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Not Relevant

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ATTG12/00CS

Bodies in the Barrels Murders Case

REFERRED BACK TO MINISTER

Premier & Cabinet Minister

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Not Relevant

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CABINET COVER SHEET

1. **TITLE:** Funding for the Bodies in the Barrels Murders Case.
2. **MINISTER:** K Trevor Griffin.
3. **PURPOSE:** To seek further additional funds for a support structure and associated expenses during the trial proceedings including the establishment of a High Technology Courtroom and facilities upgrade for the trial venue.

Funding required as follows:

\$5.389M 2001/2002
\$5.898M 2002/2003
4. **RESOURCES REQUIRED FOR IMPLEMENTATION:** \$11.287M
5. **RELATIONSHIP TO GOVERNMENT POLICY:** Access to Justice.
6. **CONSULTATION:** This submission has been developed in consultation with the Department of Treasury and Finance, the Courts Administration Authority, the South Australian Police Department, the Office of the Director for Public Prosecutions, the Legal Services Commission, the Department for Correctional Services and the Victim Support Service.
7. **URGENCY:** High.
8. **RECOMMENDATION:** It is recommended that Cabinet:
 - (1) note the issues associated with the Bodies in the Barrels Murders Case and particularly the changes as to the length of the committal and impending trial proceedings.
 - (2) approve the EDS proposal based on an eighteen month trial for the establishment of a High Technology Courtroom and authorise the Judicial Council of the Courts Administration Authority to enter into contractual arrangements exceeding \$1M with EDS.

(3) approve the proposal for the facilities upgrade to the criminal trial venue.

(4) approve the payment of fees to the legal defence teams at the rates agreed to enable adequate legal representation for the accused persons in the Bodies in the Barrels Murders Case, such aid to be administered by the Legal Services Commission.

(5) waive the payment of transcript costs by the Attorney-General's Department to the Courts Administration Authority and thereafter to Treasury and Finance as an exception in the Bodies in the Barrels Murders Case.

(6) approve total funding up to \$5.389M in 2001-2002 and up to \$5.898M in 2002-2003 for additional expenditure estimated to be incurred by agencies and legal teams associated with the Bodies in the Barrels Murders Case.

(7) note the significant level of uncertainty in the estimated costs and duration of these proceedings.


(8) note that any unexpended funds will be returned to Treasury and Finance.

(9) note the continuation of the existing processes for the approval of expenditure by the Attorney-General and the Treasurer, the expenditure line within the Attorney-General's Department for funds allocated by Treasury and the Attorney-General's Department as the agency to manage the funding and coordinate cross-agency issues which arise during the course of the trial proceedings.

SIGNATURE OF MINISTER:

PORTFOLIO:

Date:



Attorney-General

6 December 01

TO THE PREMIER FOR CABINET

Re: **BODIES IN THE BARRELS MURDERS CASE**

1. PROPOSAL

It is proposed that Cabinet:

1.1 approve further funding of \$5.389M in 2001-2002 and \$5.898M in 2002-2003 for additional costs for a support structure and associated expenses during the trial proceedings including the establishment of a High Technology Courtroom and facilities upgrade for the trial venue.

2. BACKGROUND

2.1 On 13 March 2000 Cabinet approved funding for a support structure for additional expenditure incurred by agencies associated with the Bodies in the Barrels Murders Case (formerly referred to as the Snowtown Murders, refer AGCS 12/00).

2.2 In particular, Cabinet approved the following:-
"funding of \$994,000 in 1999-2000, up to \$6.364M in 2000-2001 for additional expenditure incurred by agencies associated with the Snowtown Murder committal proceedings and trial with the application of the expenditure for 2000-2001 to be subject to approval by the Treasurer and Attorney-General recognising that further expenditure may be required in 2001-2002".

2.3 Of the total of \$10.719M which was sought at that time, the estimated funding for 2001-2002 of \$3.361 was not approved.

2.4 Cabinet approved a new expenditure line within the Attorney-General's Department for funds allocated by Treasury and endorsed the Attorney-General's Department as the agency to manage the funding and coordinate cross-agency issues that arise during the course of the committal proceedings and trial. Accordingly the position of Project-Coordinator was established and is directly responsible to the Chief Executive, Attorney-General's Department and Department of Justice.

2.5 In accordance with the Cabinet direction, protocols have been established for the payment of additional expenditure which provides for ultimate approval by the Attorney-General and the Treasurer. Financial and Progress Reports are submitted on a monthly basis for approval.

2.6 A Steering Committee was established in October 2000 comprising the Chief Executive of the Attorney-General's Department and Department of Justice, the State Courts Administrator, Project Manager Courts Administration Authority and Project Coordinator Attorney-General's Department.

2.7 Each agency is contributing a base level of resources towards the conduct of this case. Agencies incurring additional expenditure directly attributed to this case and which is over and above usual expenditure submit claims for reimbursement. Such claims undergo rigorous scrutiny and are then considered for approval by the Steering Committee. Only that expenditure which is considered to be additional to an agency's existing budget allocation is considered for reimbursement. The one exception is the Legal Services Commission for legal aid assignments which is capped at \$100,000 for multiple accused cases. This capping level was exceeded early in these legal proceedings.

2.8 The committal proceedings commenced in the Adelaide Magistrates Court on 27 November 2000. Three of the accused persons, namely Bunting, Haydon and Wagner were charged with ten counts of murder each and the fourth accused, Vlassakis was charged with five counts of murder.

2.9 The committal proceedings experienced numerous unavoidable delays, some of which occupied several weeks. As an indication of this, the committal proceedings in the Adelaide Magistrates Court ran from 27 November 2000 until 4 July 2001 over a total period of about thirty weeks. During that time the Court sat on fifty days which equates to ten weeks of actual sitting time. The reasons for the delays included reading and examination of large quantities of witness statements, exhibit material, listening device recordings, telephone intercept recordings and recreational/holiday breaks.

