

Division 32: Office of the Director of Public Prosecutions, \$12 454 000 -

Mr Edwards, Chairman.

Mr McGinty, Attorney General.

Mr R.E. Cock, Director of Public Prosecutions.

Mr J. Plunkett, Executive Officer.

Mr M. Rakich, Managing Law Clerk.

Ms SUE WALKER: I refer to output one on page 555, criminal prosecutions. It states that the Director of Public Prosecutions conducts prosecutions against people accused of serious breaches of the State's criminal laws. It is the major prosecuting body in the State. I refer also to dot point three on page 553 under significant issues and trends. The provision of an effective prosecution service is being achieved in an environment generally subject to workload increases. This seems to indicate that there is a shortfall in the budget allocation. Was there a shortfall in the budget allocation last year, and of how many millions? Is there a shortfall in the budget allocation this year?

Mr COCK: In the sense that we have come within the budget allocation, there is no shortfall. However, our budgets for last year and this year have been reduced in relation to the work we have performed. I have managed that by concentrating efforts on improving the efficiency within the office and ensuring that I better match the resources I have to the demands on my office. In practical terms, although in earlier cases I might have put a more senior prosecutor on a matter that did not necessarily justify such a senior prosecutor, that has meant that I am now better matching the capacity of the prosecutor to the demands.

[9.30 am]

Ms SUE WALKER: I refer to the budget reduction to the Office of the Director of Public Prosecutions. Why is that budget being reduced or not kept in line with the workload increases?

Mr MCGINTY: I will make two observations. The estimated actual for the financial year that is just concluding is \$11.649 million. The budget provision for the coming year is \$12.352 million. Therefore, there is an increase in the budget for the DPP. It is true that we are also increasing the workload of the DPP. However, it is incorrect to suggest that there has been a budget cut in this area when the figure for the year just finishing is compared with the allocation for the coming year.

Ms SUE WALKER: The budget allocation is not commensurate with the workload increase the office is experiencing.

Mr MCGINTY: All departments are expected to operate within their budget. We have provided an increase for the DPP in the coming year. It is a matter of allocating resources within a tight budgetary framework.

Ms QUIRK: I draw the Attorney General's attention to the first outcome of "A fair and independent criminal prosecution service for the State of Western Australia" on page 555. Will the Attorney General tell us about any proposals to expand the coverage of DPP prosecutors to other courts?

Mr MCGINTY: I will ask the DPP to comment on that. However, members may be aware of the significant positive media commentary this morning about the provision of an extra \$250 000 to the Office of the DPP to undertake all prosecutions of indictable matters before the President of the Children's Court. The DPP might be able to provide us with more detail of that and any other initiatives.

Mr COCK: From 1 July this year my office will be undertaking the prosecution of all criminal trials before the President of the Children's Court. That matter was the subject of discussion between the Attorney General and me earlier this year. He asked me to provide an estimate of the total cost to do that. I am grateful that he has funded my agency to the complete extent of my request. Following preliminary discussions with the police prosecutors in the Children's Court, it may be that, in addition to prosecuting cases before the president that go to trial, we will provide the police prosecutors in the Children's Court with advocacy training on and assistance with matters that proceed before magistrates in the Children's Court. We are optimistic that we will do that in the course of the next financial year. Obviously, the success of that will be a matter of report in our annual report.

Ms QUIRK: I refer the Attorney General to the third dot point under significant issues and trends on page 553. That refers to the Criminal Property Confiscation Act. There has been some publicity recently about the storage of items and the backlog of final orders in relation to confiscation. Is it possible that more personnel, such as forensic accountants, are needed in the Office of the DPP to assist in ensuring that these matters clear the courts in a more timely fashion?

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Mr COCK: As to the backlog in litigation, I am unaware of any case that is not progressing in accordance with the capacity of the court to hear it. There is an obvious need for forensic accounting in some applications. In one respect that would be seen as traditional policing work, and to some extent the police have provided resources and personnel to achieve that. We are presently discussing with the police, however, the extent to which additional demands upon the normal policing role might be created by the initiatives under the Criminal Property Confiscation Act 2000. I can say only that those discussions are ongoing. On the occasions on which I have gone to the Attorney General seeking resources, he has assured me of the capacity to use the considerable money, in excess of \$1 million, now in the fund to resource appropriate activity under that Act.

Ms QUIRK: In this context, if there were a need for additional forensic accountants, would those positions be in your office or in the WA Police Service?

