

ATTORNEY GENERAL AND MINISTER FOR THE ENVIRONMENT

OVERVIEW

<i>Agency</i>	<i>Budget 2004-05 \$m</i>	<i>Budget 2005-06 \$m</i>	<i>Variation %</i>
Attorney General's Department			
Total Expenses	554.2	604.9	9.1
Capital Expenditure	82.9	95.4	15.1
Judicial Commission of New South Wales			
Total Expenses	4.3	4.8	11.7
Capital Expenditure .....	....	0.2	n.a.
Legal Aid Commission of New South Wales			
Total Expenses	145.1	155.5	7.2
Capital Expenditure	4.9	5.3	9.3
Office of the Director of Public Prosecutions			
Total Expenses	81.9	92.4	12.9
Capital Expenditure	1.2	4.5	265.1
Department of Environment and Conservation			
Total Expenses	453.0	506.6	11.8
Capital Expenditure	27.9	43.8	57.0
Environmental Trust			
Total Expenses	25.0	30.8	23.2
Capital Expenditure .....	...	...	...
Royal Botanic Gardens and Domain Trust			
Total Expenses	30.9	31.3	1.3
Capital Expenditure	3.6	4.2	16.7
Public Trustee NSW			
Total Expenses	28.5	30.8	8.3
Capital Expenditure	3.2	3.2	...
Registry of Births, Deaths and Marriages			
Total Expenses	16.7	20.3	21.6
Capital Expenditure	3.0	6.0	100.0

<i>Agency</i>	<i>Budget 2004-05 \$m</i>	<i>Budget 2005-06 \$m</i>	<i>Variation %</i>
Stormwater Trust			
Total Expenses	0.9	1.0	2.2
Capital Expenditure .....	...	...	...
Waste Fund			
Total Expenses	28.9	30.4	5.2
Capital Expenditure .....	...	...	...
Total, Attorney General and Minister for the Environment			
Total Expenses	1,369.4	1,508.8	10.2
Capital Expenditure	126.7	162.6	28.3

ATTORNEY GENERAL'S DEPARTMENT

The Attorney General's Department has a crucial role in justice, human rights and community safety. The Department aims to resolve civil disputes and criminal matters and co-ordinate legal services for New South Wales. The Department supports the Attorney General as the first Law Officer of the Crown in the development of legislation and provision of information to Parliament.

Services include the provision of courts and tribunals, legal and professional services, alternative dispute resolution, criminal diversion and crime prevention programs, and counselling for the victims of violent crime.

EXPENDITURE TRENDS AND RECENT DEVELOPMENTS

The Department has concentrated on improved court operations, criminal diversion programs, equitable access to services and improved business processes.

Key achievements in 2004-05 included:

- ◆ announcement of the Parramatta Justice precinct. The precinct will include six specialist Children's Courts, eight criminal trial courts and consolidated offices with about 800 staff to be relocated from the Sydney CBD. The precinct is expected to operate from 2008;
- ◆ the implementation of new court security as part of an election commitment. Sixteen courts have full time perimeter security including security scanning, walk-through magnetometers and X-ray screening for baggage;

- ◆ increased usage of video-conferencing equipment with bail video appearances now averaging 1,500 per month. Reductions in the movements of prisoners on remand from correctional centres to courts results in estimated savings of \$3 million per annum for the Department of Corrective Services;
- ◆ release of the Aboriginal Justice plan in January 2005 to address the over-representation of Aboriginal people in the justice system;
- ◆ undertaking Aboriginal justice programs including the establishment of an Aboriginal Child Sexual Assault Taskforce, intensive court supervision, increased availability of community justice centres, and implementation of crime prevention initiatives such as Aboriginal community night patrols in La Perouse, Coonamble, Gulargambone, Bourke, Bowraville, Brewarrina and Walgett;
- ◆ expansion of circle sentencing courts as an alternative for adult Aboriginal defendants. These courts are held in a community setting with a Magistrate and Aboriginal community representatives. Circle Sentencing Courts are at Nowra, Dubbo, Brewarrina and Walgett. Circle Sentencing has reduced recidivism with 96 percent of the 92 participants not re-offending;
- ◆ introduction of a rural diversion program to provide adult defendants with alcohol abuse problems with the opportunity for rehabilitation as part of the bail process. The program is based on the successful Magistrates Early Referral Into Treatment program to make treatment available for illicit drug users who are adult defendants eligible for bail;
- ◆ reduction of red tape and simplified procedures for the management of criminal matters with over 700 forms reduced to less than 100;
- ◆ transfer of local payroll processing from the Office of the Protective Commissioner and the Public Guardian to the centralised Corporate Human Resources payroll system with plans for the further development of Shared Services;
- ◆ merger of the Local Court with the Office of the Sheriff to increase the efficiency of operations;
- ◆ survey of staff to develop workforce strategies; and
- ◆ update of the Land and Environment Court website to improve access to information and make online lodgements easier.

STRATEGIC DIRECTIONS

The Department supports the Government's priority of a safe, just and harmonious society, and focuses on:

- ◆ access to effective justice;
- ◆ protection of rights and promotion of responsibilities; and
- ◆ community safety.

Key priorities of the Department include:

- ◆ continued development of courts, tribunals and legal processes to resolve civil disputes and criminal matters. This includes improvements in security, timelines and cost effectiveness through the further development of business processes and systems;
- ◆ preparation of a civil procedures bill to rationalise and simplify civil court rules resulting in common procedures for the Supreme, District and Local Courts. It is anticipated that this will increase efficiency, improve staff training and development opportunities, and reduce court delays;
- ◆ introduce criminal case processing reforms for indictable matters in the Local Court to encourage timely pleas of guilty and save trial time and justice resources;
- ◆ develop service delivery channels to improve access to information and services and increase efficiency. This will include a review of face-to-face, online, telephone and video conferencing services and Government Access Centres;
- ◆ continue to develop services and staff responsiveness to disadvantaged groups to ensure equality;
- ◆ address the over-representation of Aboriginal people in legal processes, particularly through mediation and diversionary programs and the further extension of Circle Sentencing Courts to Bourke, Lismore, Kempsey, Armidale and Western Sydney;
- ◆ improve the court procedures for the victims of sexual assault including closed circuit television, video link or segregated seating, audiovisual recording of complainant's evidence and new processes to protect complainants from unfair processes;

- ◆ increased collaboration with justice sector agencies including the development of a Justice sector Results and Services Plan and expansion of *LawAccess* information services;
- ◆ improved leadership skills, increased training opportunities, more flexible work arrangements and enhanced recruitment procedures that improve workplace behaviour, increase the number of young people, encourage more women into senior roles, and lift the overall performance of the Department; and
- ◆ improved performance measurement and reporting including more consistent national indicators for courts.

