

Division 41: Office of the Director of Public Prosecutions, \$35 057 000 —

Ms J.M. Freeman, Chairman.

Mrs L.M. Harvey, Minister for Police representing the Attorney General.

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

Mr H. Bhabra, Finance Manager.

Mr M. Connolly, Chief of Staff, Office of the Attorney General.

[Witnesses introduced.]

The CHAIRMAN: This estimates committee will be reported by Hansard. The daily proof *Hansard* will be available the following day.

It is the intention of the Chair to ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point. The estimates committee's consideration of the estimates will be restricted to discussion of those items for which a vote of money is proposed in the consolidated account. Questions must be clearly related to a page number, item, program or amount in the current division. It will greatly assist Hansard if members can give these details in preface to their question.

The minister may agree to provide supplementary information to the committee rather than asking that the question be put on notice for the next sitting week. I ask the minister to clearly indicate what supplementary information she agrees to provide and I will then allocate a reference number. If supplementary information is to be provided, I seek the minister's cooperation in ensuring that it is delivered to the principal clerk by Friday, 3 June 2016. I caution members that if the minister asks that a matter be put on notice, it is up to the member to lodge the question on notice with the Clerk's office.

I give the call to the member for Butler.

Mr J.R. QUIGLEY: I refer to the delivery of services on page 479 of budget paper No 2 and line item "Item 76 Net amount appropriated to deliver services". I see that this year there is an allocation of \$31 478 000 and that it drifts down slowly over the out years. The third dot point on page 480 states that there was an increase of 55 trials over the previous financial year—a whacking increase of 13.8 per cent. Does the minister anticipate that there will be further increases in defended trials? How will this be funded with a declining budgetary allocation?

Mrs L.M. HARVEY: Importantly, the agency has signed its resource agreement with government, so clearly it believes it is resourced sufficiently to deliver the service the government expects of it. I will ask Mr McGrath to speak about the trends that the office is experiencing.

Mr J. McGrath: The number of trials, as we note in the budget papers, from 24 months ago went from 399 to 450-odd. That has continued to increase. We anticipate about 465 trials this year. Twenty-four months ago we were receiving 2 145 committal matters going to the Supreme and District Courts and this year it would be close to 3 000, so we are looking at a 30 per cent increase in the number of indictable files over a 24-month period. The work continues to escalate at an unprecedented level.

Mr J.R. QUIGLEY: It appears that the office may be under some financial stress. The workload is increasing exponentially, but when I look at the cost of services, I see that it goes from \$31 478 000 down to \$30 622 000. How is this achieved with the vastly increased workload?

Mrs L.M. HARVEY: The Office of the Director of Public Prosecutions does a very good job and if it finds itself under resourcing pressure, the option is open for the Attorney General to make an application to government for additional funding should it be required. Obviously the Attorney General is keeping a close watch on the pressure of the office of the DPP and should additional resources need to flow to the office, there will be an opportunity no doubt at the time of the midyear review.

Mr P. PAPALIA: Can we have someone who knows what they are talking about answering rather than just a representing minister?

The CHAIRMAN: Member!

Mrs L.M. HARVEY: I am actually finding it hard to hear the questions at present, Madam Chair.

The CHAIRMAN: Yes, that is right.

Mr P. PAPALIA: The minister is giving the same answer regardless of the question, so it does not really matter.

The CHAIRMAN: Member, that is not called for. Are there any further questions?

Mr J.R. QUIGLEY: I refer to page 483 of budget paper No 2. The minister will note that the total cost of services will be lower than the 2015–16 estimated actual due to the application of the workforce renewal policy

and the revised 1.5 per cent public sector wages policy implemented in the 2015, 2016 and 2017 financial years respectively.

Although the Office of the Director of Public Prosecutions has a considerably increased trial load, the government is cutting into its budget by visiting these policies upon it; is that not correct, minister?

[5.00 pm]

Mrs L.M. HARVEY: As I have said previously, if the Office of the Director of Public Prosecutions finds itself in a position in which it is unable to perform the services that government requires, it can make an application for additional funding. But at this point the office has signed its resource agreement and agreed to achieve the expectations of government within the parameters that have been set. Obviously, if its workload increased, the government would need to consider increasing resources, but at this point the budget is the budget and the DPP is working within those parameters.

Mr P. PAPALIA: Did the department's submission to government for future funding reflect the forward estimates, which indicate a cut in funding over the future years?

Mrs L.M. HARVEY: We are dealing with the budget.

Mr P. PAPALIA: Correct.

Mrs L.M. HARVEY: What may or may not have occurred prior to the budget being published is not up for discussion at this point.

Mr P. PAPALIA: Do the forward estimates reflect the amount of funding asked for by the department during the budget preparation process?

Mrs L.M. HARVEY: The budget papers have been agreed to and the office has signed its resource agreement. What was in or out prior to the budget being published is a cabinet-in-confidence matter, so I will not be discussing that.

Mr P. PAPALIA: Does the minister anticipate that the reduction in funding projected in the forward estimates will diminish the Office of the Director of Public Prosecutions' rate of effort or level of service provision?

Mrs L.M. HARVEY: My understanding is that a request for additional resourcing was not made as part of the budget process. That is the advice I have received. Would the member mind repeating the question? I did not hear it properly.

Mr P. PAPALIA: Does the minister anticipate that as a consequence of the diminished funding in the forward estimates of the budget, the rate of effort of the DPP or its effectiveness will be impacted by that reduction in funding?

Mrs L.M. HARVEY: Obviously, the resource agreement between the Director of Public Prosecutions and the Attorney General and the Treasurer requires that the director agree to work within the budget parameters set within the resource agreement and to deliver the service that government requires. Should the director get to a point at which he believes that he cannot meet those requirements of government, a request for additional resources would be made. That request has not been made at this point. The budget is as we see it and the resource agreement for this year has been signed. Obviously, the government monitors these things. Certainly, over time, requests for additional resources will sometimes be made at the midyear review. With a state election due in March 2017, I have no doubt that all sorts of discussions will be had about budgets and projects in different government departments. But at this point, the DPP has agreed, through that resource agreement, to effectively operate within the parameters that the budget dictates.

Mr J.R. QUIGLEY: This question relates to the last line item I mentioned, which concerns expenses for employees. The director's annual report states that 65 people are in acting positions and that people enjoy acting in the higher roles. Are these people in acting positions because of budget constraints? What reason does the minister have for these people not being in substantive roles and being in only acting roles?

Mrs L.M. HARVEY: I will ask Mr McGrath to speak to that and provide an answer.

Mr J. McGrath: The reference to "acting" in the annual report would not be for financial reasons. During the freeze period when we have had acting people, it would be due to the fact that we cannot employ people during the freeze period. However, what the member referred to in the annual report reflects opportunities for people to act in higher positions. It would not be linked to some financial reason.

[Mr I.C. Blayney took the chair.]

Mr J.R. QUIGLEY: The answer from the minister's adviser is that during the freeze period people were in acting positions. I did not get the gist of that part of the answer. I understand that people go into acting positions and enjoy temporarily acting in a higher role that has become available during the freeze period, but it seems that an extraordinary number of people are in acting positions.

Mrs L.M. HARVEY: I will ask Mr McGrath to provide further clarification on those positions.

Mr J. McGrath: During the freeze period, we asked for only one exemption, which we withdrew, because it was for a systems administrator for computers, so we had no difficulty there. During that period, when people left, we had people acting at the higher level. However, the people referred to in the annual report were acting because of various opportunities and movements of staff. It was not for any other reason.

The appropriation was recommended.