The CHAIRMAN: Could the member address her comments to either me or the Attorney General, rather than to Mr Cock.

Mr McGINTY: I defer to the DPP.

Mr COCK: My present preference is that the allocation of resources for investigation of matters, either criminal or criminal property confiscation, come through the Police Service to ensure the independence of my office and its capacity to independently evaluate the likely success and appropriateness of proceeding with an application. I am troubled about my office involving itself in investigation of processes.

Ms SUE WALKER: I refer to the second dot point on page 553, which states that the provision of an effective prosecution service is being achieved in an environment generally subject to workload increases. What are those workload increases, and how does the DPP see itself coping with a possible 30 per cent increase in criminal offences as a result of the DNA legislation?

Mr COCK: Although crime in Western Australia appears to be on the increase - with the additional resources provided to police and, in particular, of course, with the prospect of DNA activity, I note that more persons will be charged with suspected offences - the driver of my workload is generally the capacity of the courts to hear such cases. In the past when there has been an increased rate of crime, the capacity of my office to deal with that has been controlled by the inability of the courts, with their limits, to hear the trials. Even if there were a 30 per cent increase in the number of persons charged with criminal offences in the forthcoming year, that would not directly translate to a 30 per cent increased workload burden for my office, but the backlog in the courts would blow out. In the past when those problems have arisen, the Government has usually, at the request of the Department of Justice, increased resources by way of the provision of additional judges or courts. When that happens, as was the case with the recent initiative in the Children's Court, my office is consulted and provided - at least in the past it has been - with the appropriate resources to accommodate the increased court facilities to deal with crime. In summary, the potential increase in charges will not necessarily relate to a potential increase in burden of the same level upon my office. It is generally somewhat less.

Ms SUE WALKER: Following on from that question, has the Attorney General been advised by the DPP how many judges will be required as a result of the projected increase in workload under the DNA legislation?

Mr McGINTY: No.

Ms QUIRK: I return to the issue of confiscation, which is referred to in the third dot point on page 553. Is the Attorney General able to tell us whether he has been approached to make any payments out of the confiscation proceeds account for the administration of the Act?

Mr McGINTY: I will get the DPP to add to this, but I will make a general observation. In this year's budget an additional \$35 million was made available to the Police Service. That represented an increase in excess of seven per cent. It is my view that the confiscation unit in the Police Service is an essential element of the Police Service's operation. It has been provided with a significant budgetary amount to be able, at the discretion of the Commissioner of Police, to allocate those resources to criminal assets confiscation. That is where the first call should be made by the police. We are in the process of setting up a protocol - I have signed off on it but I understand it is still being set up - for ways in which disbursements will be made from those moneys that are confiscated. Mr Cock might be able to provide some detail of that and the first matter to which the member referred.

[9.40 am]

Mr COCK: Approximately \$10 000 has been disbursed from the fund since its creation. All that money has gone to the police in reimbursement of costs incurred in filing applications in court, lodging notices under the Transfer of Land Act and making corporate inquiry with the relevant statutory authorities. I understand the Attorney General has considered each of those matters as being extra work necessarily relating to the implementation of the Act itself. Those amounts have all been reimbursed to the Police Service. My office has

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an application for reimbursement of \$391 000 for the cost of running my confiscation unit over the past 12 months. I recently sent that application to the Attorney General and I have not yet received a response.

Ms SUE WALKER: What is the backlog in the District and Supreme Court trials?

Mr MCGINTY: That budgetary issue arises in the court section of the Department of Justice, rather than the Director of Public Prosecutions.

Ms SUE WALKER: In relation to the same dot point concerning workload increases, if a 30 per cent increase results from the DNA legislation, as has occurred in other States, where is that budgeted for in the budget papers for the DPP office?

Mr COCK: My office has given no attention to the increased demand likely to emanate from the DNA legislation, but I understand from discussions I have had with the Crown Prosecution Service in the United Kingdom, where there have been quite extraordinary increases in complaints and charges of the order to which reference has been made - but in general, those complaints and charges have related to persons who are already offenders or charged with other offences - that because of the nature of the DNA evidence available, those charges often do not involve trials but pleas of guilty. As I understand it, although there have been large increases in the order of 30 per cent in the number of persons charged with criminal offences, that has not resulted in an increase in the number of trials or a general increase in the number of defendants with whom the agency has been concerned.

Ms SUE WALKER: Have those increases been discussed with the DPP's counterparts in other States in Australia?