2005-06 BUDGET

Total Expenses

In 2005-06 total expenses of the Attorney General's Department are estimated to be \$604.9 million, an increase of \$50.7 million on the Department's 2004-05 Budget. This increase is mainly attributable to refurbishment costs of the Law Courts building, operating costs of the Tirkandi Inaburra Cultural and Development Centre, and salaries of Statutory Office holders.

In recognition of the increasing workload of the Crown Solicitor's Office, additional funding of \$3.9 million per annum has been provided. The Office provides the most cost effective legal services to Government through its fee structure and negotiation power to reduce legal representation costs.

The Public Trust Office has been allocated an additional \$0.7 million per annum to ensure the Office is better equipped to meet its Community Service Obligations.

Additional funding of \$0.2 million per annum has been provided for the Office of the Public Guardian to allow the Office to better respond to external stakeholder expectations and demands, and achieve more acceptable outcomes for people under guardianship.

The Office of the Sheriff will receive a further \$0.5 million per annum to continue the upgrade of court security through the employment of additional sheriff's officers.

Capital Expenditure

The Department's capital expenditure provides for the construction of new courthouses, expansion and modification of existing courthouses, upgrade of information technology infrastructure, and the purchase and replacement of plant and equipment.

Funding of \$95.4 million has been provided in 2005-06 for several projects including:

- ◆ implementation of the strategic court upgrade program. The 2005-06 allocation of \$7 million is for improvement works at 30 courthouses including continued works to improve prisoner holding facilities at Bathurst, Central, Moss Vale, Goulburn and Penrith Local Courts, upgrade of electronic security at the Downing Centre, and cyclic maintenance at 15 regional court facilities;
- ◆ the construction of major new court facilities at:
 - Bankstown – demolition of the existing police/court facility and construction of a four-court complex. Construction commenced in June 2004 with completion due in April 2006 (ETC \$21.2 million, \$8.6 million in 2005-06);
 - Hunter Children's Court – the demolition of the existing facility and construction of a new specialised children's court complex, providing appropriate facilities and technology to adequately deal with children's matters. The new complex is due for completion in April 2006 (ETC \$9.4 million, \$3.9 million in 2005-06);
 - Blacktown – an additional Local Court room is being constructed within the existing complex. Construction commenced in September 2004 with completion due in December 2005 (ETC \$4.4 million, \$0.6 million in 2005-06); and
 - Nowra – an extension of the existing courthouse will provide a new criminal court facility to complement the existing Local Court. Construction is to commence in May 2005 with completion due in mid to late 2006 (ETC \$6.1 million, \$3.7 million 2005-06);
- ◆ Mount Druitt – construction of a new court complex to include two courtrooms, a call over court, four cells, and associated functional areas for the judiciary, staff and the public. Construction began in December 2004 with completion due in January 2006 (ETC \$11.5 million, \$5 million in 2005-06);

- ◆ the completion of perimeter security installations at a number of priority court complexes including the Downing Centre, Central, Sutherland, Burwood, Liverpool, Penrith, Campbelltown, Newcastle, and Goulburn Courthouses (ETC \$8.1 million, \$2.4 million in 2005-06);
- ◆ a continuing program to achieve compliance with a number of building and facility related codes including those relating to Occupational Health and Safety, fire safety, security and access (\$7.5 million in 2005-06);
- ◆ continued development and implementation of Courtlink, the new web-based case management system for which \$7.3 million has been allocated in 2005-06. CourtLink will provide seamless access to the Supreme, District and Local Courts together with the Coroner's, Drug and Children's Courts as well as the Sheriff's Office. The centralised database structure of the software will mean that matters can be easily transferred between courts and locations. The estimated total cost of this phase of the project is \$21 million;
- ◆ the second phase of the Cross Justice Agency Video Conferencing project which will extend the sector video conferencing network to another 30 installations in courts, Legal Aid offices and corrections facilities in rural and regional centres. The project will also rationalise the existing video conferencing infrastructure to provide more flexible facilities that will operate at a lower cost. The estimated total capital cost is \$9.3 million over three years, with \$2.8 million allocated in 2005-06. The project is aiming to increase the number of video conferencing sessions in the New South Wales justice sector to 30,000 per annum by 2010;
- ◆ continuation of the program to enhance the Department's information technology infrastructure (network, services, web portal access, disaster recovery facilities, etc) to meet growing demand for electronic services (ETC \$11.4 million, \$0.6 million in 2005-06);
- ◆ ongoing cyclic upgrade/replacement of the Department's desktop, laptop, and printer equipment. The allocation for 2005-06 is \$6.7 million;
- ◆ construction will be completed on the Tirkandi Inaburra Cultural and Development Centre, the first community-controlled residential outstation for Aboriginal young people at risk of contact with the criminal justice system. The Centre will provide culturally-based educational, vocational and life skills programs for Aboriginal boys, preventing future contact with the criminal justice system through improving their health, learning outcomes, cultural identity and sense of responsibility (ETC \$4 million, \$0.6 million in 2005-06); and

- ◆ the Parramatta justice precinct, which is a major Government development. The initiative will enhance delivery of justice services in Parramatta for major criminal trials, management of children's matters, sittings of the Parole Board and a wide range of service through Legal Aid, the Public Guardian and the Protective Commissioner. The project includes construction of:
 - a major criminal trial court complex comprising 8 courts;
 - a metropolitan Children's Court comprising 6 courts; and
 - a new justice building to accommodate over 1,200 staff from the Attorney General's Department, Legal Aid Commission, and the Office of the Public Guardian and Protective Commissioner.