2.10 On 21 June 2001, the accused, Vlassakis pleaded guilty to four counts of murder in the Supreme Court before Justice Martin and was sentenced to life imprisonment with respect to each count. The DPP elected not to proceed with the fifth count of murder against Vlassakis. The process of setting a non-parole period is ensuing with various psychiatric and psychological reports being sought for consideration by the Court. The matter is next listed for sentencing submissions on 18 October 2001.

2.11 On the 4th July 2001, the remaining three accused, namely Bunting, Haydon and Wagner were each committed for trial in the Supreme Court on ten counts of murder.

3. DISCUSSION

Timeframe for Trial

3.1 On the 13 August 2001, Bunting, Haydon and Wagner were jointly arraigned on ten counts of murder in the Supreme Court before Justice Martin and each accused pleaded not guilty to each count.

3.2 Justice Martin is conducting regular direction-hearings which will determine pre-trial issues and arrangements prior to formal commencement of preliminary legal argument which has been listed to commence in court without a jury on 26 November 2001 to consider issues including:-

- Applications for severance of joint charges by individual accused persons seeking separate trials.
- Applications for separation of individual counts charged seeking separate trials.
- Election for trial by the judge alone which can only occur with the concurrence of all three accused.
- Issues of admissibility of evidence, including complex forensic material.
- Consideration of applications for suppression of evidence.
- Applications that an abuse of process has occurred and the trial should not proceed on the basis that the accused persons will not receive a fair trial on the grounds of excessive media coverage.

3.3 All arrangements for the conduct of these court proceedings are based on the assumption that there will be one trial before a jury with all 3 accused persons being jointly charged with ten counts of murder. Any speculation with respect to outcomes of the various applications and elections would be premature, however it is likely the court's decisions could impact on the length of proceedings and subsequent costs.

3.4 Justice Martin has intimated that preliminary argument could occupy at least three months of hearing time and quite possibly up to six months. Determination of these issues are matters for the trial judge. As in all criminal trials, the decisions of the judge are subject to appeal to the Court of Criminal Appeal and thereafter to the High Court of Australia.

3.5 It is unlikely that a jury would be empanelled until at least March or April 2002. Justice Martin has also intimated that the jury trial could occupy between six and eighteen months of sitting time.

3.6 Many of the factors which caused the delays experienced during the committal proceedings are likely to have been eliminated during the trial proceedings. However, in view of the anticipated inordinate length of the trial, some delays will occur due to unforeseen circumstances which could arise.

3.7 A comprehensive investigation into an estimation of the trial length has concluded that the preliminary legal argument and the trial are likely to occupy a minimum period of twelve months hearing time. At this stage indications are that this estimation is a conservative one and up to eighteen months is possible. Any estimation of these trial proceedings should be approached with considerable caution as many factors are likely to influence such predictions.

High Technology Court

3.8 The initial Cabinet Submission in March 2000 identified the need to utilise modern technology to present the large volume of evidence during the course of the prosecution case. The estimated cost of establishing a high technology court at that time was identified in the submission as being \$1.8 million.

3.9 The large volume and complexity of the evidence to be presented in this prosecution renders this case as an ideal opportunity for the application of technology

to provide time and cost efficiencies. The features which demonstrate the uniqueness of this case include the following:-

- Almost 1700 witness statements have been prepared by Operation Chart. Some statements extend to several hundred pages in length whilst others are relatively short. In some instances, more than one statement may have been taken from a witness. The DPP have produced a list of 491 witnesses to be called at the trial. The statements of the witnesses comprise the Witness Statement System and can be accessed electronically on CD Rom. The ability by all participants to access all witness statements electronically in the courtroom during proceedings whilst witnesses are giving evidence will markedly enhance the conduct of the case.
- In excess of 4,000 exhibits have been gathered during the course of the investigation by Operation Chart and are incorporated into an Exhibit Property Management System which contains a written description and a photograph of each exhibit. Such electronic presentation of exhibits precludes the need for the physical production of each exhibit within the courtroom, thus achieving very considerable time savings.
- In excess of 5,000 hours of telephone intercept recordings and listening device material was gathered by Operation Chart during the conduct of this investigation. The DPP proposes to rely on approximately 100 hours of this material as evidence and the defence teams have indicated they may require more to be introduced as evidence. The quality of such recordings needs to be enhanced by audio technology.
- There are large quantities of charts, diagrams and forensic evidence which require appropriate presentation by the use of technology including visual display monitors and digital cameras.
- Some witnesses will require the utilisation of vulnerable witness facilities to enable evidence to be given in a remote location other than the courtroom.
- Video conferencing facilities will in some instances eliminate the need for some witnesses to travel from intrastate, interstate and overseas.

3.10 The estimated operational cost to the State of running this trial for twelve months is calculated at approximately \$5 million. Research undertaken interstate where technology within courts has been introduced indicates that the use of technology can shorten the length of a trial by 20% - 25%. Assuming that technology provided a 20% time saving in this case, a saving in the vicinity of \$1M could be achieved for a twelve month trial and approx. \$1.5M for an eighteen month trial. Arriving at such estimations is a speculative process, however without technology the presentation of this case in the traditional manner is estimated to add between two to four months in court sitting time. Presentation of the evidence by electronic systems would be a significant benefit to these already very lengthy court proceedings.

3.11 The potential cost savings with respect to this case would not alone justify the full expenditure for the establishment of the High Technology Courtroom and the associated facilities upgrade. There are other long term benefits to the justice system in this State which will ensure that the availability of a High Technology Courtroom will provide significant cost and time savings for a range of other lengthy, complex and costly trials well into the future. Further benefits exist in the reduction of waiting times for other similar trials on the trial list. This investment in technology will bring South Australia into alignment with the High Technology Courtroom facilities which are currently available in most other States.