Mr COCK: I recently attended a conference with all my counterparts in other States and Territories. They have not experienced workload increases arising from the DNA efforts in each of those States. I should add that as yet there have not been significant legislative amendments in those areas in other States and Territories; in those States where there has been the capacity to perform DNA testing of prison numbers, it has not reached a level at which there has been a significant increase in the rate of charging. As I understand it, there is a significant lag in the system, simply because we need time to develop a database and use that for solving crime.

Ms SUE WALKER: In relation to any projected increase following DNA legislation, do you see any particular regional area being affected?

Mr COCK: I have not personally looked at the profile of the likely outcomes, other than to say that the primary area for which DNA helps to solve the crime is the home burglary area and some sex crimes and homicides. Our clear-up rate for homicides in Western Australia is reasonably good. I would expect, therefore, that the areas on which DNA testing will have the greatest potential impact is the home burglary and sexual assault areas. I have not identified any particular areas in the State where those crimes may or may not be more prevalent.

Ms SUE WALKER: Referring again to the same dot point concerning workload, in the budget estimates last year the DPP indicated it was reviewing the victim service and had prepared a very comprehensive report. Have any funds been allocated this year for the provision of additional victim services at the DPP?

Mr COCK: No.

Ms SUE WALKER: Does that mean that there has been no provision, or has the DPP implemented a more stringent policy in relation to victims?

Mr MCGINTY: A number of internal changes have been made. I will ask the DPP to provide details.

Mr COCK: Since the receipt of a comprehensive review which was commissioned in the previous year through the structure that I have in my office, a committee comprising senior staff called the operations committee, has made several changes to the pro forma letters through which my office deals with victims and witnesses. We have introduced changes to the office itself with the construction of a special witness room that is much more people sensitive than the old waiting room that was previously the only place in which people could meet prosecutors to discuss their cases. The room is private, it has a television set and videos for children and interesting reading material is available; it is much more comfortable. As I have said, we have improved the letters that we send to witnesses and victims, and we are generally educating prosecutors to be more available to the proper demands of witnesses and victims. We are coordinating better with Department of Justice facilities and have closer links with the child witness service and the victim support service, each operated by the Department of Justice. I am satisfied from the reports I have recently received from the heads of both those agencies and the department that things are improving.

Mr MCGINTY: I am also very keen to see moneys collected from the confiscation of criminal assets directed towards improved victim services. It is our intention to look for input from community organisations about how

better that money can be disbursed. I am keen to make sure that a proportion of that money, which is confiscated from organised crime and other criminal figures in Western Australia, finds its way into improving victim services.

Mr HOUSE: How does the minister think that legislation is working and does he have any plans to amend the legislation, given the fact that we have been going through a phase-in period? Does the minister think the legislation is meeting the demands and does he have any plans to expand the legislation to make it work better?

[9.50 am]

Mr McGINTY: We have no plans to amend the legislation at this time, but a number of the major financial institutions are expressing concern to me - in fact, I think they are coming to see me in a week or two - about their loss of security. For instance, if a bank were to grant a mortgage to a person who used the proceeds of crime for a deposit on a house - to provide a very simple example - the bank could well lose its security over that house if it were purchased with the proceeds of crime.

There is concern among the major financial institutions about the impact of this legislation. The member for South Perth has publicly raised the issue of the Act being used against - as he argues, but I do not agree - innocent parties. He has written to me about a number of cases, but in the particular case to which he referred, a mother lent her drug-trafficking son money to buy a motorcycle. As far as I am concerned, the son still owes his mother that \$20 000. The bike was his; it has been confiscated, as the law requires. To the best of my recollection, there is no discretion when it comes to drug traffickers - they forfeit their property. That was his property. The law must be tough in this area, particularly when dealing with drug traffickers. I have no inclination to show any mercy whatsoever to anyone associated with drug trafficking in this State. These issues have been raised, and the Government will work through those concerns, but at this stage it has no intention of amending the Act. I have expressed my sheer delight publicly on at least one occasion - on the front page of *The West Australian* - at the enormous success of this legislation in targeting criminals. Property valued in the order of \$25 million has now been frozen as a result of that legislation. It is hard to tell how much of that will ultimately be forfeited to the State, but the best estimate is that at least half of it will be forfeited. The Director of Public Prosecutions may be able to provide further detail on the figure, but this has been a remarkably successful piece of legislation.