JUDICIAL COMMISSION OF NEW SOUTH WALES

The Commission's major functions are:

- ◆ the organisation and supervision of a scheme for the continuing education and training of judicial officers;
- ◆ assisting the courts to achieve consistency in imposing sentences; and
- ◆ the examination of complaints against judicial officers.

EXPENDITURE TRENDS AND RECENT DEVELOPMENTS

Over the last five years, the core responsibilities of the Judicial Commission have largely remained unchanged. Expenditure trends over that period have also not varied markedly.

STRATEGIC DIRECTIONS

The Commission will continue to focus on the provision of high quality professional development programs for judicial officers. The emphasis will be on provision of timely and practical information through publications, conferences and seminars and the computerised Judicial Information Research System (JIRS) containing sentencing and other information relevant to judicial decision making.

In particular, the Commission will offer an extensive conference and seminar program for judicial officers in each court, ranging from induction courses for new appointees to specialist conferences on specific aspects of law, procedure, judicial skills and technique as well as an Annual Conference for each court. The Commission will also pursue initiatives to ensure that judicial officers are aware of social context issues involving children, women, sexual offences, domestic violence and ethnic minorities.

The Commission will continue to work with other judicial education bodies within Australia to share information and experience, and to explore the possibility of collaborating on joint programs to reduce cost.

The Commission will assist the Sentencing Council in collecting information necessary to monitor guidelines and standard non parole period offences.

2005-06 BUDGET

Total Expenses

Total expenses of the Commission are projected to be \$4.8 million in 2005-06.

An amount of \$82,000 has been provided to meet an increase in property rental cost for the Commission's premises.

In addition, an amount of \$0.1 million has been provided to continue to maintain the current Sentencing Statistics Collection System to allow the Commission to obtain statistical information direct from the District Court for JIRS. An amount of \$0.2 million has also been provided to revise and update the Commission's Civil Trials Bench Book.

Capital Expenditure

An amount of \$0.2 million has been provided to meet the Commission's ongoing plant and equipment needs.

LEGAL AID COMMISSION OF NEW SOUTH WALES

The Legal Aid Commission is established under the *Legal Aid Commission Act 1979*, and provides legal assistance in matters arising under New South Wales and Commonwealth law. The Commission promotes access to justice for disadvantaged people by providing legal information, advice, alternative dispute resolution and representation.

EXPENDITURE TRENDS AND RECENT DEVELOPMENTS

The primary sources of funds for the Legal Aid Commission are the State and Commonwealth Governments and the Public Purpose Fund. The Commission is funded by the Commonwealth to provide legal assistance in matters arising under Commonwealth law in line with the priorities and guidelines set by the Commonwealth.

The provision of Commission services continues to change as a result of initiatives introduced by other justice system stakeholders.

In 2005-06, the Commission will participate in a justice sector-wide initiative to reduce the number of matters committed for trial in the District Court. This will ultimately provide significant efficiencies and cost reductions to the criminal justice system.

STRATEGIC DIRECTIONS

In 2005-06, the Commission will improve service delivery and better manage costs through the following initiatives:

- ◆ progress our initiative to improve the provision of legal services to remote areas across the State through partnerships with other legal service providers;
- ◆ reviewing policies and procedures to support the early resolution of disputes and use of court diversionary programs;
- ◆ reviewing our fee structures for payments to private practitioners in criminal cases to better reflect the work associated with preparing and conducting these cases;
- ◆ working with our justice partners to streamline court processes and procedures, particularly in relation to the management of long and expensive cases;
- ◆ improving the use of technology to support our business including expanding the on-line legal applications and resources available to our clients on the internet; and
- ◆ enhancing our links with Government, courts and partners in the justice system.

2005-06 BUDGET

Total Expenses

Total expenses of the Commission are projected to be \$155.5 million in 2005-06.

The Criminal Law Program has been allocated \$2.8 million in 2005-06 to fund the Commission's participation in a whole of justice sector reform of criminal case processing. This initiative will ultimately significantly reduce the number of cases committed to the District Court for trial.

An additional \$0.6 million has been allocated in 2005-06 to meet an increased demand from persons detained under the *Mental Health Act (NSW) 1990* and provide appropriate representation for mentally ill people involved in proceedings before the Guardianship Tribunal.

Funding for the Women's Domestic Violence Court Assistance Program has been enhanced by \$0.6 million to meet the additional demand for services currently being experienced at the scheme's thirty three locations throughout the State.

The Commission is negotiating a new four year agreement with the Commonwealth for work performed under Commonwealth legislation, which had not been finalised at the time of Budget preparation. Commonwealth funding has been assumed to be the same as in the 2004-05 year for the purposes of the Budget papers.

Capital Expenditure

The Commission's capital expenditure of \$5.3 million in 2005-06 will enable:

- ◆ the ongoing replacement of its core business system, LA Office;
- ◆ continued implementation of electronic lodgement of applications and pro-forma invoicing by the private profession and in-house solicitors; and
- ◆ the ongoing upgrade or replacement of the Commission's accommodation and equipment as it reaches the end of its useful life.

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

The Office of the Director of Public Prosecutions is responsible for the prosecution of all indictable and certain summary offences under the laws of New South Wales, and the conduct of appeals in the District, Supreme and High Courts.

EXPENDITURE TRENDS AND RECENT DEVELOPMENTS

Since 1999-2000, the Office has received additional recurrent funding of \$14 million per annum as a result of increased workloads. This \$14 million included \$3.1 million per annum from 2002-03 to meet increased costs associated with the appointment of additional police officers, and \$2.5 million per annum from 2003-04 for Witness Assistance services.

Programs that were funded in 2004-05 included:

- ◆ the Witness Assistance Scheme - \$2.5 million per annum to engage additional Witness Assistance officers to comply with the amendments in 2003 to the *Victims Rights Act 1996*; and
- ◆ operational workload changes - \$3.9 million per annum to engage additional solicitors and administrative officers.

