



Speech by

**Hon. M. FOLEY**

**MEMBER FOR YERONGA**

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Hansard 14 September 1999

**MINISTERIAL STATEMENT**

**Office of the Director of Public Prosecutions**

**Hon. M. J. FOLEY** (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (9.44 a.m.), by leave: In recent weeks the shadow Attorney-General, the member for Warwick, has made a concerted effort to politicise the administration of criminal justice in Queensland. He has used question time in this place to try to smear the presence of Mr Hannigan as a senior executive in the Office of the Director of Public Prosecutions, implying that his appointment was political because he once worked as a ministerial adviser. The member for Warwick has also attempted to foment discontent through memoranda to staff in the Office of the Director of Public Prosecutions and via the media.

To ensure that this campaign of mischief-making does not adversely affect perceptions of the administration of criminal justice in Queensland, let us compare the allegations with the facts. The first erroneous allegation is that Mr Garry Hannigan is a political appointment to the Office of the Director of Public Prosecutions. The facts are that Mr Hannigan, who is a senior executive officer Level 2, was transferred to the Office of the Director of Public Prosecutions by the previous Government in 1996. No member of the previous Government saw any problem with Mr Hannigan not only having responsibility for various operational matters but also being involved in prosecutions. In his current position, he is no longer required to appear for the Crown. Let me also make it very clear that I had no involvement in any decision involving Mr Hannigan's duties or remuneration. These are matters for the chief executive officer and, for completeness of the record, I should add that the director-general had never met, or had any dealings with, Mr Hannigan prior to her taking up duty in 1998.

The second erroneous allegation is that the decision to have Mr Hannigan act in the new position of Executive Director of the Office of the Director of Public Prosecutions created expense for the office. In fact, the difference in remuneration between Mr Hannigan's previous and current positions is \$2,142 per annum. In fact, Mr Hannigan's appointment has saved the office \$88,202 because the new position rolled two others into one.

The third erroneous allegation is that the decision to have resource management delegations exercised by the Executive Director of the Office of the Director of Public Prosecutions affects the independence of the Director of Public Prosecutions. In fact, the Director of Public Prosecutions Act 1984 makes the chief executive officer of my department the chief executive of the Office of the Director of Public Prosecutions "in respect of matters of an administrative nature associated with the discharge of the Director's functions and in respect of officers" appointed under the Public Service Act. It also makes the chief executive "the accountable officer" under the Financial Administration and Audit Act 1978. Resource management powers have always been exercisable only in accordance with delegations from the director-general.

The fourth erroneous allegation is that there is some objectionable reason for tighter control being exercised over resources in the Office of the Director of Public Prosecutions. In fact, the director-general of my department was informed in late 1998 of a projected overspend of around \$1.5m in the Office of the Director of Public Prosecutions. Her inquiries revealed an excessively sized corporate services area, failure to comply with the State Purchasing Policy and a general failure to minimise overheads. The Auditor-General's advice was sought on particular issues. Intervention by centralising the provision of corporate services, cessation of projects whose benefits were not justifying their costs, and delegations being exercisable by one officer has allowed the creation of an additional 21 positions for legal officers, victim support officers and prosecutors within budget.

The fifth erroneous allegation is that the services of prosecutors have been lost as a result of their dissatisfaction with the changes. It is true that one Crown prosecutor and four senior Crown prosecutors have resigned this year. I will outline for the benefit of this House, in particular the member for Warwick, the reasons for those resignations.

Two of the senior Crown prosecutors resigned during the course of investigations into complaints regarding their conduct. In one case, the complaint had been referred by the department to the Criminal Justice Commission. A third senior Crown prosecutor, who was employed part time, resigned after the birth of a child. The fourth senior Crown prosecutor went to the private Bar. The fifth person took a promotion to Legal Aid Queensland and has applied for a transfer back to the Office of the Director of Public Prosecutions.

The sixth erroneous allegation is that the changes in resource management have resulted in late briefings to prosecutors for trials and more briefings to members of the private Bar. Recently published judicial criticisms related to cases which were allocated to staff within the Office of the Director of Public Prosecutions prior to the creation of the position of Executive Director, Office of the Director of Public Prosecutions. The most difficult issue to resolve in avoiding late briefings is how the use of court resources and the use of the Director of Public Prosecutions' resources can both be optimised. The Director of Public Prosecutions and the Chief Judge of the District Court are working on this issue. The method of allocating trials to staff and to members of the private Bar is unchanged. Mr Hannigan has been responsible for these costs for the past three financial years, and only after fees paid by the Director of Public Prosecutions rose last financial year to match those paid by Legal Aid Queensland have brief fees reached the level of \$750,000, which is what they were before he took over management of those costs.

I now come to the 9th of the 9th in 1999. On that auspicious date, the shadow Attorney-General wrote to the Criminal Justice Commission asking it to investigate the Director of Public Prosecutions' office in accordance with its obligation under section 23(c) of the Criminal Justice Act 1989. Mr Springborg said he was drawing the chairman's attention to section 23(c) and even considered it necessary to quote its contents to Mr Butler, SC.

Apart from noting that, I am confident a senior counsel specialised in criminal law and responsible for the administration of the Criminal Justice Act does not need Mr Springborg to introduce him to the contents of the Act, let me now draw the member's attention to Volume 4 of the Criminal Justice System Monitor released by the CJC this February. It says—

"Funding of the Office of the Director of Public Prosecutions (ODPP) kept pace with increases in workload and inflation; but a projected workload increase for 1998/99 could lead to budgetary pressures."

Let me also draw his attention to the additional \$1.4m provided to the Office of the Director of Public Prosecutions by this Government in 1998-99. What is really happening in the Office of the Director of Public Prosecutions is that a systematic approach is being brought to the management of both people and finances. Not surprisingly, out of an organisation of some 260 people, some will be apprehensive of change and a small number may even be strenuously opposed to it. The Office of the Director of Public Prosecutions will not be intimidated into apathy by the concerted attempts of the shadow Attorney-General to create and fuel controversy and alarm for his own political ends.

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