Ms QUIRK: Dot point three on page 553 of the *Budget Statements* refers to the Criminal Property Confiscation Act. The Attorney General mentioned earlier the development of protocols for the distribution of the proceeds of confiscation. Can he now tell me what those protocols will entail?

Mr McGINTY: I will ask the Director of Public Prosecutions to answer that question, but I must first place one qualification on my previous answer to the member for Stirling. Although I said that the Act had been remarkably successful, I think we are still just scratching the surface. The degree of success can be measured by comparing the \$200 000 confiscated under the old Confiscation of Proceeds of Crime Act, with the \$25 million seized in just over a year under the present legislation. I do not, however, wish to convey the impression that the Government is winning the fight against drug traffickers and organised criminals in this State. It is clearly not, but far bigger inroads are now being made into the problem. As has been shown with the seizure of the bikie headquarters in Geraldton and the large number of seizures - currently the Director of Public Prosecutions holds 130 files relating to confiscation matters - there has been an enormous amount of activity. As everyone here would be aware, there are two prime ways in which significant organised criminals can be made to take the law seriously. The first is to take away their ill-gotten gains, and the second is to lock them up for a long time. Those are the only two actions to which they really respond. This legislation has been very effective, in some parts at least, in dealing with the problem. I ask the Director of Public Prosecutions to comment on the arrangement for disbursements from the fund.

Mr COCK: The Attorney General sought advice from me on the appropriate means by which he could use his discretion under the provision of the Act which authorises him to distribute from the fund. After discussion, my office provided him with a recommendation that he establish a small committee, constituted of a representative from my office, a representative from the Police Service, a representative from the Department of Justice and a nominee from the Attorney General's office. This committee would advertise widely twice a year seeking requests from relevant organisations and persons. Those requesting the funds would be asked to provide details of the initiative proposed and the funding required. The committee would meet twice a year, in April and September, and consider each application and the total amount available from the fund - which at present is in excess of \$1 million - and make a recommendation to the Attorney General on the priority with which each initiative should be treated. The Attorney General would consider the application, possibly in late September and late April, and on that basis the distribution to worthy causes in the community would be made.

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Ms SUE WALKER: On page 563, under the heading "Trust Account Details", is a section headed "Confiscation Account". The Attorney General did not say, but I presume the motorcycle he referred to was confiscated because the owner was using it in pursuit of criminal activities.

Mr McGINTY: No, that was not the case. The person involved was convicted of importing into the State the largest amount ever of "ice" amphetamines. He was a major drug trafficker. Drug traffickers forfeit all their property, whether it is used in the commission of crime, is derived from crime, or is completely unrelated to crime. That provision applies exclusively to drug traffickers.

Ms SUE WALKER: The Attorney General mentioned an amount of about \$24 million as having been confiscated. Is that correct?

Mr McGINTY: The amount is currently about \$25 million.

Mr COCK: About \$25 million is presently under seizure.

Ms SUE WALKER: Where is this to be found in the *Budget Statements*.

Mr McGINTY: It is not in the *Budget Statements*, because what is shown on page 563 is only that which finds its way into the trust account. The procedure is that, first of all, a freezing order is put on property. Currently, property valued at \$25 million is subject to such orders. That is not yet the property of the State; it merely prevents any transactions taking place on that property. Following the appeal rights and the completion of the procedure, if the money finds its way into the trust account, it will be reflected in the accounts. The *Budget Statements* do not reflect something that may or may not end up in the accounts.

Ms SUE WALKER: Since the coalition Government brought this legislation in, how much of the confiscated property has found its way out of the freezing or holding account?

Mr McGINTY: Page 562 of the papers shows an amount of \$1.1 million in both the actual and the budget estimate in that account.

Ms QUIRK: I refer the Attorney General to the second dot point on page 553, which relates to the provision of an effective prosecution service. Are there occasions when the Director of Public Prosecutions briefs out, and how common is that?

Mr COCK: I generally assume that I will allocate about \$500 000 of my total budget to briefing matters. Through fluctuations in the workload of my office, there are periods of peak activity. I run a flat profile in my office - most of my prosecutors are permanent employees. I therefore need to supplement my resources at times of peak activity. In the past financial year I spent about \$650 000 briefing out matters to the independent bar and the private sector.

Mr HOUSE: Where there have been examples of criminals transferring assets into the names of spouses, children or other family members, has there been much success in confiscating those assets, or is there a problem with the legislation in being able to do that?

