSON: I've got two very simple follow-ups. With this experience, do you think the provisions within the law are satisfactory in terms of their operation and function to protect children or young people who are part of legal proceedings?

SALLY DOWLING: I do, and they worked. The responsible media outlet did not breach the provisions of 15A.

Ms SUE HIGGINSON: The follow-up to that is what have you done internally with the office?

SALLY DOWLING: As I said, the people in the media team—the media team has only got two people in it—have been counselled, they've received more training, in particular on client legal privilege, because that was privileged information. Everything on that database is legally privileged. There's been an emphasis on training staff in relation to privilege and confidentiality, the ODPP code of conduct and the importance of not breaching the code or waiving the director's privilege.

The Hon. SUSAN CARTER: Just for clarity on that last question, both the level 5 and the level 7 officer have been counselled or just the level 7 officer?

SALLY DOWLING: I think the formal counselling was confined to the level 7 officer, but necessarily, because of the nature of this matter—the police involvement, this Committee's involvement—the level 5 has also gained a deep understanding of the restrictions and requirements in relation to the handling of information.

The Hon. SUSAN CARTER: Mr Hyland previously indicated that this was an outlier. Have you conducted any investigations to establish whether this is actually an outlier or whether this is the one that has just received extensive public attention?

SALLY DOWLING: I have no reason to think that there are other instances.

The Hon. SUSAN CARTER: Have you looked to see if there are other instances?

SALLY DOWLING: It's not really feasible to look for things of which there would be no evidence.

The Hon. SUSAN CARTER: Do you have any cultural concerns? What we've heard today is that if you've got a media officer who doesn't believe they have to check with the chain of command to release very sensitive information, including a name—are you concerned about cultural problems?

SALLY DOWLING: No, I think this occurred at a time when the individuals in that media team were new to the office and had come from a non-legal background. I think that reflection on these events warrants ensuring that the training is delivered, that it's understood, and that is particularly important for people who perhaps come from a non-legal background. I think that is one of the learnings for my office from this. Making sure that this doesn't happen again is very important.

The Hon. STEPHEN LAWRENCE: We've sort of left hanging this question of section 62 of the Privacy and Personal Information Protection Act 1998, which I must admit I was not aware of prior to this morning. I'm just curious if you're aware of that provision and if you think it's got any relevance to these matters.

SALLY DOWLING: I'll have to take that question on notice.

The Hon. STEPHEN LAWRENCE: Are you aware of it?

SALLY DOWLING: I'm aware that it exists, but I haven't considered its application to this.

The Hon. STEPHEN LAWRENCE: What's your understanding of the scope of that?

SALLY DOWLING: I'm not prepared to answer questions on that because I'm not prepared.

The CHAIR: I think we've come to the end of the questioning time. Thank you very much for coming today, Ms Dowling. I note that there are one or more questions taken on notice, and the secretariat will be in contact with you in relation to your response.

SALLY DOWLING: Thank you, Mr Chair. Would you please confirm that it's open to my office to file a further submission in response to the judge's submission?

The CHAIR: I think so.

SALLY DOWLING: Thank you.

(The witness withdrew.)

(Short adjournment)

Mr CHRIS D'AETH, Deputy Secretary, Courts, Tribunals and Service Delivery, New South Wales Department of Communities and Justice, affirmed and examined

The CHAIR: Mr D'Aeth, would you like to make a short opening statement?

CHRIS D'AETH: No, thank you.

The Hon. SUSAN CARTER: Thank you for being here. Nice to see you again. We've discussed this before at estimates, and you've always indicated that it was subject to ongoing investigations and inappropriate to look at at the time. In an answer to a question on notice about appropriate steps to ensure this breach does not happen again, the answer was all DCJ employees must adhere to the code of ethical conduct, report suspected breaches of the code to their manager, supervisor and/or the Professional Standards Unit. Given this case study, do you think that's sufficient or do we need to be doing more in this regard to make sure that there is a culture of not disclosing information about young offenders?

CHRIS D'AETH: I think a culture of vigilance is always appropriate, and if there's more that we can do to ensure protections, that's obviously an important thing to consider. In this particular case, I don't have a lot more to add, in knowing that this is something that occurred in a workplace in the DPP and not within DCJ directly.

The Hon. SUSAN CARTER: Reflecting on this and drawing lessons for DPP, and across the broader DCJ and the operation of courts and tribunals generally, what lessons can we draw from this? Are you convinced, for example, that 15A is adequate on its face?

