

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S DEPARTMENT

**Programs 1.2 & 1.3**

**Question No. 71**

**Senator Barnett asked the following question at the hearing on 22 February 2011:**

**Senator BARNETT**—So for the 280 crew currently being prosecuted, that would be \$5.6 million. Is that your analysis—280 crew times \$20,000? And that comes out of the allocation of \$7.6 million. Does that sound about right?

**Ms Jones**—The amount in question is \$17.6 million. As I said previously, it is a reimbursement scheme. The amount that will be reimbursed to Legal Aid Western Australia or other legal aid commissions that are handling these matters will be based on actual costs incurred.

....

**Senator BARNETT**—Can you take on notice to provide the average across the state and territory jurisdictions?

**Mr Wilkins**—We will see if we can do that.

**Senator BARNETT**—Just to assist the committee, you have indicated the 280, but could you just provide further and better particulars with regard to the approximately 500 that you indicated, where that gap is and if they are currently in detention.

**Mr Wilkins**—They are in detention.

**Senator BARNETT**—Right. If you could clarify that figure of 500 for us, that would assist.

**Mr Wilkins**—There are ongoing investigations in relation to those people.

**Senator BARNETT**—Of course.

**Mr Wilkins**—In due course, they may well be charged.

....

**Ms Leon**—In relation to your assumption about the costs based on an assumption that everyone will contest the case, the current estimates based on the DPP's experience is that around 30 per cent will plead guilty, so it will not be the case that all of those cases require a full defended hearing.

**Senator BARNETT**—I am sure you will provide your best estimate on notice and that will come back to the committee. Thanks for that.

**The answer to the honourable senator's question is as follows:**

To date all reimbursements from the Expensive Commonwealth Criminal Case Fund for people smuggling matters have been made to Legal Aid Western Australia. The average cost of matters to date in WA has been \$20,000 per defended matter. The average cost in other State and Territory jurisdictions for providing defence in these matters is yet to be determined. Legal aid commissions in other jurisdictions have advised that matters in which they are providing assistance are still to be finalised. Estimates have therefore been based on WA cost outcomes. These will be adjusted when actual cost information becomes available for finalised matters in other States.

Further information on the number of people smuggling crew since September 2008 is provided in response to Question No. 70.