Mr McGINTY: The member for Stirling will recall that his colleague, the then member for Wagin, raised many of these issues during the debate on the confiscation legislation in the Parliament.

Mr HOUSE: He had a personal interest in it, because there was court case involving one of his employees, which I think is still ongoing.

Mr McGINTY: I did not realise there was a personal interest there; nonetheless he did show a great interest in the matter when it was being debated.

Mr HOUSE: There was a lot of money involved.

[10.00 am]

Mr McGINTY: There is provision in the confiscation legislation for people who effectively control assets - even though they might be in someone else's name - to be brought within the ambit of the Act. The Director of Public Prosecutions may be able to explain to the committee whether it has ever been used and whether there are any difficulties with it and how it works.

Mr COCK: Some applications are presently pending in which we are arguing that property may be effectively controlled by a person who may forfeit the property. Under the legislation, the real owner must demonstrate that he is innocent. That is not easy to establish and I am not aware of a case that has proceeded in which that provision has been tested. My understanding of its operation - having read the debate that occurred when the Bill passed through Parliament - makes me expect that it will work the way it has been described. If property is controlled by a person who is a drug trafficker or who has unexplained wealth - even if it has been disposed of or

given to a family member - that property will ultimately be forfeited. I acknowledge that no case has yet determined that in practice.

Ms SUE WALKER: The member for Girrawheen asked about briefing out. Has an analysis ever been done of the additional cost for each trial for briefing out as opposed to using in-house counsel?

Mr COCK: No formal analysis between the cost of briefing out and using in-house counsel has been used in respect of trials. When I was asked by the Attorney General to prepare a submission on the cost of prosecuting in the Children's Court before the president of that court, I performed the analysis in two ways. I made one assumption that I would employ three prosecutors at level 6/7 as well as clerical support officers. The cost of that is approximately \$250 000. I also assumed that I would not employ any more staff except for one clerk. I assumed that the same amount of trial work before the president of that court would occur. I used the same briefing rate as my office presently pays and I assumed some allocation of in-house preparation. The figure was the same. It may be that using brief barristers is reasonably effective and efficient. This was only one example. Prosecuting before the president of the court for 200 days a year costs about \$200 000 when using brief barristers. That would allow me about \$60 000 to spend on in-house preparation and clerical support. That cost is approximately the same as using three level 6/7 lawyers to do the same work, with each spending about one-third of their time in court. That is the ratio I am presently working on. It works out at approximately the same cost although I have not undertaken an exact assessment of a particular case.

Ms SUE WALKER: What are the briefing out costs? Usually senior members of the profession are used.

Mr COCK: I generally offer to pay members of the bar \$1 000 for the first day of a criminal trial, which includes preparation, and \$800 for every second and subsequent day of a trial. I will consider increased preparation time in complicated cases. For a case that has been prepared by my office to a relatively satisfactory standard I believe the rate I pay is acceptable. About 20 barristers in Perth currently work on the rate. That they continue to work at that rate may indicate that they are reasonably satisfied, although they would probably like to be paid more.

Ms SUE WALKER: How many days has the DPP briefed out barristers this year?

Mr COCK: I can deconstruct the assessment. I have spent approximately \$650 000 in brief out expenses. If we assume that the average brief out cost is \$1 000 for the first day and \$800 for subsequent days, we can divide that figure by \$900. That would give us about 700 days.

Ms SUE WALKER: Is it not true that the DPP has to pay that amount regardless of what level an employed lawyer may be? For example, a lawyer may be a level 6/7 employee. I think someone at that level earns about \$63 000 a year. He would be doing these matters all the time. He would earn considerably less at a trial than a barrister who is briefed out, and who would cost the DPP more. Would it be more advantageous to consider giving the DPP more resources so it could employ more crown prosecutors and thereby make a saving?

Mr MCGINTY: The DPP has indicated in respect of the exercise done with the Children's Court that there appears to be no cost advantage one way or the other.