A centralised committal project that commenced in Sydney in 1998 has been extended to Sydney West and some regional centres, and continues to result in a major reduction in the criminal trial caseload before the District Court.

The Drug Court program commenced in 1999 in Parramatta and continued through 2004-05. The Office will continue its commitment to the program during 2005-06.

The *Criminal Procedure Amendment (Pre-Trial Disclosure) Act 2001* commenced on 19 November 2001. The legislation allows the court, on a case-by-case basis, to impose pre-trial disclosure requirements on both the prosecution and the defence in order to reduce delays in complex criminal matters in both the District and Supreme Courts.

Under this legislation, strict limitations apply to the presentation and amendment of indictments in trials before the District Court and Supreme Court. In order to settle a final indictment within the limited timeframe allowed, and to avoid serious consequences of an unamendable error in the indictment, additional Crown Prosecutors were appointed and funding of \$2.5 million per annum is included in the Office's 2005-06 Budget. The Office contributed to a review of the longer-term financial implications of the legislation by the Attorney General and the Legislative Standing Committee on Law and Justice during 2003-04.

The Child Sexual Assault Jurisdiction pilot commenced in March 2003 at Parramatta, and was rolled out to Penrith and Campbelltown courts during October 2003. The program was extended to the District and Local Court at Dubbo, where it commenced in February 2004. The Office will continue its commitment to the pilot, and provide the assistance required in the evaluation being conducted during 2005-06.

STRATEGIC DIRECTIONS

The Office will continue its commitment to improving the criminal justice system and to providing the people of New South Wales with an independent, fair and just prosecution service.

The Office, as a result of proposed amendments to the *Criminal Procedure Act 1986* and the *Crimes (Sentencing Procedure) Act 1999*, will provide advice to Police in their investigations of indictable offences and in relation to the appropriate indictable charges.

The Office is also implementing an Activity Based Costing system for recording and reporting costs associated with the prosecution of indictable matters, to enable the Office to compare costs across the agency, and to identify benchmarks for improved management of those costs.

The Office's Strategic Plan for 2003-06 proposed a number of projects which are included in the Information Communication Technology Infrastructure Upgrade program. This program is essential to sustain core business operations and to comply with the Government's initiatives and directives in information security, business requirements and licensing obligations.

In 2005-06, the program expenditure will include security certification, improved remote access from regional areas, "Warm" site for disaster recovery, software upgrade, ODPP Portal and upgrade of the wide area network and internet access.

During 2005-06, the Office will continue to give high priority to increased co-operation with other criminal justice agencies to improve performance of the criminal justice system. Additionally, emphasis will continue to be placed on the provision of services to victims and witnesses.

2005-06 BUDGET

Total Expenses

In 2005-06, the Office's total expenses are estimated at \$92.4 million, which includes \$3.1 million for the reimbursement of witnesses' expenses, \$5.5 million for the implementation of the criminal cases processing reforms, and \$2.5 million for the continuation of the pre-trial disclosure regime.

The *Criminal Procedure Act 1986* and the *Crimes (Sentencing Procedure) Act 1999* are expected to be amended by Parliament to provide enhanced justice outcomes through greater charge and sentencing certainty and to significantly reduce the costs associated with late pleas of guilty. Recurrent funding of \$5.4 million in 2005-06 and \$1.7 million in 2006-07 has been allocated to implement the criminal cases processing reforms.

Capital Expenditure

The Office's capital expenditure in 2005-06 is \$4.5 million.

The Office will continue to implement the information technology infrastructure upgrade program.

In addition, the Office will spend its minor works allocation of \$1.6 million for various ongoing plant and equipment replacement, and furniture and fittings. The Office is also purchasing information technology equipment.

DEPARTMENT OF ENVIRONMENT AND CONSERVATION

The Department of Environment and Conservation (DEC) is the primary agency responsible for protecting and conserving the environment in New South Wales. DEC manages over six million hectares of parks and reserves – more than seven percent of all land in New South Wales.

DEC goals are to support New South Wales in achieving:

- ◆ protection of ecological and human health;
- ◆ conservation of natural and cultural values across the landscape; and
- ◆ sustainable consumption, production, resource use and waste management.

Although DEC incorporates the Royal Botanic Gardens and Domain Trust, the Budget appropriation for the Trust is shown separately to reflect the specific statutory, reporting and operational arrangements of the Trust.

EXPENDITURE TRENDS AND RECENT DEVELOPMENTS

Total expenditure for 2004-05 is estimated at \$463.7 million, including delivering:

- ◆ the creation of three new national parks/reserves in 2004-05, increasing the number of new national parks and reserves to nearly 350 since 1995-96 (more than two million hectares). The total national park estate now exceeds six million hectares and there are now more than 630 national parks, marine parks and other reserves;
- ◆ the whole-of-government *Update to Action for Air* initiative targeting smog and particle pollution, and the implementation of petrol volatility regulation resulting in an estimated reduction of 2,713 tonnes of volatile organic compounds (VOCs) released to the Greater Metropolitan Region during 2004-05;
- ◆ the Government's water and natural resources reform package covering water quality management, river flows, biodiversity conservation and Aboriginal cultural heritage;
- ◆ the reform of threatened species laws to protect native plants and animals;
- ◆ integration of regulation with economic tools, such as through the load-based licensing review, to improve the environmental performance of industry and stimulating resource recovery and recycling;
- ◆ the regulation of chemicals and implementation of a Household Chemical Collection program designed to clean out stocks of unwanted chemicals from household storage;
- ◆ implementing the Government's Aboriginal community strategy "Two Ways Together" including chairing the Culture and Heritage Cluster; and
- ◆ implementation of programs to support the Waste Avoidance and Resource Recovery Strategy.