3.12 A "pink" Cabinet Submission was presented to Cabinet on 18 December 2000 recommending that Cabinet note the intention of the Justice Portfolio to seek a sole source service proposal from EDS (Australia) Pty Ltd for the project management, equipment and software provision, system testing, implementation and maintenance needed to meet the information technology requirements of the forthcoming Bodies in the Barrels Murders trial.

3.13 EDS and the CAA have been engaged in a collaborative consultative process and the following principal objectives were derived to ensure a solution was developed in accordance with the Court's requirements, including:-

- Minimise the cost of a fair criminal trial.
- Minimise the length of a trial consistent with the appropriate execution of justice.
- Enhance timeliness, accuracy and understanding of information.
- Enhance the public experience of Court processes.
- Effectively manage media requirements.

3.14 The proposed solution focuses on the following core requirements:-

- In applying technology, flexibility is the key in meeting the diverse needs of the courtroom where each party has a differing set of requirements.
- The system must be reliable and available for use by the Court when the Court is in session.
- The system must be secure and prevent unauthorised access to information outside of any users specified access level.

3.15 EDS have submitted a proposal to the Courts Administration Authority for the establishment of a High Technology Courtroom including the provision of all infrastructure and end to end management of the technology.

3.16 The pricing proposal submitted by EDS is at Attachment 1. The Design and Implementation Phases will occupy an initial six month time span and is a fixed costing of \$397,422. The proposal provides the costings of lease options based on a twelve month trial at \$2.173M (Option 1) and an eighteen month trial at \$2.412M (Option 2). Under the lease proposal, Service Delivery incorporates all components entitled Hardware/Software, Services, Maintenance, Support, Third Party and VIP on-call.

3.17 The Hardware/Software is the only component which is available for outright purchase and if purchased would exclude interest and stamp duty as quoted for the lease periods and would be reduced to \$1.280M. Purchase of the Hardware/Software would provide savings of \$66,000 for a 12 month lease and \$90,000 for an eighteen month lease respectively. If the Hardware/Software were leased, this equipment would revert to EDS at the conclusion of the trial. However, the purchase of the Hardware/Software would enable the retention of the equipment by the Courts Administration Authority after the trial for future benefit to the justice system. Accordingly, purchase of the Hardware/Software component is the preferred option.

3.18 The EDS proposal provides that some components of the Service Delivery charges may not apply during some adjournments of the court proceedings, dependant on the level of advance notice available.

3.19 The proposal has been subjected to a process of strict review to ensure that the level of technology proposed will satisfy the minimum requirements for the appropriate presentation of this case within the courtroom.

3.20 The Business and Consumer Section of the Crown Solicitor's Office has conducted an analysis of the EDS draft contract new services agreement for courtroom services. This has involved a thorough examination of the legal aspects of the service levels and fee structure to ensure compliance.

3.21 The Courts Administration Authority has undertaken a fair market price assessment of the EDS costing brief by Ernst & Young. The Value for Money Assessment findings are that the pricing provided by the EDS proposal falls within the expected market range for a project of this scope and complexity. There is a strong level of confidence in the pricing provided and it represents value for money.

3.22 It is proposed that funding of \$397,422 be provided for the Design & Implementation Phases. It is also proposed to purchase the Hardware/Software component at a cost of \$1.280M as the preferred option in lieu of leasing this equipment. Based on an eighteen month trial, Option 2 appears to provide the most cost effective and favourable proposal in view of the uncertainty of the trial proceedings and accordingly it is also proposed that funding of \$644,006 for the lease of the remaining Service Delivery components be sought. This submission supports total funding of \$2.322M for this proposal.

3.23 The Judicial Council as the body corporate of the Courts Administration Authority has authority to approve contracts up to \$1M in value. This submission seeks approval from Cabinet for the Judicial Council to enter into contractual arrangements with EDS for this proposal.

Facilities Upgrade for Trial Venue:

3.24 Courtroom number 3 in the Sir Samuel Way Building has been chosen to be the trial venue. In order to accommodate the requirements for a trial of this size and complexity, modifications to the facilities are necessary which include the following:-

- Amendments have been made to the Juries Act to enable up to 3 additional jurors to be empanelled in cases where the trial judge considers it is appropriate. Due to the likely inordinate length of this trial, indications are that a panel of 15 jurors will be selected. This necessitates the upgrade and enlargement of the jury retiring room and the jury box within the courtroom.
- Up to twelve counsel will need to be accommodated at bar tables within the courtroom and public seating will need to be re-arranged.
- Various alterations to inbuilt furnishings including the witness box, and prisoner's dock are necessary.
- The scope of the work must accommodate the technology associated with the development of the High Technology Courtroom and integration with EDS has been essential to ensure a coordinated delivery of product and services.
- Consultation with engineering services, including structural, electrical, communications, acoustics, air-conditioning, disability access and fire

services have been undertaken to ensure compliance with current regulations.

3.25 Woodhead International, Architectural consultants, have been commissioned by DAIS on behalf of the CAA to provide professional services for the production of a Design Concept Brief. The Concept Design Estimate has been produced in conjunction with the Rawlinson Group Pty Ltd, Quantity Surveyors and is at Attachment 2 with the estimation for the required work being \$1.164M. The attachment provides a breakdown of Information Technology work which is essential for the integration of the High Technology Courtroom at a cost of \$667,000 with the remaining fit-out work for the facilities upgrade being costed at \$497,000. This submission seeks approval for the amount of \$1.164M.

3.26 Previous draft estimates have been subjected to a process of rigorous revision and review in an effort to contain costs and restrict the items to only that work which is essential to accommodate the requirements for these court proceedings and the technology upgrade. A number of previously costed items were eliminated as not being essential.