Mr COCK: Philosophically, the community is better served by employing experienced, trained prosecutors prosecuting cases in our superior courts than using brief barristers, because the trained prosecutors will have a higher level of expertise. That is particularly so regarding the recent increase in my budget of \$100 000 a year recurrent to enable me to employ a training officer. That is a new initiative for this year. I expect to be in a position to perform a training needs analysis for my senior and junior staff to ensure that I deliver to them training on a level hitherto never undertaken. It will improve the already high quality of their work. That will establish beyond all doubt that employed salaried solicitors do a better job than brief barristers. It may not be the case that it will be financially more viable. The quality of the service and capacity for me to ensure consistency and that services are delivered to the courts, victims and witnesses is something that I cannot ensure with brief barristers. I am confident that reasonably increasing the number of prosecutors - not just grabbing 20 people off street - will be very helpful. My office is conducting interviews today for the appointment of another 10 prosecutors at relatively low levels. That is consistent with the new training regime, which is also being implemented. Philosophically, the community will be better served by having those people. It is not particularly financially advisable; it is perhaps just a little bit cheaper. It is more an issue of quality than a financial one.

Ms SUE WALKER: Given that it is a quality issue and there is not much difference, why has the Attorney General not considered funding the DPP further so more of its briefs can be prepared in-house?

Mr MCGINTY: Philosophically, I share the view put by the DPP that the community is better served by having salaried prosecuting staff with appropriate in-house training and appropriate controls in place. It is a better

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situation. It reflects the Labor Party's philosophical view of the way in which government services ought to be provided. It also fits the need for the DPP to have a large enough staff to carry out its prosecution functions.

Ms SUE WALKER: Will the Attorney General consider providing additional funds to the DPP so it can employ more crown prosecutors and provide a higher quality of service rather than briefing out its work?

Mr McGINTY: This budget provides for an increase in the DPP's budget. It also provides for the employment of a training officer. For the first time, it will allow the DPP to take over the prosecution of all indictable matters before the President of the Children's Court. Only today, interviews will be conducted to employ 10 more prosecutors. Budgets are not bottomless pits, but that is not a bad effort.

Ms SUE WALKER: The money will be paid out in briefing costs anyway.

Mr McGINTY: Briefing is done when appropriate. We have the right balance at the moment.

Ms SUE WALKER: Given that there is not a great deal of change in the budget allocation this year for the DPP, where does the hiring of an additional 10 prosecutors fit in the budget and how much will it cost?

[10.10 am]

Mr COCK: In the past seven months I have lost senior staff from my office. It was appropriate as they realised the work profile of the office was not consistent with the existing resource profile. In other words, I did not have a large number of matters in the Supreme Court yet I employed 14 very senior, highly paid prosecutors, one of whom was a QC. He was not getting wilful murder cases at the serious and difficult level that he would have liked. That was because other people also wanted these difficult cases. He resigned from my office on 31 December last year. His resignation freed up a salary of about \$186 000 a year. Two other senior prosecutors have accepted offers to go to New South Wales, where they were given quite significant salary increases. They received salaries of \$100 000 each in Western Australia. Therefore, the departure of those three people has freed up about \$380 000. Another officer went to the Legal Aid Commission to head its criminal unit. Her salary was also \$100 000. Effectively, \$480 000 has become available through the departure of four staff. That, together with the \$250 000 the Government has recently given the office, has given me the means to employ 10 relatively junior lawyers - at levels 4/5 and 6/7.

Ms SUE WALKER: In relation to the classification of prosecutors now employed in the DPP's office, what is the balance in the office of senior, middle-range and junior prosecutors?

Mr McGINTY: A study was done last year which made recommendations on the restructuring of the Office of the DPP. What is now occurring is, by and large, consistent with the recommendations of that study, and the DPP can provide the details.

Mr COCK: The study found that I had too many senior prosecutors. It found that the number of prosecutors in the middle range of levels 7/8 was about correct, and that the number of staff at levels 4/5 and 6/7 was too low for the work profile of my office. The departure of the four staff to whom I referred has diminished the number of senior staff by four. As I said, I will be able to convert that through the recruitment of another 10 junior staff. That will very quickly change the profile of my office to better deal with the work demands.

Ms SUE WALKER: What are the classification ranges; how many seniors, how many class 4, 3 and 1 officers and how many level 7/8, 6/7 and 4/5 officers?

Mr COCK: The review found that the office probably had five too many senior lawyers. I have told you that that is five too many at the class 3 and 4 and the QC levels. It has turned out that one QC and three class 1 officers, who were each nudging the senior level, have resigned. I still have quite a lot of senior lawyers. I am very happy with the number, although if one or two were to leave that would not place me in a desperate situation. However, I am committed to ensuring that they get a variety of interesting work, although the review indicates that the 13 senior lawyers I presently have are plenty. I have about 15 or so officers at the class 1 level - the level 7/8s - in the office, which seems about right, and the review thought the same. In relation to the junior lawyers, I presently only have in the high 20s, and I would like to take that to the high 30s.