CHRIS D'AETH: As you're aware, as a public servant, I can't discuss matters of policy, so I can't answer that question. I would indicate that section 10 of that Act as well, as has been previously indicated, indicates that members of the media can remain in proceedings such as these, so the name of an individual known to the media in and of itself occurs. The media, in my experience, are very knowledgeable of their obligations under the piece of legislation in which they operate. In this case, as, again, evidence has been given, the media outlets reporting on this matter did not breach existing legislation.

The Hon. SUSAN CARTER: I guess the question that we're considering is just because it didn't breach existing law, does it flag any sort of change? Have you had an opportunity to look at any of the submissions—the ones from Fams, Legal Aid or any of those other submissions?

CHRIS D'AETH: I have, but I would just reiterate that I can't comment on matters of policy.

The Hon. SUSAN CARTER: An issue that I think is very interesting has been raised in a number of the submissions, and I think we've seen evidence of it this morning: Breaches can happen, but who's responsible? Somebody can report it to the police, but generally it's going to take somebody to report it to the police and then there will be an investigation or whatever. Do you think it would be an interesting policy issue to explore, if that's a question that you're able to answer—suggestions, for example, from Legal Aid, that a body such as the Children's Guardian be given responsibility for considering if there have been breaches and what appropriate steps should be taken to manage breaches?

CHRIS D'AETH: Apologies, Ms Carter, I can't answer that. My colleague, as you're aware, Paul McKnight, looks after the area of law reform, legal services, policy reform and legislation within DCJ. That's not my area. I'm responsible for court administration. I can't answer that question.

The Hon. SUSAN CARTER: If in your experience of court administration an issue appears that may need further consideration, you would pass that to Mr McKnight?

CHRIS D'AETH: In terms of the particular examples that we've been discussing this morning, there are obligations under all staff within DCJ in relation to the code of ethical conduct as it applies to DCJ employees. Staff are very much aware of those obligations as part of our induction and ongoing training at DCJ, our obligations in terms of reporting and then the steps that occur if a report is made under the code.

The Hon. SUSAN CARTER: You took on notice a question on 28 August in relation to thinking about protection of the integrity of the justice system. One of the issues that arises here is the appropriate protections for young offenders. Another issue that clearly has arisen as a result of this disclosure is impact on independence of the judiciary, especially reputation of members of the judiciary. It's an established threat. There's considerable academic writing in relation to that, and we've seen a fairly live example lived out in this case. The answer was that DCJ is unable to comment on the specific matter, which is an internal matter for the ODPP. The breach was an internal matter, but it surely has external consequences for the entire justice system. Who's responsible for that

thinking about how we buttress what is tremendously important in our society—rule of law, independence of the judiciary, respect for our system of justice?

CHRIS D'AETH: If I can just clarify, the answer that we provided to the question on notice was:

> The Department of Communities and Justice is unable to comment on the specific matter which is an internal matter for the ODPP.

The previous question which we took on notice was "What is the outcome of the investigation?" I wasn't able to provide the information on the outcome of the investigation, but if you'd like to—

The Hon. SUSAN CARTER: Sorry, I thought this was a separate question.

CHRIS D'AETH: If you could reframe the question, I'm happy to try to address it if I can.

The Hon. SUSAN CARTER: This specific example, while internal to the ODPP, had clear ramifications for our system of justice as a whole, for the known threat of reputational damage to judges on independence of the judiciary, which is one of the central components of a society based on rule of law. Who does the thinking about how we buttress our legal system for the protection of every member of our society?

CHRIS D'AETH: I'm sorry, I'm not sure I follow the logic within that question.

The Hon. SUSAN CARTER: Who in New South Wales is responsible for going, "One of the most precious things we have is the rule of law, is a system of open justice. There are attacks on this. How do we buttress these so we can ensure the availability of these protections for every member of our society?" Who does the thinking on that?

CHRIS D'AETH: I think there are a number of organisations and agencies that are working every single day to uphold the rule of law in New South Wales.

The Hon. SUSAN CARTER: Who in Government does that thinking.

CHRIS D'AETH: It would fit within the Attorney General's portfolio.

The Hon. SUSAN CARTER: What assistance would the Attorney General draw from DCJ in relation to assisting him in that task?

CHRIS D'AETH: As I was saying, there are a number of agencies that, each and every day, work very hard to ensure the rule of law in this State.