Legal Defence Team Expenses:

3.27 The rates for the legal defence teams for each of the four accused persons was agreed between the Legal Services Commission and the legal representatives and were subject to final approval in mid 2000 by the Attorney-General. Each team comprised one Senior Counsel, one Solicitor Advocate and one Solicitor. The agreed rates have been set at a greater level than the Legal Services Commission scale rates and have taken into account the inordinate length of these proceedings. However, the rates agreed are less than those prescribed in the Sixth Schedule of the Supreme Court Rules.

3.28 The established payment protocols provide that the claims for expenses submitted by the legal defence teams are certified by the Legal Services Commission and are subjected to an on-going rigorous checking process by the Project Coordinator prior to approval for payment by the Chief Executive of the Attorney-General's Department.

3.29 The former accused Vlassakis having been sentenced to four counts of life imprisonment, is currently in the process of having his non-parole period set by the Court. This has effectively reduced by one the number of accused persons proceeding to trial. When Vlassakis's sentencing process has concluded, his legal defence team's assignment with the Legal Services Commission will be terminated. However, the DPP have decided to call Vlassakis as a witness for the prosecution against the remaining three accused. It is possible that the interests of Vlassakis may require some ongoing legal representation for the remainder of the trial. Accordingly, one of his legal representatives may need to be retained as a watching brief and an allowance up to \$150,000 has been made in the cost estimates.

3.30 The three remaining accused, Bunting, Haydon and Wagner are proceeding to trial and each have been assigned a legal defence team comprising three legal representatives. Cost estimates at the agreed rates have been prepared based on

alternative assumptions of a twelve month trial at a cost of \$3.169M and an eighteen month trial at a cost of \$4.753M (See Attachment 3).

3.31 The item for Disbursements/Contingencies allows for such expenditure as interviewing and investigation of witnesses, psychologist and psychiatric reports, forensic experts (possibly interstate or overseas) and similar requirements.

SA Police:

3.32 Operation Chart was formed to undertake the Police investigation in this matter and previously had 15 personnel dedicated to this team. As from 1 July 2001, 12 police personnel are dedicated to this team. The tasks revolve around outstanding investigational actions which have arisen during the life of this case, addressing new actions generated by the Office of the Director of Public Prosecutions, witness management, trial preparation and trial management. Staff replacement is based on officers recruited at the base level.

3.33 Operation Chart is accommodated in leased premises in Wright Street, Adelaide, incurring associated logistical expenditure.

3.34 The estimated costing of Operation Chart for financial year 2001/2002 is \$670,000 and for financial year 2002/2003 is \$683,000 (See Attachment 4). Dependent on the progress and duration of the court proceedings, the current staffing establishment may be subject to revision of personnel requirements.

3.35 SAPOL are currently maintaining some witnesses pursuant to the Witness Protection Programme. These arrangements are likely to continue at least until the end of the trial proceedings. It is estimated that this expenditure will be approximately \$50,000 during the current and next financial years.

Director of Public Prosecutions:

3.36 The prosecution team dedicated to this trial comprises the Deputy Director, four prosecutors and two Law Clerks. Backfilling of the resultant vacant prosecutor positions has been achieved by briefing-out the trial caseload to members of the private bar. Funding requirements for the prosecution team is \$537,000 per annum (See Attachment 5).

3.37 The prosecution team includes funding of one 0.5 FTE for a Witness Assistance Officer who provides a professional liaison service for the large number of witnesses in this case.

3.38 The prosecution team is accommodated at 45 Pirie Street, Adelaide, which is located separately from the Office of the Director of Public Prosecutions. The cost of leasing these additional premises is \$50,000 per annum.

3.39 It will be necessary to scan all witness statements, exhibits, listening device and telephone intercept material in preparation for the High Technology Courtroom requirements. The level of scanning previously undertaken with respect to witness

3.56 A Media Consultant has been engaged since November 2000 on a contract and casual basis to manage public relations issues. This person liaises with local, interstate and overseas media contingents and implements media strategies and guidelines. This role is considered to be essential on an as required basis in the lead up to the trial and during the trial and is estimated to cost \$50,000 per annum.

3.57 An administrative assistant at AS02 has been utilised to provide a range of support functions to the Courts Administration Authority. Assistance as required is provided to the Project Manager, Media Consultant, parties in the trial and to the Criminal Registry for file management at a cost of \$35,000 per annum.

3.58 The CAA has funded a Project Manager at AS07 level to manage the special requirements of this case since June 2000. The role performed by this officer includes liaison with the judiciary, divisions of the CAA, the various parties and user groups, EDS and DAIS. This position has proven essential to the smooth functioning of the complex issues involved in the management of this case. The Project Manager is directly accountable to the Deputy State Courts Administrator and funding of \$80,000 per annum is sought.

3.59 The CAA have provided some professional counselling for staff likely to be exposed to the potentially traumatic nature of the evidence in this case both prior to and during the committal proceedings. As a risk management approach, several counselling providers are available to provide counselling to the various staff groups and jurors. Conflict of interest issues will be addressed by using different providers. A contingency of approximately \$20,000 is sought.

3.60 Each of the three legal defence teams, being on Legal Services Commission assignment, are entitled to receive copies of transcript during the committal and trial at no charge. As a matter of practice, the Attorney-General's Department reimburses the CAA the costs of transcript. The Attorney-General's Department provides this funding from its annual budgetary allocation from Treasury and Finance. As these charges are for regulatory fees, the CAA is obligated to pay these funds into consolidated revenue with the ultimate beneficiary being Treasury and Finance. During the committal proceedings, the account for transcript costs accrued to \$160,000. At this stage, no payments for the costs of transcript have been made out of the funds allocated for this case. It is estimated that after the conclusion of the trial proceedings that the total costs of provision of transcript could accrue to approximately \$600,000.