Ms QUIRK: A significant issue and trend listed on page 553 is the provision of an effective prosecution service. How much of the workload time of the Office of the Director of Public Prosecutions is occupied on matters referred to it by the Anti-Corruption Commission?

Mr COCK: The Anti-Corruption Commission probably refers two or so matters a month to my office. It refers matters that are unusual in the sense that they come not with a complaint and a charge and a brief, but with a request for legal advice. These matters are not in the court system and, accordingly, we do not have time frames to meet. We give priority to meeting our court commitments and, therefore, the ACC's requests for advice are

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accorded a priority ranking behind our court demands. I estimate that meeting requests from the ACC probably consumes about one lawyer's time.

Ms SUE WALKER: How many crown prosecutors are currently employed at the Office of the DPP, and at what level? I do not know whether the director understood my question, but that is what I want to know.

Mr McGINTY: The difficulty is that that figure changes every day, or any time that a new staff member is employed. I think the DPP has given a generally descriptive nature of who is employed and at what level, and whether he thinks the levels are about right. If the member wants that information for a particular point in time, she can put the question on notice.

Ms SUE WALKER: I challenge the Attorney General about the figure changing from day to day, like the prisons' muster. That does not happen at the DPP's office. The staff numbers do not change every day. The budget papers indicate that the DPP has 117 FTEs. Perhaps, on notice, I could be told as of today's date how many crown prosecutors are employed and what their levels are?

Mr McGINTY: Last year's annual report from the Office of the Director of Public Prosecutions sets out on page 20 that on that occasion there were 128 staff - that is not FTEs because some of the people are part time - and their levels. The information includes clerical, administrative and legal staff and the salary range and the gender for each level of classification. If the member likes, she can look it up in the annual report on page 20.

The CHAIRMAN: I suggest to the member for Nedlands that she may seek supplementary information on this issue as of 14 June 2002, which is the date by which the minister has to supply that information. That will give the member the answer she requires. We can probably move on. Minister, will you agree to provide supplementary information and, if so, state exactly what that information is?

Mr McGINTY: I have asked that that question be put on notice, Mr Chairman. I have told the member where she can get the information as it stood in the annual report. I have indicated that the figure does vary. If the member wants to put the question on notice, I will provide her with the information as at that date.

The CHAIRMAN: Member for Nedlands, you have a choice; do you want to put it on notice or seek supplementary information?

Ms SUE WALKER: Will the Attorney General advise the date of the annual report that he is reading from?

Mr McGINTY: It is 30 June 2001.

Ms SUE WALKER: Does the minister want me to get the figures from last year when I am asking for this year's figures?

Mr McGINTY: That will give the member an indication of the numbers.

Ms SUE WALKER: Is the minister saying that he cannot give me the figure for this year?

Mr McGINTY: The number changes. I can provide the figure as at 30 June 2001, the date of the last annual report. The updated figures will be in this year's annual report. If the member wants more information, she should put a question on notice.

Ms SUE WALKER: I will put the question on notice.

Mr O'GORMAN: I refer to the disbursement of funds from the confiscation account. It was mentioned that a committee has been set up that meets twice a year, at which requests are vetted and allocated. Who puts in those requests? Do they come from Safer WA and local drug action groups, and are community groups involved in that?

Mr McGINTY: The committee has been set up. I will ask the DPP to provide this committee with information on the make-up of that committee, and perhaps some information to further develop the points that he made earlier about how people will be advised and invited to make requests, because it applies to the government and the non-government sector.

[10.20 am]

Mr COCK: Section 131 of the Criminal Property Confiscation Act outlines the seven purposes to which moneys from the fund may be allocated. It is proposed to advertise twice a year in *The West Australian* and to publicise that fact, which hopefully will generate more public attention. Any person, corporation, associated institution, or government or non-government organisation can apply to my office. We will describe the nature of the request and things we want. We will provide an application kit. We will invite applicants in government and non-government sectors to apply for funds for each of the seven areas to which moneys can be paid and the committee will then consider them. I have told the member that the committee will comprise a senior officer of

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the Police Service, a senior officer of the Department of Justice, the gentleman for whom the responsibility for victims' support services has been allocated, a senior officer from my department and a nominee from the Attorney General's department.

Ms SUE WALKER: How many crown prosecutors are currently employed by the Director of Public Prosecutions?

