

### 4.3.4 ATTORNEY GENERAL AND MINISTER FOR INDUSTRIAL RELATIONS

#### OVERVIEW

Agency	Forecast 1995-96	Estimate 1996-97	Variation
	\$m	\$m	%
<b>Attorney General's Department</b>			
Current Payments .....	328.4	323.2	(-) 1.6
Capital Payments .....	69.1	17.5	(-) 74.7
<b>Judicial Commission</b>			
Current Payments .....	2.5	2.4	(-) 4.0
Capital Payments .....	0.2	0.1	(-) 50.0
<b>Legal Aid Commission</b>			
Current Payments .....	81.7	85.1	4.2
Capital Payments .....	3.5	2.2	(-) 37.1
<b>Office of the Director of Public Prosecutions</b>			
Current Payments .....	36.5	39.6	8.5
Capital Payments .....	0.4	1.7	325.0
<b>Department of Industrial Relations</b>			
Current Payments .....	20.5	20.9	1.9
Capital Payments .....	0.2	0.6	211.5
<b>Total, Attorney General and Minister for Industrial Relations .....</b>	<b>543.0</b>	<b>493.3</b>	<b>(-) 9.2</b>

The decline in total payments for this portfolio between 1995-96 and 1996-97 is principally due to the accounting treatment of the John Maddison Tower, which houses the District Court (Civil Jurisdiction), the Compensation Court and the Dust Diseases Board. The building was constructed and financed by the private sector following arrangements agreed to by the former Government. The building is leased back by the Attorney General's Department for a minimum period of twenty five years.

Initially the transaction was considered an "operating" lease. Following advice from the Auditor General in November 1995, the transaction was classified as a "financing" lease. This meant that the leased asset, valued at some \$52 million, had to be reflected as a capital payment in 1995-96, thus increasing the payments total for that year.

The increase in current payments for the Legal Aid Commission reflects increased funding provided for public defenders, community legal centres, the Aboriginal Women's Legal Advisory Service, and the transfer from the Department of Women of expenditure on the court support scheme for women.

## **ATTORNEY GENERAL'S DEPARTMENT**

The purpose of the Department is to provide an equitable and just legal system.

The Attorney General's Department provides the legal and administrative framework to facilitate the conduct of the Attorney General's role as the first Law Officer of the Crown, as well as providing the services to support the Attorney's legislative and advisory responsibilities to Parliament and Cabinet. The Department is also responsible for courts administration and the operation of the Community Justice Centre Scheme.

### **Expenditure Trends and Recent Developments**

The Attorney General's Department has undergone several structural changes over the past five years with an increase in responsibilities and a corresponding increase in expenditure.

The Department has seen the establishment of many cost centres e.g. Juvenile Crime Prevention Division, Professional Standards Council, Building Industry Task Force, Aboriginal Justice Advisory Committee, Debt Recovery Office, Legal Representation Office, Legal Management Services and the Office of the Legal Services Commissioner.

The Attorney General's Department and the Department of Courts Administration were merged in April 1995, resulting in increased responsibility for the former Attorney General's Department, and requiring a review of structures, processes, strategic direction and planning.

Responsibility for the Office of the Protective Commissioner and Public Guardian was transferred to the Department from the Public Trustee in 1995. The Building Industry Task Force ceased operation from 30 June 1995 and responsibility for the Conveyancers Licensing Committee and Probation Services was transferred to other Government agencies in 1995.

There have been several other changes within the Department affecting expenditure. The Crown Solicitor's Office commenced a process of commercialisation in 1993, resulting in a changed funding basis. The funds paid to victims of crime have significantly increased over time due in part to the community's increased awareness of these benefits.

The commercialisation of the Crown Solicitor's Office will be completed by 30 June 1996. The Office has demonstrated that it will be able to operate successfully on a commercial basis. Funding was redistributed to relevant Budget Sector agencies to meet the cost of general legal work performed by the Crown Solicitor's Office. It continues to receive funding for core legal work performed on behalf of the Government. The Office will be moving to new premises in the first quarter of 1996-97. This will provide improved facilities and ensure that clients receive the highest standard of service.

The Legal Representation Office provides representation to persons who may be called upon to give evidence before the Royal Commission into the Police Service. The Office continues to operate in conjunction with the Royal Commission and will continue to do so until such time as the Royal Commission completes its terms of reference.

The District Court completed and distributed a Strategic Plan. The Plan outlines time standards for all cases and reorganising of the Court's workload, including a reduction in its vacation periods. The Plan recognises the commitment to ensuring client satisfaction in all areas within the Court.