3.61 It is proposed that no funds on account of transcript costs be reimbursed by the Attorney-General's Department to the CAA and thereafter into consolidated revenue for the entire duration of the Bodies in the Barrels Murders case. Approval is sought from Cabinet to waive the payment of transcript costs as an exception in this case to avoid the "round robin" payment between agencies.

Department for Correctional Services:

3.62 No initial funding was identified in the previous Cabinet Submission for Correctional Services. However, additional expenditure has been incurred with respect to special security arrangements for the prisoner Vlassakis. Since his arrest, this prisoner had been retained in high security facilities at Yatala Labour Prison. This

measure was introduced to ensure his separation from the general prison population due to the possibility of him giving evidence against the other 3 accused. Since his convictions in June 2001 on 4 counts of murder, Vlassakis has been located at other institutions requiring up to 24 hour daily security watches. His security status has been the subject of recent industrial action. A sum of up to \$50,000 is sought with respect to additional resources which may arise with respect to Vlassakis and the other accused persons. In the event that any of these accused are finally sentenced and they become mainstream prisoners, any special security arrangements would then be absorbed by Correctional Services.

Attorney-General's Department:

3.63 The Attorney-General's Department was previously endorsed by Cabinet as the agency to manage the funding and to coordinate cross-agency issues as they may arise during the course of the committal proceedings and the trial. The Project Coordinator at the MAS3 level was appointed in September 2000 and reports directly to the Chief Executive, Attorney-General's Department and Department of Justice. Funding of \$90,000 per financial year is sought to maintain an appropriate level of reporting through the Chief Executive to the Attorney-General.

3.64 In the event that unforeseen circumstances caused a mistrial and it was necessary to re-commence trial proceedings, significant public funds would be lost. In a trial of such extended duration, events such as the serious illness or death of the judge, contamination of the jury or media misrepresentation during the trial would result in significant financial loss in the event of a mistrial. The issue of insuring against fortuitous events is currently being investigated and advice is being sought from SAICORP. Indications are that the scope of insurance cover may be limited to the health or legal disqualification of the trial judge. Also, the indicative premiums may be prohibitive in light of the current insurance market.

Funding Issues:-

3.65 Based on an eighteen month trial proceedings, the initial estimate of funding required is \$11.287M (\$5.389M in 2001/2002 and \$5.898M in 2002/2003). These funding requirements are in addition to the existing Justice Portfolio budgets which allow for the delivery of an underlying level of services for years 2001/2002 and onwards.

3.66 The previous Cabinet Submission based the initial financial estimates on a six week committal and a six month trial. These predictions were significantly less than the actual committal time which extended over about thirty weeks necessitating reimbursement of legal defence team expenditure and other agency expenditure during the majority of that period. Such estimations indicate the difficulties in assessing timeframes for proceedings in this case and the resource requirements.

3.67 The previous Cabinet Submission sought the following funding:-
"Based on a six week committal and a six month trial the initial estimate of funding required is \$10.719 million (\$994,000 in 1999/2000, \$6.364 million in 2000-2001 and

\$3.361 million in 2001-2002)." The total funding approved by Cabinet in March 2000 was \$7.358M. The amount estimated at that time for 2001-2002 was not approved.

3.68 Cabinet noted as follows, "the significant level of uncertainty in the estimated costs and duration of the Snowtown Murders case and the possibility of further Cabinet submissions for additional funding."

3.69 The amount of \$4.972M has been expended with respect to this case up to 7 September 2001 with a current balance of \$2.385M remaining as per the Financial Summary Report at Attachment 6.

3.70 In the lead-up to the trial proceedings in late November 2001 it is anticipated that expenditure will continue to be incurred during this preparation phase and will absorb a considerable proportion of the balance of available funds. For example, reimbursement to the Legal Defence Teams is at the rate of about \$250,000 per month. In addition with reimbursement of expenditure to all other agencies, it is estimated that at the current rate of expenditure, the remaining funding of \$2.385M should be fully exhausted by about February 2002.

3.71 EDS require a six month time frame for the design and implementation phase and alternative arrangements have been made for the trial judge to commence formal legal argument in another courtroom. However, it has been proposed to test the high technology enhancements in Courtroom 3 in February 2002 with a view to utilising Courtroom 3 for proceedings from that date.

3.72 Approval for the additional funding requirements for the high technology courtroom and facilities upgrade are needed as a priority to ensure the court is ready to proceed according to the schedule as prescribed by the trial judge. The current funds in hand are earmarked for agency expenditure and will not be sufficient for these initiatives.

3.73 The consequences of delay in funding are critical as there is a high risk that this could result in delay to the commencement of the trial. There is intense community interest in this case and as the accused were arrested in May 1999, there is a public expectation that this case will proceed to justice as expediently as is possible. It is quite likely that this case will be the longest running criminal trial in the State's history. The level of interest in this matter both locally, interstate and overseas is unprecedented.

3.74 Attachment 7 provides a breakdown of the funding requirements by specific agency expenditure categories. These estimations have been calculated on the basis that current funding will be exhausted by about February 2002 and the 2001-2002 requirements will be from March to June 2002. The estimations for 2002-2003 are calculated on the basis of a full year's requirements.

3.75 Any monies un-expended will be returned to Treasury and Finance.

Consultation

3.76 Consultation has taken place between the Justice Portfolio and Treasury officers.

statements and exhibits is not compatible with the standards and systems being developed by EDS for presentation within the courtroom. In any event, many of the recent witness statements, listening device and telephone intercept material has not yet been scanned and will need to comply with the technology requirements. In view of the large volume of material to be scanned, current estimates indicate that this cost will be in the vicinity of \$50,000.