STRATEGIC DIRECTIONS

DEC works with key stakeholders and the community to:

- ◆ promote a cleaner and healthier New South Wales environment, where air, water and land is cleaner and impacts from chemicals and radiation are minimised;

- ◆ improve community well-being by minimising impacts from noise, dust, odour and vibration;
- ◆ protect and restore biodiversity (including threatened species) across New South Wales;
- ◆ protect Aboriginal cultural heritage (e.g. cultural values, heritage objects, sites and places);
- ◆ actively manage national parks, reserves and botanical gardens for conservation, leading to a comprehensive, adequate and representative land and marine protected area network;
- ◆ facilitate sustainable and enjoyable public visitation to national parks, reserves and botanical gardens;
- ◆ improve conservation and recovery of natural resources including minimising waste and preventing harmful waste disposal; and
- ◆ promote environmental sustainability in government processes and decisions.

Each of these results is underpinned by DEC's regulatory enforcement activities and scientific and socio-economic analysis.

Specific priorities for DEC include:

- ◆ improving approaches to compliance for regulatory activities for cultural heritage, environmental protection and threatened species to ensure the highest risks to the environment are managed effectively;
- ◆ increasing the active participation of Aboriginal communities in conservation management;
- ◆ contributing to the process of reforming New South Wales threatened species conservation laws, systems and approaches;
- ◆ providing tools and knowledge to support catchment management authorities and councils in their protection of the natural and cultural values of biodiversity;
- ◆ developing and implementing a plan to improve the protection of New South Wales wetland systems;

- ◆ progressing the return to Aboriginal communities of ancestral remains, cultural materials and knowledge, including working with Aboriginal communities and the Australian Museum;
- ◆ continuing to build a conservation and reserve system, with emphasis on under-represented areas such as central and western New South Wales and marine environments; and
- ◆ guiding purchasing and resource use by government agencies towards more sustainable practices.

2005-06 BUDGET

Total Expenses

Total expenses in 2005-06 are estimated at \$506.6 million.

Major expenditure areas include:

- ◆ environmental protection and regulation, with emphasis on maintaining and restoring the quality of the environment, reducing environmental risks to human health and promoting ecologically sustainable development;
- ◆ waste avoidance and resource recovery initiatives;
- ◆ fire management and pest species management; and
- ◆ maintenance of essential infrastructure to facilitate management, access and enjoyment of the reserve system by the community.

DEC will focus on the effective integration of systems and platforms across financial, information technology and human resources management areas to realise efficiencies from the 2003 merger of the former National Parks and Wildlife Service, Environment Protection Authority, Royal Botanic Gardens and Domain Trust and Resource NSW.

DEC will also work to support and provide tools to promote the Government's natural resources reform and the work of the new Catchment Management Authorities and the Natural Resources Commission.

To support the Government's fiscal targets in 2005-06, DEC aims to maximise the departmental efficiencies realised from the merger, the close collaboration with Catchment Management Authorities and improved coordination of DEC's operations with those of the Department of Infrastructure, Planning and Natural Resources and the Department of Primary Industries.

The main areas of additional expenditure include:

- ◆ \$5 million for park management costs associated with acquired lands and anticipated new acquisitions;
- ◆ \$1.5 million to address maintenance liabilities in park infrastructure;
- ◆ \$1 million for Northern reserves as a follow-on from the North East Forest Agreement;
- ◆ \$1 million for pest, animal and weed control;
- ◆ \$0.6 million over three years to complete conservation assessment of Crown lands in collaboration with the Department of Lands;
- ◆ \$0.5 million for regional parks as part of the Green Cities concept in the greater metropolitan area;
- ◆ \$0.5 million for Aboriginal joint management of national parks to fund commitments under Part 4A Aboriginal-owned reserves and other co-management arrangements;
- ◆ \$0.4 million for the management of high conservation value areas on the Illawarra Escarpment;
- ◆ \$0.4 million for the Bargo State Conservation Area addition to the circle of reserves around Sydney; and
- ◆ \$0.4 million to progress the implementation of the Department's IT infrastructure integration.

Other expenditures include:

- ◆ \$3.1 million to continue the road and bridges maintenance program in the Kosciuszko National Park;
- ◆ \$0.6 million to improve the modelling capacity and maintenance of the air quality monitoring network;
- ◆ \$0.5 million to better manage the national park system in the Hunter consistent with the Hunter Reserves Strategy;

- ◆ resumption of an annual contribution to the Waste Fund, \$29.6 million per year, following a two-year suspension. During the two years, priority waste programs were funded from monies already in the Waste Fund. DEC continues to support locally delivered regional waste and household hazardous waste programs, community-based household chemical clean-up, and waste compliance and enforcement; and
- ◆ a contribution of \$32.8 million (\$14.2 million in recurrent and \$18.6 million in capital funding) to the Zoological Parks Board for the continuation of a comprehensive program to upgrade or enhance facilities, research capability and public education.

Capital Expenditure

Total capital expenditure in 2005-06 is estimated at \$43.8 million.

Allocated capital expenditure provided includes:

- ◆ an initial \$7.3 million out of a total 4-year program of \$32.1 million to upgrade visitor facilities and other infrastructure in national parks;
- ◆ \$5.7 million for park management costs associated with acquired lands and anticipated new acquisitions; and
- ◆ \$0.5 million to establish new parks in the Hunter consistent with the Hunter Reserves Strategy.

In addition, the 2005-06 capital works program will include:

- ◆ \$2 million to progress the implementation of the Department's information technology infrastructure integration;
- ◆ \$1 million as part of a \$5 million program to establish reserves in western New South Wales;
- ◆ \$1 million to establish regional parks as part of the Green Cities concept in the greater metropolitan area;
- ◆ strategic land acquisition (\$0.5 million) for the Dunphy Wilderness Fund to purchase private properties identified as wilderness for addition to the wilderness estate;
- ◆ continuing the \$0.9 million program, over three years, to create an unbroken chain of reserves stretching from the Victorian border, through the suburbs of Sydney, and on to the Hunter Valley;

- ◆ \$1.5 million to develop and establish parks and reserves on recently acquired land;
- ◆ a further \$2.8 million to finalise land and lease acquisitions in north-east New South Wales, as a follow-on from the North East Forest Agreement;
- ◆ \$1.6 million for continued improvement of sewerage works and facilities in parks throughout New South Wales; and
- ◆ a further \$1 million to continue the work of revitalising Sydney's major metropolitan parks and reserves.

