

Division 50: Office of the Director Of Public Prosecutions, \$32 752 000 —

Ms W.M. Duncan, Chairman.

Dr K.D. Hames, Minister for Health representing the Attorney General.

Mr J. McGrath, SC, Director of Public Prosecutions.

Mr J. Plunkett, Director, Corporate Services.

Mr H. Baabra, Finance and Administration Manager.

[Witnesses introduced.]

The CHAIRMAN: Member for Butler.

Mr J.R. QUIGLEY: I note that on page 612 of the *Budget Statements*, the budgeted figure for 2012-13 was \$31 050 000, and the actuals came in approximately \$400 000 over that. Where does the agency suddenly find the \$400 000 to pay its staff et cetera in the last month or so of its operations if it is over budget?

Dr K.D. HAMES: Mr McGrath, I suspect the answer is the same as what all government departments do.

Mr J. McGrath: That is correct. It was through a form of supplementary funding to meet that shortfall.

Mr J.R. QUIGLEY: But then with that experience of being over budget in 2013, which was budgeted at \$31 050 000, the budget for this year then falls to a figure less than the budget for 2012-13, down to \$29 891, and remains thereabouts over the out years. How does the minister justify the reduction in the budget figure, given there has already been a budget overrun when it was at a higher figure?

Dr K.D. HAMES: I am sure the member means \$29 million, not \$29 000.

Mr J.R. QUIGLEY: Sorry, that is an error; yes, \$29 million.

Dr K.D. HAMES: I will hand it over to Mr McGrath.

Mr J. McGrath: The differential is based primarily on the specific funding we received for the prosecution of Mr Lloyd Rayney; \$1 million was allocated during that financial year for that purpose. As Mr Quigley would know, that matter has now been finalised, or the argument is in the Court of Appeal. The second aspect of the differential is in respect to finite funding we received two financial years ago for the appellate jurisdiction, and that funding has now been completed.

Dr K.D. HAMES: I remind our advisers on this side that we are not able to refer to members by their name. They need to be referred to by their seat, which is the member for Butler, or just answer the question.

Mr P. PAPALIA: I refer the minister to page 614 of the *Budget Statements*. Note 1 states that the explanation for that significant movement refers to a decrease in income for the budget target, compared with the 2012-13 estimated actual, and the explanation is that it is —

... a one-off contribution from the Confiscation Proceeds Account totalling \$1 million in 2012-13, which has been partly allocated to the activities under this service.

What happened to the rest of the confiscated proceeds account?

Mr J. McGrath: That note refers to a one-off payment of \$1 million during the financial year. That was allocated in two forms: \$600 000 of that was to meet the costs of running the confiscation practice; and \$400 000 was supplementary funding for briefing counsel on matters. I could perhaps extend the answers on there —

The CHAIRMAN: No. Member for Butler.

Mr J. McGrath: Sorry, Madam Chair.

Mr P. PAPALIA: I would like to hear. Please do extend the answer!

The CHAIRMAN: Thank you, member for Warnbro, if you would like to hear the extended answer.

Dr K.D. HAMES: I beg your pardon?

The CHAIRMAN: Would you like Mr McGrath to continue with his explanation.

Dr K.D. HAMES: We will wait.

Mr P. PAPALIA: The minister is rapidly acquiring a reputation as minister for covering up!

The CHAIRMAN: Back to the member for Butler.

[4.20 pm]

Mr J.R. QUIGLEY: I refer to the services provided as outlined on page 613. Last year Parliament passed anti-association laws.

Dr K.D. HAMES: Is the member referring to a line item?

Mr J.R. QUIGLEY: In the table on that page, it lists the two services provided—criminal prosecutions and the confiscation of assets. Will anti-association applications be included as a service in the future; in other words, will this office be responsible for the advocacy on police applications for anti-association?

Mr J. McGrath: No.

Dr K.D. HAMES: No.

Mr P. PAPALIA: I refer to the confiscation of assets item listed in the table of outcomes, services and key performance information on page 613 and to the note at the bottom of page 614. What was the entire amount in the confiscation proceeds account that that \$1 million was drawn from?

Dr K.D. HAMES: Mr McGrath.

Mr J. McGrath: A total of \$9.3 million was accrued for the year.