3.40 Office consumables including lease of high speed photocopier, large volumes of photocopying materials and stationery are estimated to cost \$20,000 per annum.

Victim Support Services:

3.41 Victim Support Services have experienced an increase in referral rates from victims directly associated with this case and other previous murder case victims suffering traumatisation as a result of the heightened publicity. This demand for services during the committal proceedings and since committal has necessitated the engagement of one additional full time counsellor and one part time receptionist.

3.42 It is anticipated that the demand for these services will continue in the period leading up to the trial, during the trial proceedings and beyond the conclusion of the matter. The need for post-trial counselling could extend up to six months after finalisation of the case, either after acquittal or convictions and subsequent sentencing of the accused persons.

3.43 The Service has a caseload of twenty victims as a direct result of the Bodies in the Barrels Murders Case. The caseload fluctuates according to various milestones in the presentation of a case of this notoriety and the corresponding level of media attention. For example, in the lead-up to the trial, during the commencement of the trial and the presentation of various aspects of the evidence it can be anticipated that referrals from the public will increase considerably. A caseload of 20 victims represents a considerable increase in workload which justifies the resources sought. In the event that this caseload were to significantly increase at any stage, further resources may be necessary.

3.44 Additional volunteers for court companions provide essential support for professional staff and require ongoing recruitment and training.

3.45 It is estimated that funding of \$150,000 per annum be sought for one full-time counsellor, one part-time receptionist and volunteer costs until the end of the next financial year.

Courts Administration Authority:

3.46 Jurors are currently remunerated for jury service on the basis of reimbursement of monetary loss of earnings up to a maximum of \$100 per day. The average earnings of jurors who earn in excess of \$100 per day is in fact \$140 per day. Assuming that this trial were to proceed before a jury comprising fifteen persons, these jurors may be required to serve for a period up to or exceeding twelve months. Many jurors would no doubt suffer considerable financial loss. This fact alone would result in applications for

excusal on the grounds of financial hardship and preclusion from the jury selection process would render the ballot of jurors not to be representative of the broad cross-section of the community. The previous Cabinet Submission endorsed the adjustment of the daily fees payable to jurors.

3.47 A submission by the Policy & Legislation Section of the Attorney-General's Department for the reimbursement of juror's actual monetary loss in this case has been considered and approved by the Attorney-General.

3.48 On estimation of a cross-section of fifteen jurors presiding in this case, monetary loss could be about \$7,000 per week which could equate to \$400,000 for a full year.

3.49 In addition, cost of jury views, use of taxis for late sittings, accommodation during deliberation of jurors and other sundry expenses are estimated to cost up to an additional \$50,000.

3.50 It has been estimated that in excess of the Sheriff's current budget for juror's expenditure, that an additional \$250,000 will be required for the conduct of this trial over a twelve month period and \$375,000 over an eighteen month period.

3.51 An additional allocation of Sheriff's Officers will be required for the performance of Court Orderly duties within the Courtroom, for jury management, prisoner escorting duties within the dock and in the adjoining holding cells, control of witnesses, victims, members of the public, vulnerable witnesses and in victims of crime rooms.

3.52 The trial Judge has directed that the media annexe allocated for the use of journalists will be the Courtroom located in the Magistrates Court which was dedicated and set-up for use during the committal proceedings. The media annexe is linked with audio and visual facilities to the courtroom. As the media annexe is deemed to be an extension of the trial courtroom, the Judge has directed that a Sheriff's Officer be present on duty during all formal proceedings of the court.

3.53 As point-of-entry searching is currently in place at the Sir Samuel Way Building, there are no specific additional security requirements evident at this stage. A specific event or threat could alter the level of risk and may render additional resources being required.

3.54 The Sheriff's usual allocation for a trial of this nature would be 4.0 FTE's and it is estimated that an additional 2.5 FTE Sheriff's Officers at a cost of \$100,000 per annum will be required to support the conduct of this trial.

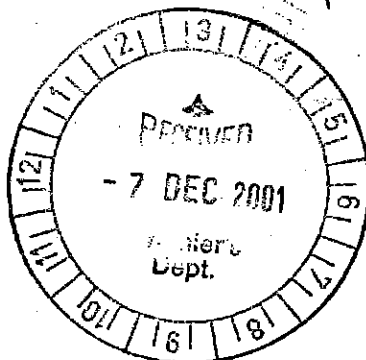
3.55 The DPP have indicated that 491 witnesses may be called to give evidence during the trial, although a small proportion of these may be agreed by the legal defence teams as not being required. Witnesses are entitled to be reimbursed monetary loss of earnings up to \$100 per day, travel by air or motor vehicle and accommodation where required if travelling from intrastate, interstate and overseas. Video conferencing will be utilised where possible to avoid extensive cost of travel and inconvenience. Witness costs are estimated to be approximately \$200,000 in excess of the Sheriff's usual allocation for witness fees.

4. RECOMMENDATIONS

It is recommended that Cabinet:

- 4.1 Note the issues associated with the Bodies in the Barrels Murders Case and particularly the changes as to the length of the committal and impending trial proceedings.
- 4.2 Approve the EDS proposal based on an eighteen month trial for the establishment of a High Technology Courtroom and authorise the Judicial Council of the Courts Administration Authority to enter into contractual arrangements exceeding \$1M with EDS.
- 4.3 Approve the proposal for the facilities upgrade to the criminal trial venue.
- 4.4 Approve the payment of fees to the legal defence teams at the rates agreed to enable adequate legal representation for the accused persons in the Bodies in the Barrels Murder Case, such aid to be administered by the Legal Services Commission.
- 4.5 Waive the payment of transcript costs by the Attorney-General's Department to the Courts Administration Authority and thereafter to Treasury and Finance as an exception in the Bodies in the Barrels Murders Case.
- 4.6 Approve total funding up to \$5.389M in 2001-2002 and up to \$5.898M in 2002-2003 for additional expenditure estimated to be incurred by agencies and legal teams associated with the Bodies in the Barrels Murders Case.
- 4.7 Note the significant level of uncertainty in the estimated costs and duration of these proceedings.
- 4.8 Note that any unexpended funds will be returned to Treasury and Finance.
- 4.9 Note the continuation of the existing processes for the approval of expenditure by the Attorney-General and the Treasurer, the expenditure line within the Attorney-General's Department for funds allocated by Treasury and the Attorney-General's Department as the agency to manage the funding and coordinate cross-agency issues which arise during the course of the trial proceedings.