ENVIRONMENTAL TRUST

The Environmental Trust operates under the *Environmental Trust Act 1998* to fund environmental projects and programs. The Trust's main function is to make, and supervise the expenditure of, grants.

The objectives of the Trust are:

- ◆ to encourage and support restoration and rehabilitation projects that reduce pollution, the waste stream or environmental degradation;
- ◆ to promote research into environmental problems;
- ◆ to promote environmental education and increase the awareness of environmental issues; and
- ◆ to fund acquisition of land for national parks.

A wide range of organisations access the Trust's widely promoted grants programs, including community groups, Aboriginal organisations, schools, research bodies, and state and local government organisations.

The Trust is also subject to the *Forestry Restructuring and Nature Conservation Act 1995* which requires the Trust to reimburse the Consolidated Fund for authorised expenditure associated with restructuring of the timber industry for the purpose of conserving NSW forests.

EXPENDITURE TRENDS AND RECENT DEVELOPMENTS

Under the *Environmental Trust Act 1998*, the Trust receives a standing indexed appropriation from the Consolidated Fund to fund its programs (\$17 million in 2005-06, \$16.4 million in 2004-05).

Since 2000-01, the *Environmental Trust Act 1998* has enabled the Trust to fund numerous grants programs, land acquisition for national parks and a number of major environmental projects. The specific projects funded change from year to year but the overall funding for the grants programs has remained at approximately the same level. The Trust awards nearly 200 new grants each year, under ten different grants programs, and most projects run over two or three years.

In 2004-05, the Trust implemented a new funding program to address priority environmental issues of state significance through collaborative projects between community organisations, government, industry and councils.

Eight new major projects have commenced under this program, which totals \$12.7 million, focussed on restoration, research and education priorities for the NSW environment.

Payments for forestry restructuring can be made until 30 June 2006 or until \$80 million in total has been spent on the program, whichever comes first. As at March 2005, a total of \$62 million has been paid from the Trust for these purposes.

STRATEGIC DIRECTIONS

The demand for the Trust's funds remains high, especially from community organisations and local government.

Around 50 percent of the Trust's funding continues to be for environmental restoration projects, with the remainder divided between the other three objectives of the Trust – research, education and land acquisition for national parks.

The Trust recently commenced a program to disseminate the results and lessons from completed projects so that the environmental benefits achieved by successful projects can be spread to other geographical areas or other community sectors.

In line with an election commitment, the Environmental Trust will be reformed during 2005-06 to enable significant levels of funding for major policy initiatives. These will include forestry decisions (such as Brigalow), marine parks and environmental flows for inland rivers and wetlands. Legislative amendments to implement these reforms will be introduced during 2005.

2005-06 BUDGET

Total Expenses

Total expenses in 2005-06 are projected at \$30.8 million.

This includes \$11.9 million for forest industry restructuring expenditure incurred under the *Forestry Restructuring and Nature Conservation Act 1995*. 2005-06 is the last year that payments will be made under the Act.

Spending on programs to achieve the Trust's environmental objectives includes:

- ◆ around \$4 million in new annual grants awarded to community groups, councils, schools, Aboriginal organisations, registered training organisations, State government agencies and research bodies;
- ◆ \$3.8 million for acquisition of land for national parks estate, targeting areas least represented in the reserve system;
- ◆ \$1 million for a new program to address the most serious contamination issues on former council gasworks sites; and
- ◆ around \$8 million for progress payments on approved annual grants and major projects already underway.

ROYAL BOTANIC GARDENS AND DOMAIN TRUST

The Royal Botanic Gardens and Domain Trust maintains the Royal Botanic Gardens, the Domain, the National Herbarium of New South Wales, Mount Tomah Botanic Garden and Mount Annan Botanic Garden. The Trust also provides scientific and horticultural research, together with advice and education on botanical, horticultural and biodiversity issues.

The Trust is part of the Department of Environment and Conservation. However, the Budget appropriation for the Trust is shown separately to reflect its specific statutory, reporting and operational arrangements.

EXPENDITURE TRENDS AND RECENT DEVELOPMENTS

Expenses for 2004-05 are estimated at \$31.4 million. The cost of operations has generally grown over recent years from \$26.1 million in 1999-2000. Trust revenue (grants, donations and user charges) comprises approximately 30 percent annually of Trust expenses.

The capital expenditure program for 2004-05 included:

- ◆ redevelopment of the Central Depot in the Royal Botanic Gardens;
- ◆ refurbishment of offices and staff facilities at the Mount Tomah Botanic Garden; and
- ◆ replacement of information technology equipment.

STRATEGIC DIRECTIONS

The major priorities for the Trust include:

- ◆ managing and developing the horticultural displays and living collection of plants at the Royal Botanic Gardens, Mount Annan and Mount Tomah Botanic Gardens;
- ◆ maintaining and developing all sites, including the Domain, to accommodate multiple uses including recreation, relaxation, celebration, events, education and the promotion of conservation;
- ◆ advancing knowledge and understanding of plant biodiversity, horticulture and conservation through scientific research, the Centre for Plant Conservation, completion of the New South Wales node of Australia's Virtual Herbarium which will make available on the internet the one million collections held in the National Herbarium of New South Wales, and a wide range of targeted school and community education programs including programs for regional and disadvantaged communities; and
- ◆ managing and developing viable commercial businesses and hosting externally operated commercial services to increase and diversify the Trust's revenue base.

2005-06 BUDGET

Total Expenses

Budgeted expenses for the Trust total \$31.3 million in 2005-06. The Trust has a strong focus on generating additional revenue to offset increased expenses to ensure that services can be maintained and improved. The revenue target for 2005-06 is \$9.2 million, including \$5.5 million from user charges.

Capital Expenditure

The Trust's capital expenditure program for 2005-06 includes:

- ◆ \$3 million for continuing the redevelopment of the Central Depot, due for completion in 2007-08 at a total cost of \$7.1 million; and
- ◆ privately funded capital works including continuing the redevelopment of the Rose Garden, renovating the landscaping at the Choragic Monument and a major refurbishment of the Australian Rockery at the Opera House Gate.

