

output group: legal services

Government objective

A safer community

A just society

Output group

Legal Services

Portfolio

Attorney - General

Outputs

Delivered by the Department of Justice

Services to the Attorney - General

Legal Advice to Government

Enforcement Management

Asset Confiscation

Support for Victims of Crime

Outputs

Delivered by other agencies

Criminal Prosecutions

Support for Legal Aid Services

State Electoral Services

Output: Services to the Attorney-General

Output Group: Legal Services

Portfolio: Attorney - General

Description

This output supports the Attorney-General in his role as first law officer of the State by coordinating research, consultation and advice on legal policy and law reform proposals intended for implementation through new or amending legislation, and attending to pre- and post-parliamentary implementation matters and administrative reforms. In addition, it assists with executive matters such as correspondence, administration of legislation and administrative reviews of agencies. It also provides support for advisory councils, committees and ad hoc task forces within the Attorney-General's portfolio.

Alignment with the Government's priorities

The output contributes to the Government's objectives for a safe and just society through maintaining the rule of law, protecting people's rights and freedoms, and developing and operating modern legal structures and court processes that are accessible and responsive to community needs. The output develops the legislation necessary to implement the Government's policy initiatives.

The output also contributes to initiatives that cross a number of outputs such as the Government's drugs strategy. This involves developing proposals for the provision of drug courts, and improving the range of options available to courts when dealing with offenders with a drug addiction. The output will also contribute to developing alternatives to imprisonment for young offenders, and programs to assist criminals returning to the community following imprisonment.

Achievements

Industrial manslaughter

In its 1999 election policy on occupational health and safety, the Government made a commitment to providing a comprehensive strategy to improve workplace safety. Important parts of this strategy were the introduction of an offence of industrial manslaughter, and higher maximum penalties for health and safety offences. The Attorney-General established a working party to assist in the development of the industrial manslaughter offence. This working party reported in March 2000.

The report's recommendations largely provided the basis for the proposed industrial manslaughter offences in the Crimes (Industrial Manslaughter) Bill. It is proposed to introduce the Bill to Parliament after wide public consultation.

Public prosecutions

In November 1999, the Government introduced the *Public Prosecutions (Amendment) Act 1999* into Parliament. The Act was passed by Parliament and received Royal Assent on 21 December 1999. The Act enshrines the independence of the Director of Public Prosecutions in the Victorian Constitution. It also restored the power of the Director of Public Prosecutions to bring contempt of court proceedings independently of the Attorney-General and Solicitor-General. The Act implements a key Bracks Government election policy to restore democracy to Victoria.

Reinstatement of pain and suffering for victims of crime

The *Victims of Crime Assistance (Amendment) Act 2000* reinstated compensation for victims of crime. The Bill was introduced into Parliament in May 2000 and is due to commence on 1 January 2001. The Department serviced a committee comprising representatives from victims groups, the courts, prosecution and academics. The Act was informed by this committee's thorough and detailed examination of the issues. This legislation gives effect to the Government's election commitment to reinstate compensation for pain and suffering for victims of crime. This statutory entitlement had been abolished in 1997 under the previous government. The Act also introduces amendments to the *Sentencing Act 1991* to make recovery and reimbursement mechanisms more effective so offenders are held financially accountable for the impact on victims of their crimes.

Whistleblowers

This Bill implements a key commitment of the Bracks Labor Government to introduce legislation to protect persons disclosing information about serious misconduct or maladministration in the public sector. To encourage people with information about public sector wrongdoing to come forward, the Bill will protect genuine whistleblowers from recrimination or other adverse consequences as a result of disclosing the information. It will also establish a robust framework for investigating such complaints, and ensure that where allegations are found to have substance, action is taken to rectify the situation. An exceptionally thorough consultation process informed the Bill's development and two exposure drafts were released for broad circulation. The Bill is intended for introduction to Parliament in the Spring 2000 sittings and is proposed to be operational by July 2001.