Robert Lawson
 Robert Lawson MLC
 ATTORNEY-GENERAL
6 Dec 01



Return to Minister

ATTACHMENT 1.

EDS FUNDING PROPOSAL

Option 1 total 18 months	Period of billin	\$ per week ex	\$ per month excl	Total	
Design Phase	3 months	\$ 10,775.82	\$ 46,695.24	\$ 140,085.72	
Implementation phase	3 months	\$ 19,795.10	\$ 85,778.77	\$ 257,336.30	
Service delivery	12 months	\$ 34,154.67	\$ 148,003.58	\$ 1,776,042.96	
Hardware/Software	12 months	\$ 25,898.18	\$ 112,225.45	\$ 1,346,705.45	Lease over 12 months
Services	12 months	\$ 2,226.55	\$ 9,648.38	\$ 115,780.50	
Maintenance	12 months	\$ 1,228.79	\$ 5,324.75	\$ 63,897.00	
Support	12 months	\$ 3,873.61	\$ 16,785.65	\$ 201,427.75	
3rd party oncall	12 months	\$ 509.37	\$ 2,207.25	\$ 26,487.00	* as required
VIP oncall	12 months	\$ 418.18	\$ 1,812.11	\$ 21,745.26	* as required
TOTAL				\$2,173,464.98	
Option 2 total 24 months	Period of billin	\$ per week inc	\$ per month inci	Total	
Design Phase	3 months	\$ 10,775.82	\$ 46,695.24	\$ 140,085.72	
Implementation phase	3 months	\$ 19,795.10	\$ 85,778.77	\$ 257,336.30	
Service delivery	18 months	\$ 25,829.74	\$ 111,928.86	\$ 2,014,719.40	
Hardware/Software	18 months	\$ 17,573.25	\$ 76,150.73	\$ 1,370,713.14	Lease over 18 months
Services	18 months	\$ 2,226.55	\$ 9,648.38	\$ 173,670.75	
Maintenance	18 months	\$ 1,228.79	\$ 5,324.75	\$ 95,845.50	
Support	18 months	\$ 3,873.61	\$ 16,785.65	\$ 302,141.62	
3rd party oncall	18 months	\$ 509.37	\$ 2,207.25	\$ 39,730.50	
VIP oncall	18 months	\$ 418.18	\$ 1,812.11	\$ 32,617.89	
TOTAL				\$2,412,141.42	

ATTACHMENT 2.

SIR SAMUEL WAY COURT 3 UPGRADE
HIGH TECHNOLOGY COURT (HTC)

CONCEPT DESIGN ESTIMATE - REVISED

06-Sep-01

Description	Fitout Work	IT Work	Sub Total	Total
<u>COURTROOM 3</u>				
Generally	\$40,600	\$42,100	\$82,700	
Upgrade for Disabled	\$13,300	\$0	\$13,300	
Judge's Bench	\$0	\$4,000	\$4,000	
Associate's Bench	\$4,600	\$5,000	\$9,600	
Bar Tables	\$31,100	\$15,000	\$46,100	
Solicitors' Tables	\$2,800	\$6,000	\$8,800	
Sheriff	\$4,000	\$5,000	\$9,000	
Jury Box	\$33,000	\$2,500	\$35,500	
Dock	\$13,700	\$3,500	\$17,200	
Witness Box	\$0	\$2,500	\$2,500	
Existing Control Booth	\$0	\$10,000	\$10,000	
Equipment Rack	\$0	\$5,000	\$5,000	
Services & Assoc Builder's Work	\$47,000	\$120,000	\$167,000	
		\$190,100	\$220,600	\$410,700
<u>JURY DELIBERATION ROOM</u>				
Generally	\$53,600	\$10,000	\$10,000	
Services & Assoc Builder's Work	\$32,000	\$2,500	\$2,500	
		\$85,600	\$12,500	\$98,100
<u>VULNERABLE WITNESS CHAMBERS</u>				
<u>COURT REPORTING</u>				
Generally	\$0	\$3,000	\$3,000	
Services & Assoc Builder's Work	\$3,500	\$4,600	\$4,600	
		\$3,500	\$7,600	\$11,100
<u>MEDIA ANNEX</u>				
Generally	\$0	\$2,000	\$2,000	
Services & Assoc Builder's Work	\$0	\$6,000	\$6,000	
		\$0	\$8,000	\$8,000
<u>COMPUTER ROOM</u>				
Generally	\$0	\$10,000	\$10,000	
Services & Assoc Builder's Work	\$0	\$125,000	\$125,000	
		\$0	\$135,000	\$135,000
TOTAL - carry forward	\$279,200	\$383,700		\$662,900

SIR SAMUEL WAY COURT 3 UPGRADE
HIGH TECHNOLOGY COURT (HTC)

CONCEPT DESIGN ESTIMATE - REVISED

06-Sep-01

Description	Fitout Work	IT Work	Sub Total	Total
Total Building & Services Work - Brought Forward	\$279,200	\$383,700		\$662,900
Allowance for Access & Out of Hours work	\$25,000	\$25,000		\$50,000
Builder's Preliminaries and Management Fee	\$55,800	\$74,300		\$130,100
Design Development Allowance (approx 7.50%)	\$27,000	\$36,000		
Construction Contingency Allowance (approx 20%)	\$39,000	\$52,000		\$91,000
Escalation (approx 3% pa)	\$6,000	\$9,000		\$15,000
Sub Total	\$432,000	\$580,000		\$1,012,000
Professional Fees & Disbursements (approx 15%)	\$65,000	\$87,000		\$152,000
TOTAL	\$497,000	\$667,000		\$1,164,000

ATTACHMENT 3.
 COST ESTIMATES - LEGAL DEFENCE TEAMS.