PUBLIC TRUSTEE NSW

The Public Trustee NSW (the "Public Trustee") provides the people of New South Wales with access to professional personal trust services in meeting the functions defined in Section 12 of the *Public Trustee Act 1913*. These services include:

- ◆ will making;
- ◆ administration of deceased estates;
- ◆ trustee of trusts created by wills, deeds, court orders and legislation;
- ◆ private client services through being an attorney;
- ◆ asset and fund administration; and
- ◆ financial management of 'protected persons'.

Additionally, the Public Trustee is named in legislation as the trustee for:

- ◆ workers compensation death benefits; and
- ◆ assets pursuant to the *Confiscation of Proceeds of Crime Act 1989*, *Criminal Assets Recovery Act 1990*, and the *Damages (Infants and Persons of Unsound Mind) Act 1929*.

The Public Trustee's total expenses and capital expenditure program are funded mostly through revenue generated from clients. The Public Trustee has a statutory obligation to accept all estates regardless of their value. The 2005-06 Budget contains funding for community service obligation payments of approximately \$2.4 million from the Consolidated Fund to meet obligations for administering low value estates and trusts and the preparation of small value wills.

The Public Trustee's fee structure was reviewed in 2001. The next fee structure review is due in 2006-07.

EXPENDITURE TRENDS AND RECENT DEVELOPMENTS

Overall expenditure has been contained in the last two financial years with a focus on efficiencies in processing and service delivery. Employee costs have had a significant impact for 2005-06 as a consequence of a new award. Operating and maintenance costs are being targeted for containment in 2005-06 in an effort to generate a reasonable operating surplus in a period of flat revenues.

STRATEGIC DIRECTIONS

The Office is currently reviewing service delivery centres to determine optimum location for business growth as well as providing a model for front office/back office centres. The aim is to improve customer access and enhance technical control. Linked to this strategy is a knowledge management framework for updating and disseminating technical knowledge.

In respect of business growth, both client and business to business marketing and communication strategies are being reviewed with an emphasis on getting back to simple information about the benefits of our products and maximising sales to clients.

The Office is also implementing a structure re-alignment as a result of corporate services reform and to improve management of its business.

2005-06 BUDGET

Total Expenses

The 2005-06 Budget provides for total expenses of \$30.8 million, an increase of approximately \$2.4 million or 8.3 percent from 2004-05. This increase principally comprises an additional \$1.8 million for salaries due to the new award. Employee related items account for approximately 73 percent of total expenses.

The Office commenced paying a dividend to the Government in 2003-04 and has been part of the income tax equivalent regime since 1 July 2003.

The Public Trustee's business volumes are expected to decline during 2005-06, driven by a lower number of wills made in the 1990's.

Capital Expenditure

The 2005-06 capital expenditure program is \$3.2 million. This includes continuing development of the Trust Estate Asset Management System as a business system.

REGISTRY OF BIRTHS, DEATHS AND MARRIAGES

The NSW Registry of Births, Deaths and Marriages records in perpetuity all births, adoptions, changes of name, changes of sex, marriages and deaths occurring in New South Wales, and provides documentation on these events to individuals to help establish a range of legal entitlements. The Registry also collects statistical data for government and other organisations, performs civil marriages and undertakes searches for records.

The Registry has been operating as a commercial entity since 1992 and falls within the Tax Equivalent Regime. Sufficient revenue is generated from commercial activities to offset the cost of the registration function and pay a dividend to the Consolidated Fund.

EXPENDITURE TRENDS AND RECENT DEVELOPMENTS

The Registry expects to exceed revenue targets with total revenue estimated to be \$21.4 million in 2004-05. Demand for Registry services continues to grow as government agencies and private organisations introduce more stringent proof of identification requirements. In September 2004 fees were increased in line with changes in the CPI.

Expenses for 2004-05 are estimated to remain within the targets set at \$16.7 million. The dividend payment to the Consolidated Fund for 2004-05 is estimated to be \$1.9 million and the tax equivalent payment to be \$1.4 million.

Achievements during 2004-05 included:

- ◆ average waiting times at the Registry front counter have been maintained at 6 minutes;
- ◆ implementation of an electronic birth notification system to improve birth verification and identify unregistered births;
- ◆ 27 percent increase in Changes of Name being managed within existing service standards;
- ◆ reduction in the guarantee of service for registration of birth from ten to five working days;
- ◆ the completion and approval of the Business Case for the new registration system LifeLink;
- ◆ completion of the final conversion of marriage and death records 1952 to 1992 to electronic format; and

- ◆ the successful amalgamation of human resource services with the Attorney General's Department.

STRATEGIC DIRECTIONS

The Registry's strategic priorities for the coming year will focus on; building new customer service channels; developing new products and services, influencing national efforts to reduce identity crime; developing and maintaining a secure registrations system and renewing the organisation.

Key priorities for 2005-06 will be:

- ◆ the merging of the Registry's call centre operations with LawAccess NSW to significantly improve service levels and address unmet customer demand;
- ◆ the procurement of the new LifeLink registration system;
- ◆ the expansion of on-line certificate validation services;
- ◆ further implementation of shared corporate services within the Attorney General's portfolio;
- ◆ extension of Registry services to Government Access Centres throughout New South Wales; and
- ◆ further development of on-line systems to improve the security and integrity of the registration process.

2005-06 BUDGET

Total Expenses

Total expenses for 2005-06 are estimated to be \$20.3 million. Most of the increase over the 2004-05 budget of \$16.7 million is due to the cost of enhanced call centre services (\$3.5 million). As well as improving customer services, this will address unmet demand through answering additional calls. It will also reduce the cost per call by 24 percent over the next three years. Allowance has also been made in 2005-06 for a four percent increase in employee related expenses and costs associated with meeting an estimated 12 percent increase in demand for Registry services. Leasing costs have been reduced as the Registry moves to purchase IT hardware.

Revenue is forecast to increase to \$23.5 million. The only fees to be increased in 2005-06 will be change of name, and birth card. Both these products have significant identity fraud risks and comprehensive checking and compliance arrangements have been introduced. Fees will be increased to cover these new costs. All other fees will remain unchanged.