Mr P. PAPALIA: I assume that the amount beyond the \$8 million that the office did not get was distributed to the police or to other agencies, or is it still in the account?

Mr J. McGrath: The money that remains, which is extensive, goes into the confiscation fund, which is distributed by the Department of the Attorney General. We heard earlier today about Angelhands receiving grants in the past to assist victims, so it is used for that purpose.

Mr M.J. COWPER: I refer to one of the previous answers to a question about the budget in which we were told that there were some overruns in a high-profile prosecution case. I refer to the fourth dot point under the heading “Significant Issues Impacting the Agency” on page 613. It states that in February 2012 cabinet approved additional funding of \$1.8 million and that the actual cost of the prosecution, which resulted in an acquittal, was \$1.9 million. I take it that there was a \$100 000 overrun, as opposed to what was put in the question by the member for Butler. I am curious to know where the differentiation is in the answer that was given previously. Given that this matter is now subject to appeal, have further funds been sought from cabinet for the appeal?

Dr K.D. HAMES: Mr McGrath.

Mr J. McGrath: Yes, there was a differential. We estimated \$1.8 million and it was \$1.9 million. Our estimate for the appeal cost is \$240 000. That remains only an estimate, having not yet received invoices from the counsel who have conducted the appeal. Upon so doing, we will then seek funding for that from Treasury. We understand that that funding will be received based upon a recent agreement.

Mr M.J. COWPER: I note that the prosecution of this case was transferred to the Office of the Director of Public Prosecutions in New South Wales. Will the appeal also be dealt with by New South Wales or another jurisdiction?

Dr K.D. HAMES: Mr McGrath.

Mr J. McGrath: Yes, it was also conducted by the Director of Public Prosecutions of New South Wales. That is pursuant to a resolution of the Governor in Council under the Criminal Procedure Act that the entire conduct of the prosecution of Mr Rayney would be conducted by the authorised officer—that is, the holder of the Office of the Director of Public Prosecutions in New South Wales.

Mr J.R. QUIGLEY: I refer to notes 1 and 2 on page 615 of the budget papers, which refer to the income, and the fluctuations in the amount, in the confiscation proceeds account. There was an outstanding amount or a contingent liability, or an actual liability but the sum had not been determined, for a repayment to a Mr Mansfield for assets that were seized from him but were subsequently conceded not to be the proceeds of crime. Has that matter now been settled and is it reflected in this budget, or has it been settled entirely?

Dr K.D. HAMES: Mr McGrath.

Mr J. McGrath: The member must be referring to the Nigel Mansfield litigation. That litigation is ongoing in the Supreme Court. The State Solicitor’s Office represents the Office of the Director of Public Prosecutions and it continues to proceed. There is a contingent liability in respect of damages that will be payable under an undertaking given by the previous director.

Mr J.R. QUIGLEY: I am sorry; I did not hear that.

Mr J. McGrath: The Mansfield litigation is being conducted in the Supreme Court. Mr Mansfield is seeking damages under the undertaking. Damages will be paid. The matter is being conducted by the State Solicitor’s Office on behalf of the Office of the Director of Public Prosecutions. The matter remains before the courts. Discovery by my office has now been completed.

Mr J.R. QUIGLEY: Is a contingency amount for that reflected in the budget papers, because I think the claim amounted to some millions of dollars?

Dr K.D. HAMES: The answer is no.

Mr P. PAPALIA: I refer to the income statement on page 616. The final sentence under the subheading “Income” states that the \$3.6 million for 2013–14 represents the funding approved under an expired agreement. It also states that a decision has not yet been made on the amounts to be paid to the office from the confiscation proceeds account for 2013–14 and across the forward estimates. Can the director give an indication of whether he believes that \$3.6 million is adequate or whether he anticipates that a greater contribution will be required from that account?

Dr K.D. HAMES: Mr McGrath.

Mr J. McGrath: The agreement has expired. I envisage that a further \$600 000 will be required from the fund to conduct the confiscation practice. In addition, I will be seeking a further \$400 000 under the fund for the use of brief out counsel. My view on that has been put to the Attorney General, and I await a decision on that.

The appropriation was recommended.

[4.30 pm]