BODIES IN THE BARRELS MURDERS CASE.

	WEEKLY RATE	TWELVE MONTH TRIAL (52 WEEKS)	EIGHTEEN MONTH TRIAL (78 WEEKS)
SENIOR COUNSEL	\$6,750	\$351,000	\$526,500
SOLICITOR ADVOCATE	6,000	312,000	468,000
SOLICITOR	5,000	260,000	390,000
DISBURSEMENTS/CONTINGENCIES		100,000	150,000
TOTAL (ONE TEAM)		\$1,023,000	\$1,534,500
TOTAL (THREE TEAMS)		\$3,069,000	\$4,603,500
PLUS WATCHING BRIEF-SOLICITOR ADVOCATE FOR VLASSAKIS		100,000	150,000
TOTAL:		\$3,169,000	4,753,500

ATTACHMENT 4.

Operation Chart Estimated Costings 2001/02 - 2002/03

	2001/2002	2002/2003
Wages	\$ 475,000	\$ 488,000
Overtime	\$ 6,000	\$ 6,000
Penalties	\$ 90,000	\$ 90,000
IT Infrastructure		
Office Consumables	\$ 15,000	\$ 15,000
Tapes	\$ 3,000	\$ 3,000
Technical Services	\$ 3,000	\$ 3,000
Office Accom	\$ 68,000	\$ 68,000
Phones	\$ 2,000	\$ 2,000
Travel	\$ 5,000	\$ 5,000
Car Parks	\$ 3,000	\$ 3,000
	<u>\$ 670,000</u>	<u>\$ 683,000</u>

- * Wages (2001/02) are based upon 12 probationary officers, exclusive of penalties & overtime
- * Wages (2002/03) are based upon 12 Level 1 Constables, exclusive of penalties and overtime.
- * Penalties based on rank of officers attached to the Operation.
- * Overtime based upon actual of past financial year.
- * Office Consumable based upon usage over the past financial year.
- * Tapes and Technical Services based on estimated usage.
- * Office Accommodation based on actual costs for Wright Street Location.
- * Phone costs based on actual usage from the previous year.
- * Travel costs based upon actual costs from previous year.
- * Car Parks based upon actual costs from the previous financial year.
- * No estimates have been made relating to ASO Admin Officer

**PROSECUTION TEAM
FUNDING REQUIREMENTS**

NAME	CLASS	ANNUAL COST EACH FTE
Law Clerk	ASO3	47,034
Prosecutor	LEC4	89,666
Law Clerk	ASO3	47,034
Senior Prosecutor	LEC5	106,002
Witness Assistance	PSO2	31,766
Senior Prosecutor	LEC5	109,796
Senior Prosecutor	LEC5	106,002
TOTAL		\$ 537,300.17

ATTACHMENT 6.

BODIES IN THE BARRELS SUMMARY REPORT AS AT 7 SEPTEMBER 2001

FUNDING	1999/2000	2000/2001	2001/2002	Total
	\$	\$		\$
Approved Funding	994,000	6,364,000		7,358,000
Expenditure				
Management of Case- Attorney General's		78,180	15,485	93,665
Courts Administration Authority		197,113	-	197,113
Victim Support Service -Payments		37,518	6,055	43,572
Forensic Science			17,873	17,873
Group4 Correction Services			13,219	13,219
DPP (refer attached schedule for further information)	248,150	419,039	63,748	730,937
SAPOL	130,772	795,357	-	926,129
Crown Solicitor's Office- Haydon vs Chivell	3,930	-	-	3,930
Legal Services-Wagner		739,594	129,416	869,010
Legal Services-Bunting		719,764	143,598	863,362
Legal Services-Vlasskis		518,634	119,559	638,193
Legal Services-Haydon		449,409	125,931	575,340
Total Expenditure	382,852	3,954,607	634,884	4,972,343
BALANCE OF FUNDS	\$ 611,148	\$ 2,409,393	(\$634,884)	\$ 2,385,657

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ATTACHMENT 7.
ESTIMATED FUNDING REQUIREMENTS BY AGENCY:

BODIES IN THE BARRELS MURDERS CASE.

	2001-2002 (\$'000)	2002-2003 (\$'000)	TOTAL (\$'000)
COURTS ADMINISTRATION AUTHORITY			
· HIGH TECHNOLOGY COURT	1,838	484	2,322
· FACILITIES UPGRADE FOR TRIAL VENUE	1,164		1,164
· JURORS COSTS	100	250	350
· SHERIFF'S OFFICERS	34	100	134
· WITNESS FEES	50	150	200
· MEDIA CONSULTANT	17	50	67
· ADMIN ASSISTANT	12	35	47
· PROJECT MANAGER	27	80	107
SUB TOTAL	3,242	1,149	4,391
LEGAL SERVICES COMMISSION	1,060	3,169	4,229
SA POLICE	695	708	1,403
DIRECTOR OF PUBLIC PROSECUTIONS	287	607	894
VICTIM SUPPORT SERVICES	50	150	200
DEPT. FOR CORRECTIONAL SERVICES	25	25	50
ATTORNEY-GENERAL'S DEPARTMENT	30	90	120
TOTAL:	5,389	5,898	11,287