Central to the implementation of improved service delivery to the community, has been an increased focus on alternate dispute resolution, including arbitration, mediation and pre-trial case management techniques. By optimising the resolution of disputes by these means, the judiciary is able to concentrate on cases which require a full judicial determination.

Over the past year all jurisdictions have concentrated on successfully reducing delays. The reduction has been achieved through the appointment of acting judges and magistrates and the establishment of Differential Case Management, Active Case Management and alternate arbitration programs.

The Community Justice Centres extended their operations into several country centres and continued to operate Community Youth Conferencing as an alternative to the justice system for appropriate juvenile offenders. As a result of additional funding in 1995-96, Community Justice Centres have also developed a family mediation program to provide an enhanced response to domestic violence in conjunction with local courts.

Following the merger of the Attorney General's Department and the Department of Courts Administration a revised Information Technology Strategic Plan is being prepared, taking into consideration the new Departmental structure. Significant projects include the development of a workflow automation system for the Victims Compensation Tribunal; continuing development of the Judicial Support System, the Electronic Data Interchange project between justice agencies and the installation of a new Financial Management System. In addition, the Case Management System strategy is being reviewed.

Major refurbishment work has been undertaken at a number of court houses including Goulburn and Wagga Wagga. In addition there has been an ongoing process of replacing and installing air conditioning in various court houses throughout the State.

Construction and upgrading of court houses has been undertaken at Tamworth and Lismore.

### **Strategic Directions**

The Attorney General's Department has embarked on a process of regionalisation within the courts administration areas, in particular Local Courts and the Sheriff's Office. Regionalisation will result in the devolution of responsibility to regional managers and increased local autonomy to make decisions based on strategic and local information.

A quality review program has commenced in the Department. The program will assist the Department in identifying those tasks which are time consuming and resource intensive and then enable innovative alternatives to be developed. A phased approach is being implemented, focusing initially on the courts administration areas, receiving input from all levels of staff. The completed self-assessment phase has provided the Department with a preliminary assessment of the existing management systems against established guidelines and a basis for the development of an action plan to address the issues raised.

## **1996-97 Budget**

### **Current Payments**

The Department will continue to improve processes resulting from the restructure in 1995 and will manage change issues that have occurred. Administrative functions will also continue to be devolved to cost centres, assisting them to run as autonomously as possible.

The focus of recent years on reducing case delays and backlogs whilst maintaining the community's access to the justice system will be enhanced.

Funding has been provided to appoint, on a temporary basis, 3 acting judges to the Supreme Court, enabling a reduction of the existing backlog in the Common Law and Court of Appeal (\$2.3 million over the next two years); and for three acting magistrates and additional support staff for Local Courts to assist in the reduction of delays in special fixtures committal matters (\$0.6 million in 1996-97). The Department has achieved savings in the Supreme Court allowing the funding of an additional judge.

Variable vacations will be introduced into the District Court (Civil Jurisdiction) on a trial basis, to enable a reduction in current backlogs. Funding of \$0.9 million has been provided in 1996-97 and 1997-98 for this trial. Acting judges will be employed allowing the Court to reduce its vacation period by 6 weeks through elimination of the July vacation and reduction in the summer vacation.

The role of the Juvenile Crime Prevention Division will be expanded (with additional funding of \$0.2 million per annum) to encompass crime prevention policy generally and to undertake the secretariat role to the Council on Crime Prevention which is chaired by the Premier. The Unit will be known as the Crime Prevention Division.

The Attorney General's Department has prepared for consideration by Parliament Privacy and Data Protection legislation. The legislation will impact significantly on the structure and functions of the Privacy Committee.

The Law Reform Commission is undertaking a review of the Anti-Discrimination Act 1977. This comprehensive review is the first time that the Act has been reviewed as a whole; all previous reviews were undertaken on individual parts of the legislation. The terms of reference for the review are to determine whether the definition of discrimination is still current, whether the existing grounds for exemption are still relevant and whether the current enforcement procedures are still appropriate.

The Attorney General has introduced legislation into Parliament to implement a package of reforms to the victims' compensation scheme so as to ensure that the genuine needs of victims are met at a reasonable cost to the community.

The package places a strong emphasis on counselling support services through the establishment of a Victims of Crime Bureau within the Attorney General's Department at an estimated cost of \$0.6 million per annum. The Bureau will provide support and referral services to victims of crime and co-ordinate the delivery of victims' support and counselling services by Government and community agencies.