The Hon. SUSAN CARTER: They're internal to the Government?

CHRIS D'AETH: Both internal and external.

The Hon. SUSAN CARTER: And they include?

CHRIS D'AETH: They include DCJ, but I would think many agencies would like to be included in that. At least, I wouldn't want to be listing them and then miss anyone out.

The Hon. SUSAN CARTER: My question is very precise. We have seen a threat to independence of the judiciary, unchecked.

CHRIS D'AETH: Can you describe the threat to the independence of the judiciary?

The Hon. SUSAN CARTER: The reputational damage. Are you familiar with the academic literature on the role of reputational damage and the impact this has on independence of the judiciary?

CHRIS D'AETH: I'm not familiar with what particular academic writing you might be referring to.

The Hon. SUSAN CARTER: There's significant. Are you suggesting that there are no rule of law issues that we need to consider here?

CHRIS D'AETH: I'm just trying to understand what particular—you were indicating there was an attack on an independent judicial officer.

The Hon. SUSAN CARTER: Let's just jump over that, because we can waste a lot of time on this. Specifically, who in DCJ assists the Attorney General with thinking about how we buttress the rule of law to keep it strong in New South Wales?

CHRIS D'AETH: The parliamentarians don't require this but, for the benefit of everyone that might be listening, there is obviously separation of powers and the independent judiciary as an important tenet of our rule of government. DCJ works in hand with the Minister of the day and the Attorney General in relation to all aspects to do with court administration and policy relating to that portfolio.

The Hon. SUSAN CARTER: I accept that's the best answer I'm going to get. I don't accept that it is a satisfactory answer. In fact what worries me is that there doesn't appear to be anybody who's focusing on these issues. If we don't focus on these issues, we will live with the results and we will all be very much the losers of that. I think I've probably asked all the questions I can.

CHRIS D'AETH: I was just trying to clarify the issue that you were directly asking about, that was all.

The Hon. SUSAN CARTER: Who steps back and looks at aspects of the rule of law such as independence of the judiciary, whether there are threats to that, and how they can be safeguarded against?

CHRIS D'AETH: Again, I can't be more specific than what I've said. There are a number of agencies, within government and external to government.

The Hon. SUSAN CARTER: On notice, could you provide a list of all of those agencies, please?

CHRIS D'AETH: There's an exhaustive list of agencies, and I don't think—

The Hon. SUSAN CARTER: Perhaps on notice, could you provide your top 10 of those agencies, please?

CHRIS D'AETH: We'll certainly take that on notice.

Ms SUE HIGGINSON: Can I just ask, to your knowledge, in your role and within the DCJ and the organisations, have you ever come across concerns about the particular legal provision in the criminal proceedings relating to children's legislation about the publication and broadcast, and the offence against, in the nature of protecting young people?

CHRIS D'AETH: Similar to this that we've been discussing today?

Ms SUE HIGGINSON: Yes.

CHRIS D'AETH: No.

Ms SUE HIGGINSON: Nothing has ever arisen before, to your knowledge?

CHRIS D'AETH: Not to my knowledge, no.

Ms SUE HIGGINSON: Has there been any discussion within DCJ about the adequacy of the current law or the need to revisit the law and look at it?

CHRIS D'AETH: If there was, I wouldn't be able to disclose that.

The Hon. STEPHEN LAWRENCE: Thank you for coming along and thank you for the bar course in 2015, as well.

The Hon. SUSAN CARTER: We don't thank you for that.

Ms SUE HIGGINSON: Is that right?

The Hon. STEPHEN LAWRENCE: Yes, that's correct. Have you seen the submission from Judge Wass?

CHRIS D'AETH: I saw it last night when I was preparing for today's hearing.

The Hon. STEPHEN LAWRENCE: What she essentially says, among other things, is that the reporting of this case was not accurate, that it disseminated inaccurate information into the community, and that it had an impact on her. I take her to be referring to social media comments, perhaps, where people have responded to the reporting and adversely reflected on her. I was just wondering if you could talk us through, in courts administration or anyone in DCJ, what roles or organisations are there that help to correct erroneous information that's published about the courts in particular, or about court decisions? Is there anything of that nature?