The Registry is forecasting a total return to consolidated revenue of \$2.1 million comprising \$0.9 million in tax equivalent payments and a dividend of \$1.2 million.

Capital Expenditure

The Registry's capital expenditure in 2005-06 will be \$6 million. This includes \$2.6 million for the LifeLink registration system, \$0.4 million for further development of on-line registration systems, \$0.5 million for data conversion of 1856 to 1952 registrations, \$0.1 million for conversion of the pre - 1856 early church records from paper to digital format, and \$0.6 million to begin replacing information technology hardware previously leased.

The Registry has requested a \$5.8 million Treasury Advance to fund the LifeLink registration project. This loan is projected to be repaid by December 2009.

STORMWATER TRUST

In May 1997, the NSW Government released the Waterways Package, which contained a range of initiatives to improve the quality of the State's waterways. A key initiative of the package was improved management of urban stormwater. This was achieved by requiring councils to prepare Stormwater Management Plans, trialling innovative stormwater treatment measures and implementing remedial works linked to these plans. Educating the community about essential changes in behaviour was another critical component of the package.

STRATEGIC DIRECTIONS

The Government has committed up to \$82 million since 1997-98 for the Stormwater Trust Fund to assist with the implementation of stormwater initiatives under the Waterways Package.

This funding has been allocated to:

- ◆ assist councils and certain State government agencies to pilot innovative stormwater management techniques or to undertake remedial activities;
- ◆ provide assistance to councils for the preparation of Stormwater Management Plans;

- ◆ a State-wide education program coordinated by the then Environment Protection Authority (now part of the Department of Environment and Conservation);
- ◆ engage nine officers to support council stormwater initiatives; and
- ◆ assist the Trust in continuing its program while it explores alternative methods of funding urban stormwater initiatives.

EXPENDITURE TRENDS AND RECENT DEVELOPMENTS

Total spending in 2004-05 is expected to be \$4 million for final part-payments of council grants, finalising existing stormwater improvement projects and providing training for councils in state-of-the-art stormwater practices, through guidance developed as part of the stormwater component of the Waterways Package.

An evaluation of the stormwater grants and management plans found they have been successful in reducing waterway pollution and increasing the ability of local councils to manage urban stormwater. The evaluation also found that further efforts should be made to increase the capacity of councils to manage urban stormwater in a more sustainable way. The Government is currently considering these needs in the context of the Government's natural resources and catchment management reforms.

2005-06 BUDGET

Total Expenses

The program expenditure will focus on managing remaining grants, comprising \$1 million to be spent in 2005-06 for finalisation of guidance material developed as part of the Urban Stormwater Program, and conduct of an associated program of workshops throughout the State for council officers.

WASTE FUND

The Waste Fund is established under the *Waste Avoidance and Resource Recovery Act 2001*. Its purpose is to fund waste avoidance, resource recovery and waste management (including enforcement and regulation). The Waste Fund is administered by the Department of Environment and Conservation (DEC).

In earlier years the Waste Fund provided for the establishment, operations and waste reduction programs of regional waste boards and their successor organisation, Resource NSW. These programs are now being progressed by DEC following the 2003 merger of Resource NSW into the new Department.

EXPENDITURE TRENDS AND RECENT DEVELOPMENTS

Total spending in 2004-05 is projected to be \$28.9 million, a significant increase from 2003-04, for waste avoidance, resource recovery and waste management programs.

The programs have been consolidated within DEC. Many of these programs continue to focus on achieving the targets of the Government's Waste Avoidance and Resource Recovery Strategy announced in February 2003. The programs' consolidation within DEC has enabled better coordination. For example, programs supporting improved resource recovery by councils, industry and the community are underpinned by regulatory programs to stop illegal dumping. Illegal dumping undermines the whole resource recovery system and harms the environment.

STRATEGIC DIRECTIONS

Spending from the Waste Fund is aimed at achieving two complementary outcomes:

- ◆ resource conservation (including waste avoidance and resource recovery); and
- ◆ protection of the environment from the harmful impacts of waste.

The Waste Fund is the primary source of funding for the Waste Avoidance and Resource Recovery Strategy, which is the major driver of resource conservation. The Strategy has four main elements: avoiding and preventing waste; increasing the use of renewable and recovered materials; reducing toxicity in products and materials; and reducing litter and illegal dumping. The 2004 progress report on implementation of the Strategy showed that more focus is required on waste avoidance and resource recovery in the commercial and industrial waste stream.

Under the *Waste Avoidance and Resource Recovery Act 2001* the Extended Producer Responsibility schemes for key wastes of concern will continue to develop and grow in importance. This initiative provides an important example of a statutory program to achieve resource conservation outcomes, complementing voluntary programs.

For improved environment protection, strategic directions include flexible waste regulation and enforcement/education campaigns which:

- ◆ regulate the whole waste system (or "market") to complement existing strong regulation of high-risk premises and activities; and
- ◆ reduce risks from the generation, transport and treatment of liquid and hazardous wastes.

2005-06 BUDGET

Total Expenses

Annual contribution of \$29.6 million to the Waste Fund, via the Department of Environment and Conservation, will restart in 2005-06 following a two-year funding suspension. The suspension was to allow funds already available in the Waste Fund to be used on priority waste programs.

The Waste Fund will spend \$30.4 million in 2005-06. Waste avoidance and resource recovery initiatives will include:

- ◆ regional and rural support programs for groups (including councils) working cooperatively to tackle waste issues;
- ◆ developing partnerships with industry aimed at avoiding waste, recovering resources and accelerating the shift to more environmentally sustainable operations;
- ◆ improved waste and resource recovery practices and services in both municipal and commercial waste streams;
- ◆ enforcement and education programs to reduce litter and illegal dumping, including ongoing support for regional illegal dumping initiatives by councils;
- ◆ funding the collection and disposal of hazardous waste from households; and
- ◆ whole-of-system product stewardship initiatives to prevent waste generation, recover resources and phase out toxic substances.