Mr McGINTY: The DPP employs 55 crown prosecutors.

Ms SUE WALKER: At what level are the 10 positions for prosecutors who are being interviewed today pitched?

Mr McGINTY: The DPP has indicated they will be junior positions.

Ms SUE WALKER: What level of classification will they be employed under?

Mr McGINTY: They will be employed at the lower end of the classification scale.

Ms SUE WALKER: Will they be employed at level 4/5, 6/7 or 7/8?

Mr McGINTY: We have not employed them.

Ms SUE WALKER: The positions that have been advertised would have been advertised under that classification system. What classification is the Attorney General considering?

Mr McGINTY: The classification depends on their background, skill and the usual classification process.

Ms SUE WALKER: Why does the Attorney General not understand the question?

Mr McGINTY: I cannot answer what level they will be employed at because they are still being interviewed; we have not yet employed them.

Ms SUE WALKER: When were these positions for 10 crown prosecutors advertised?

Mr McGINTY: The positions were advertised about four weeks ago and they were advertised to fit within a range depending upon the class and skill of the persons. Depending on who is employed, I will be able to tell the member at what levels they were employed.

Ms SUE WALKER: Were the levels advertised?

Mr McGINTY: A range of levels, including 4/5, 6/7, 7/8 and class 1, were advertised. It is a meaningless question at this stage because we do not know -

Ms SUE WALKER: It might be meaningless to you because you do not understand where I am coming from, but it is full of meaning to me.

The CHAIRMAN: Would the member for Nedlands address her remarks through the Chair.

Ms SUE WALKER: How many positions were advertised? Was one position advertised at class 1, or were the advertisements grouped according to their levels?

Mr McGINTY: As I have indicated to the member for Nedlands, no limit was set. The broad classifications ranged from low to medium. The advertisement specified people who could fit within those ranges. Who might ultimately get the job will depend on the selection process and the level in which they are employed will be the appropriate level for the person with that skill and background.

Ms SUE WALKER: Can the Attorney General provide me with a copy of the advertisement?

Mr McGINTY: I do not have one but it is available on the public record. I suggest the member obtain it that way if she really wants it.

Ms SUE WALKER: Is the Attorney General refusing to supply it to me?

Mr McGINTY: The member should put a question on notice if she wants a copy of it.

Ms SUE WALKER: How many crown prosecutors are employed by the DPP at the lower level and how many are employed at the senior levels; that is, levels 7/8 and upwards?

Mr McGINTY: The DPP has already answered that question and provided his view of not only the number of people who are employed at the different levels but also whether there are an appropriate number of people employed at the lower, medium and upper levels within his office. I cannot add anything to the answer that the DPP provided.

Mr BARRON-SULLIVAN: My question probably overlaps with what the member for Nedlands asked. By way of supplementary information, will the minister provide a breakdown by category of the number of staff

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employed in the DPP's office either by or through the DPP as at the latest available instance and will he provide comparable information for the previous 12 months?

Mr McGINTY: That question has already been answered. I referred the member for Nedlands to the annual report of the DPP, which gives the position as at 30 June 2001. That spells out not only each of the then 128 people who were employed in the office of the DPP but also whether they were administrative, clerical or legal positions and the employees' gender, salary level and the number of people within each of those categories. I have indicated to the member for Nedlands that if she wants the information regarding a different date, she can either wait until the annual report of the DPP comes out this year, which would provide a comprehensive answer to her question, or she can put the question on notice so that the information can be provided.

Mr BARRON-SULLIVAN: We are not interested in information that is 11 months old; we are interested in current information. I find it most extraordinary that a minister of the Crown is refusing to give information about staff classifications in a government agency. I have asked for this information from a number of ministers and they have not expressed any concern about providing it. Information in the budget papers reflects directly on the employment staff, including full-time equivalents and so on. The Attorney General is not prepared to provide that information or is trying to fudge us off by asking us to put a question on notice. Why is the Attorney General so cagey about this matter? What is he hiding?

Mr McGINTY: We have provided the information.

Ms SUE WALKER: I refer to criminal prosecutions on page 555 of the *Budget Statements* which states that the DPP conducts prosecutions against people accused of serious breaches of the State's criminal laws. This morning the Attorney General talked about his philosophy. Is it his view that serious breaches of the State's criminal laws should be undertaken and conducted by experienced criminal prosecutors?

Mr McGINTY: Yes.

The appropriation was recommended.

Sitting suspended from 10.30 to 10.44 am