This package also includes enactment of a statutory charter of rights for victims of crime so as to ensure a recognised position for victims within the criminal justice system.

The Department will also continue to implement information technology infrastructure (personal computers, networks and communications) to court houses; the migration of the existing COURTNET applications from Prime to Unix; the migration of the Sheriff's Office Jury Roll system from a mainframe system to Unix; and the installation of a new Human Resource Management system.

### **Capital Payments**

The Attorney General's Department capital program provides for the construction of new court houses, expansion/modification of existing court houses, development of major computing facilities, and the purchase/replacement of plant and equipment.

The major components of the 1996-97 capital program of \$17.5 million are -

- the continued implementation of the Joint Criminal Justice Agencies Electronic Interchange Project (\$0.4 million);
- the continuing replacement/installation of air-conditioning in Court Houses throughout the State (\$1.4 million);
- the continued implementation of the Judicial Support computer system in the Supreme and District Courts (\$1.0 million);

- the relocation of the Land and Environment Court to Windeyer Chambers, Macquarie Street, Sydney (\$2.3 million);
- construction of a Children's Court at Campbelltown (\$1.2 million);
- construction of a Court House at Toronto (\$0.7 million);
- the undertaking of remedial maintenance of various court premises, initially in the Sydney, Newcastle and Wollongong areas (\$1.5 million);
- the installation of closed-circuit television systems in courts in major locations across the State (\$1.1 million); and
- a minor works allocation covering minor office refurbishment, equipment replacement, installation of computers, improvement of communication networks, minor structural changes and improvements, and continuation of planning of major capital works for future programs (\$7.7 million).

## **JUDICIAL COMMISSION**

The Commission is principally concerned with the provision of assistance to the courts in order to achieve consistency in imposing sentences, the organisation and supervision of an appropriate scheme of continuing education and training of judicial officers, and the examination of complaints concerning the ability or behaviour of judicial officers.

### **Expenditure Trends and Recent Developments**

The Commission has completed the re-engineering of the Sentencing Information System (SIS) utilising Internet technology. The new SIS is based on a micro-computer platform instead of a proprietary mini-computer which offers significant operational efficiencies. The SIS also features a windows "point and click" environment which offers judicial officers greater ease of use and enhanced productivity.

Special funding has been provided to the Commission to enable its involvement with a three year research project arising out of a White Paper on Juvenile Justice. The project team has been involved in monitoring of data collection and undertaking preliminary analysis of new data coming from the Children's Court in relation to Aboriginality and ethnic background.

The coding of the New South Wales legislation for the special project to provide a uniform set of law codes to enhance the exchange of electronic data between criminal justice agencies is almost complete. Some data has been delivered to the Police Service for compatibility testing on the COPS computer system. With the completion of the database at the end of June 1996, the project will move to the next step of database maintenance which requires less staff.

### **Strategic Directions**

To ensure the most efficient use of judicial resources, the Commission continues to expand and enhance the services provided to judicial officers and the courts through the provision of information services, continuing education, and computer training.

### **1996-97 Budget**

### **Current Payments**

The Commission will continue to enhance the useability of the computerised Sentencing Information System (SIS) during 1996-97. Eleven Judges of the Industrial Court and eleven Commissioners of the Industrial Commission were connected to the system during the 1995-96 financial period. Connections to the SIS are now available from most courts across the State.

An amount of \$2.4 million has been provided for the operation of the Commission during 1996-97. Improved delivery methods will allow more services within the budget of the Commission.

### **Capital Payments**

An amount of \$50,000 provides for the ongoing plant and equipment needs of the Commission and the upgrade of personal computers used by the judiciary.

### **LEGAL AID COMMISSION**

The Legal Aid Commission assists disadvantaged people to understand, protect and enforce their legal rights and interests by promoting access to the legal system and encouraging the use of appropriate alternative dispute resolution.

The Commission is incurring increased costs as a direct result of a significant increase in retrials and expensive cases (i.e. those costing in excess of \$100,000) in the Criminal Law area and an increase in separate representation of children in defended custody and access matters within the Family Law program. Family law representation orders have also increased expenditure.

### **Strategic Directions**

The Commission is promoting increased use of alternative dispute resolution systems as an alternative to the court system to resolve family and civil law disputes between parties.