CHRIS D'AETH: Sure. I'll talk in a general nature, if I may, rather than talking about this particular matter. Each of the courts and tribunals have a media team that supports the court or tribunal. They obviously keep an eye and monitor various matters in relation to the media. I should probably place on record the hardworking media teams that work each day in courts administration, working with the media teams within other agencies to give fair and accurate reporting to the work of the courts and tribunals. To the extent if they see that there is something they believe is inaccurately reported, they may contact the head of jurisdiction, they may contact the individual judge, member or commissioner themselves, and ask them if there was anything that needed to be corrected. They may discuss whether it's worth correcting. So even if something is inaccurate, you essentially make a materiality test in terms of whether it's worth correcting it or not. In some cases, matters are addressed. In some cases, matters are not addressed, even though they may be potentially inaccurate.

The Hon. STEPHEN LAWRENCE: I recall last year, I think it was, the Chief Justice responded by way of a public statement I think on two occasions, one in relation to industrial relations legislation, and I think particulars of debate in Parliament. I think the Chief Justice may also have responded to some bail issues. Is there any policy or guideline that guides heads of jurisdiction as to when to respond to public commentary or media commentary, in the interests of the court?

CHRIS D'AETH: It's a matter for an independent judiciary to do what they see fit at that time.

The Hon. STEPHEN LAWRENCE: As far as you know, there's no existing guidelines, or anything of that nature, to guide them.

CHRIS D'AETH: I'm not aware of anything along those lines. There may be internal discussions that the judiciary has amongst itself in terms of what it would like to do and when it would like to do that, but I'm not aware of that.

The Hon. STEPHEN LAWRENCE: In terms of the media teams that the courts have, are they employees of the courts or employees of DCJ?

CHRIS D'AETH: Employees of DCJ.

The Hon. STEPHEN LAWRENCE: How aggressive are they in terms of responding to what is considered to be inaccurate media coverage? Would they, for instance, issue statements in the name of the court or do interviews themselves—anything of that nature?

CHRIS D'AETH: I wouldn't categorise my colleagues as aggressive in any way, but what they would—

The Hon. STEPHEN LAWRENCE: I don't mean aggressive in a pejorative sense; I mean how proactively do they respond?

CHRIS D'AETH: As I said, they would take soundings from the people that are involved in that particular matter and understand how they would like to respond, and who responds, and the name that is then attached to that will be a matter for discussion as well. In some cases, it may be that it would be issued by a media spokesperson on behalf of DCJ. It may be that an individual judicial officer, on rare occasions, wants to put their name to something—but that would be a rare occasion.

The Hon. STEPHEN LAWRENCE: When the DCJ media people issue statements to correct inaccurate things that are said, are they doing that as part of the judiciary or are they doing that as part of the public service?

CHRIS D'AETH: No, they are not members of the judiciary.

The Hon. STEPHEN LAWRENCE: And they're not attached to the apparatus in a relevant sense?

CHRIS D'AETH: We, as departmental officials, work closely with an independent judiciary to support them. DCJ, within the court space, exists to support an independent judiciary and provide services to them so that they can fulfil all their functions, and the media teams are there in a similar vein to provide that service should it be required.

The Hon. STEPHEN LAWRENCE: For example, if in response to a particular decision, DCJ put out a statement saying, "Coverage of this matter has not been accurate", would such a statement have to be approved by the head of jurisdiction, or could that just be done by DCJ?

CHRIS D'AETH: It would be remarkable to me if the media team were putting out a statement in relation to matters like that without first consulting within the court.

The Hon. STEPHEN LAWRENCE: What is the relationship between DCJ media people and the DPP media people? Would they talk on matters and be involved?

CHRIS D'AETH: I don't have direct knowledge of that. I suspect a lot of the media teams would be known to each other. It's a particular skill set and I suspect that people move freely between various employment, as they probably do within parliamentarian offices and things like that as well. I don't know that I've got an answer for that.

The Hon. STEPHEN LAWRENCE: The other question that I wanted to ask is based on a case that I was involved in a few years back—not that long ago, in fact—where a media outlet named a 17-year-old who had been sentenced in a sex matter. The solicitor went to the police and reported it, and the police seemed to be of the view, "Look, that's a matter for the courts. We don't really investigate those sorts of things. It's a court matter." Is that correct? Is there any official or jurisdictional role for the court?

CHRIS D'AETH: The NSW Police Force is the proper body to investigate an offence. The court has no investigative powers.

The Hon. STEPHEN LAWRENCE: Nor are they required to sanction, for example, an investigation of a suggested breach of section 15A of the Children's (Criminal Proceedings) Act. It's entirely a matter for the police.

