



Victims of Crime Bureau

Victims Services

ABN 64 782 244 502

NSW Attorney General's Department
Levels 4-6, 299 Elizabeth Street, Sydney NSW 2000

Tel No: 9374 3048

Fax No: 9374 3160

Subpoena No: 2714

Enquiries

phone: 9374 3111
toll free: 1800 069 054
TTY: 9374 3175
fax: 9374 3120
vct@agd.nsw.gov.au

Brock Partners
Solicitors
DX 172 SYDNEY

Attention: Kevin Rodgers

BY FAX: 99299 7151

23/5/2003

23 May, 2003

26-05-2003

Dear Sir Madam,

Regina -v- Roseanne Catt

We acknowledge receipt on 21 May 2003 of your subpoena to produce documents in these proceedings in the District Court.

Ordinarily the Tribunal would advise that pursuant to s.84 of the *Victim Support and Rehabilitation Act 1996* (the Act), there is nothing to produce. However, if pressed, the Subpoena would be opposed. The basis of this opposition is that the Subpoena seeks documents that are prohibited from production pursuant to s.84 (2) of the *Victims Support and Rehabilitation Act 1996*. We would also refer you to the decision of *R -v- Kremmer (2000)* NSWCCA 529.

In accordance with the provisions, outlined above any material contained by Victims Services concerning your proceedings would be inadmissible (in the first instance) in those proceedings.

However, we have examined the nature of these proceedings and note that they are not essentially criminal proceedings, but rather an Inquiry (convened at the recommendation of either the Supreme Court of NSW or the Governor) under section 474F of the *Crimes Act 1900*. Having examined that section, and Part 13A of that Act in general, it is clear that such inquiries are not criminal proceedings, but rather proceedings to acquit or reduce culpability. (Section 474H (2) (a) and (b) clearly demonstrate this).

For these reasons, we are of the view that section 84 of the Act, should not apply, and by releasing the information requested in your subpoena, the Registrar is not in breach of that section. In addition, we believe that there are public interest grounds (due to the nature of 474 inquiries) and that much material relating to your client and her case, is already in the public domain.

The material produced in response to this subpoena is to be utilised only for the purposes of this inquiry, and not to be used in connection or conjunction with any subsequent criminal charges or proceedings that might arise in the future either as a result of this inquiry, or further investigations, in relation to any person(s) named in the material herein produced.

Compensation & Counselling Applications

level 4
fax: 9374 3120

Restitution, Subpoenas & Appeals

level 5
fax: 9374 3160

Administration & Accounts

level 6
fax: 9374 3040

Victims of Crime Bureau

level 6
phone: 9374 3005
fax: 9374 3020
vcb@agd.nsw.gov.au

Victim Support Line

phone: 9374 3000
toll free: 1800 633 063
TTY: 9374 3175

Websites

Victims Services:
www.lawlink.nsw.gov.au/vs

general information:
www.lawlink.nsw.gov.au/vo

Postal

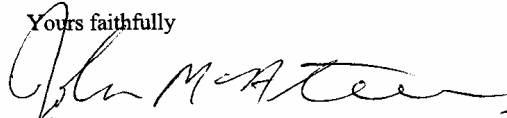
Locked Bag A5010
Sydney South NSW 1235
or
DX 11536 Sydney Downtown

Doc 2715

In respect to your advice re: conduct monies, the Registrar requests the sum of \$40.00 as reasonable conduct money required in order to comply with this subpoena.

Please telephone the writer if you have any queries, and advise the Court and the Crown of the Tribunal's position as outlined above.

Yours faithfully



John McAteer
Solicitor