### **1996-97 Budget**

#### **Current Payments**

The Commission's estimated current payments will amount to \$85.1 million in 1996-97 compared with \$81.7 million in 1995-96. Expenditure on the court support scheme for women previously funded through the Department for Women will now be part of the Commission's funding (\$1.29 million in 1996-97).

There will be increased funding provided for public defenders, community legal centres and the Aboriginal Women's Legal Advisory Service during 1996-97.

Legal Services in the Family Law and Civil Law jurisdictions and in the Commission's telephone advice service will be enhanced through the application of additional funding provided under the former Commonwealth Government's "Justice Statement" initiative.

Services in the North Coast region of the State will also be greatly enhanced with the opening of a new regional office at Coffs Harbour. In addition to regular regional office services, the new office will specifically target the needs of clients in remote locations, will provide access for Aboriginal communities in the area (including an outreach service to Kempsey) and will service the Family Court which now has regular circuit sittings at Coffs Harbour. The office will also provide an alternative dispute resolution service in Family and Civil Law matters.

### **Capital Payments**

Capital expenditure in 1996-97 will be \$2.2 million enabling the continued upgrade and replacement of computer systems.

## **OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS**

The Office of the Director of Public Prosecutions is responsible for the prosecution of indictable criminal matters and the conduct of appeals in the Local, District, Supreme and High Courts.

### **Expenditure Trends and Recent Developments**

Over the past five years, the Office has been relatively stable in operations. The Office continues to increase its productivity in conducting criminal proceedings so as to reduce backlogs in the District Courts. It has also expanded the Witness Assistance Service to country regions.

### **Strategic Directions**

The Office will continue to improve the services it provides to witnesses and victims of crime by expanding the Witness Assistance Service when funds are available.

The Office will continue to participate in the development of proposals to improve the way committal proceedings are conducted in New South Wales. It will also continue its involvement in efforts to improve procedures for dealing with appeals lodged in the District Court. Both these initiatives have the potential to reduce the cost of the criminal justice system.

### **1996-97 Budget**

#### **Current Payments**

An amount of \$39.6 million has been provided to the Office in 1996-97 to continue its work. This amount includes enhancement funding of \$700,000 to assist the Special Crimes Unit of the Office in undertaking additional work generated by the Royal Commission into the New South Wales Police Service.

The Office will also undertake a pilot for the conduct of summary prosecutions during the first half of 1996-97. The pilot will be evaluated and the results used to assist in determining how summary prosecutions will be undertaken in the future.

#### **Capital Payments**

In 1996-97, \$953,000 has been allocated to the Office to upgrade the CASES computer system. The CASES system provides case tracking, practice management and research capabilities and assists in the reduction of court delays by contributing to more effective and efficient preparation of prosecution cases.

An allocation of \$750,000 has also been provided for ongoing plant and equipment replacement, and the fitout of accommodation at various country locations.

## **DEPARTMENT OF INDUSTRIAL RELATIONS**

The Department of Industrial Relations works with employers, employees and their representatives to facilitate equitable, innovative and productive workplace relations. The Department also provides arbitration services in the settlement of industrial disputes and conciliation committees for the hearing of appeals against promotion and disciplinary decisions in the public sector.

In 1996-97 the Department has been allocated an additional \$500,000 towards costs involved with implementing the new industrial relations legislation. These funds will be used to advertise and promote the changes, and to employ temporary award enquiry staff.

In concert with the new legislation, a number of other strategies are being progressed -

- **Women's Equity Bureau**

The Bureau, established late last year, will provide essential services and support to reforms enunciated in the new IR legislation, namely pay equity, the removal of discrimination from awards and agreements and encouraging the adoption of flexible work practices.

- **Establishment of Workplace Change NSW Unit**

The Workplace Change NSW initiative is the cornerstone of the Government's objective of reforming enterprises in New South Wales and achieving sustainable equitable productivity improvements in the workplace to close the gap with overseas competitors. The Workplace Change NSW unit will provide proactive services to industries and enterprises by way of customised workplace change strategies, assisting clients with access to services provided by the Department and other Government agencies, undertaking research, and the evaluation and promotion of leading edge workplace change initiatives.

- **Change Program**

The Department is undertaking a change program to refocus its customer services to better meet client needs and to complement the Workplace Change NSW initiative.

A complementary strategy in the refocussing of the Department's role is to ensure effective availability of information from the Department's databases to both its staff and to clients. As part of the \$623,000 allocation from the Capital Program, the Department is implementing new remote access computer technology which will enable field staff to access up-to-date award, complaints and workplace change information on-site in clients' premises (\$383,000).