CHRIS D'AETH: Correct.

The Hon. STEPHEN LAWRENCE: The police should be treating 15A like any other criminal offence and, if some allegation is made to them of breach, then they should investigate it or not investigate it, dependent on their discretion, like any other criminal offence.

CHRIS D'AETH: The start of your question was "the police should" and I can't say what the police should do. But the general gist of your question, I adopt.

The Hon. STEPHEN LAWRENCE: Are you aware from any previous matters of the suggestion that there's some sort of problem in getting the police to investigate these matters?

CHRIS D'AETH: To the question earlier, I'm not aware of matters of this nature previously in any event.

The Hon. CAMERON MURPHY: I have a quick follow-up question on the media people that work for each of the courts and tribunals. Are you able to provide the Committee with the numbers of people in each of those media units in each court and tribunal?

CHRIS D'AETH: Yes.

Ms SUE HIGGINSON: I know I asked you about whether there was any work going on, so ignore that. I realise I can't ask you that. But the ALS has provided a submission to this inquiry. They raise, in a very succinct, very articulate and very real way, the notion of material tending to identify children or young people. I think Ms Carter referred to it as the jigsaw principle. There was, in fact, a NSW Law Reform Commission open justice report in 2022. You're nodding your head; you're aware of this.

CHRIS D'AETH: Yes.

Ms SUE HIGGINSON: They refer to material about information tending to identify. Are you aware of this suggestion that reforming the law to provide a list of the circumstances, material or factors—information can lead to that jigsaw identification? Is this something that you're aware of within DCJ? Obviously I'm talking about that relationship between the courts—as Ms Carter was saying, the independence of the judiciary, being able to do their work and protect that—also the public interest in these matters, which is always high, but this fundamental principle of protecting the identity of young people. Are you aware of that work that the Law Reform Commission had published?

CHRIS D'AETH: I'm aware of the Law Reform Commission and I'm aware of similar comments made by the agencies that you've referred to previously.

Ms SUE HIGGINSON: Thank you. It's very limited, isn't it, what you can say.

The Hon. SUSAN CARTER: You'd no doubt be aware that there's been extensive media coverage of judges making statements in relation to the DPP and the DPP making statements in relation to judges. If you have public statements in the press that are seen to undermine the judges' credibility, is that a matter for the proper administration of justice?

CHRIS D'AETH: As I said before, there's a threshold question or a materiality question that is asked and assessed, and the DCJ, there to support the independent judiciary, would be speaking with the judiciary in relation to any response that they thought would be necessary. As we're all aware, the judiciary traditionally take no steps, even in the face of strident criticism and reporting generally. From time to time—examples have been provided—they do provide comments back to make sure that the record, where appropriate, is corrected. The role of DCJ is not to be ahead of the independent judiciary but to support the independent judiciary in that regard.

The Hon. SUSAN CARTER: Is it perhaps correct that traditionally the Attorney General would have seen it within his or her role to speak out on occasions like that, recognising the proper reluctance of the judiciary to do so, and that that practice perhaps fell into desuetude, we might say, and therefore we are seeing, for example, the Chief Justice feeling a need to do that? If that is historically the case, is there an argument that perhaps that should be revisited?

CHRIS D'AETH: I think you're correct in the sense that historically that has been the role of the Attorney General. I don't know that I would agree with your characterisation that that has stopped. There are other organs within society, such as the Bar Association and the Law Society, that also take a role in this space from time to time and make public comment about matters that they believe to be noteworthy of public commentary.

The Hon. SUSAN CARTER: Are you aware of any discussion that was conducted between judges on the District Court and DCJ in relation to some of the press commentary that's been occurring?

CHRIS D'AETH: No, I'm not aware.

The Hon. CAMERON MURPHY: I just had two quick follow-ups. The question I asked earlier, can you also provide the public sector classification of those media people, if they're classified into different types?

CHRIS D'AETH: For the record, I'll take that on notice. I was nodding, but I'll take that on notice.

The Hon. CAMERON MURPHY: Thank you. I wanted to clarify something else to make it abundantly clear. The ODPP media officers are not DCJ media officers, are they?

CHRIS D'AETH: There's a separation. That's exactly right.

The CHAIR: Thank you very much, Mr D'Aeth. I know you've taken a question or two on notice. The secretariat will be in contact with you soon.

(The witness withdrew.)

The Committee adjourned at 12:30.