Dust diseases

The *Administration and Probate (Dust Diseases) Act 2000* enhanced people's access to justice by allowing compensation claims to be made by estates after the person with the disease dies. Prior to the Act, a person's legal claim for compensation for pain and suffering, bodily or mental harm and the curtailment of expectation of life ceased when they died. These kinds of claims, unlike other legal claims for compensation, could not be carried on by the deceased person's estate. This limitation meant the financial position of a person's estate could be greatly affected by whether the person died before or after their action was finalised. The adverse consequences of this limitation for the deceased's family and estate were particularly pronounced when the cause of death was a dust disease (because of the rapid onset of these diseases).

To relieve the harshness of this limitation, the Administration and Probate (Dust Diseases) Act amended the *Administration and Probate Act 1958* to allow an action for pain and suffering, bodily or mental harm and the curtailment of expectation to survive after the deceased's death.

Freedom of information

The *Freedom of Information (Miscellaneous Amendments) Act 1999* implements a Government pre-election commitment to increase access to documents under the *Freedom of Information Act 1982*.

The amendments commenced operation on 1 January 2000 and achieved many positive outcomes. These ranges from making FOI processes more financially viable for members of the community, to increasing government accountability and placing more stringent tests on certain categories of documents before they can be exempted from release. The amendments particularly made changes to the exemptions dealing with cabinet documents, commercially confidential documents, and personal affairs documents.

In line with the Government's policy on openness and accountability, after the amendments were passed, an extensive training exercise was conducted across Victoria to inform agencies of the amendments and the Attorney's directions on how to administer FOI in Victoria.

Victorian Law Reform Commission Act

The *Victorian Law Reform Commission Act 2000* was passed in the Autumn 2000 sittings of Parliament. It re-establishes a Law Reform Commission in Victoria whose functions are to:

- Examine, report and make recommendations to the Attorney-General on any proposal or matter relating to law reform in Victoria that is referred to the commission by the Attorney-General.
- Examine, report and make recommendations to the Attorney-General on any matters that the commission considers raises relatively minor legal issues that are of general community concern if the commission is satisfied that the examination of that matter will not require a significant deployment of the resources available to the commission.
- Suggest to the Attorney-General that a proposal or matter relating to law reform in Victoria be referred in Victoria to the commission by the Attorney-General.
- Monitor and coordinate law reform in Victoria.
- Undertake educational programs on any area of the law relevant to a reference whether past, present or current.

The establishment of the Law Reform Commission will ensure the community and interested parties will be able to have input into important policy issues. It is anticipated that the commission will be operational in early 2001.

Breastfeeding

The *Equal Opportunity (Breastfeeding) Act 2000* was passed in the Autumn 2000 sittings of Parliament and implements the Government's pre-election commitment to introduce breastfeeding as a prohibited ground of discrimination. While breastfeeding mothers who are discriminated against could lodge a complaint of 'parental status' or 'sex' discrimination, this Bill strengthens the Act by clarifying that breastfeeding mothers are protected. The Act provides a clear statement on the illegality of discriminating against breastfeeding mothers.

Cross-vesting

The High Court in *re Wakim* considered the validity of certain provisions of the *Corporations Act 1989* (Cwlth) and the Jurisdiction of Courts (Cross-Vesting) Act 1987 (Cwlth) and the related provisions of the State Corporations Acts and Jurisdiction of Courts (Cross-Vesting) Acts. These statutes collectively provide for cross-vesting of jurisdiction between Federal, State and Territory courts. The High Court found that the vesting of State jurisdiction in federal courts was ineffective.

To address the problem, two pieces of legislation were developed and passed: the *Federal Courts (State Jurisdiction) Act 1999* and the *Federal Courts (Consequential Amendments) Act 2000*. The legislation validated the Federal Court decisions made prior to the *re Wakim* case and provided mechanisms for proceedings to be transferred from the Federal Court to the Supreme Court. Any provisions in State Acts that attempted to cross-vest jurisdiction in the way that the *re Wakim* decision held to be invalid were also removed.

The Standing Committee of Attorneys General, assisted by the State and Territory Parliamentary Counsel and Solicitors General, are continuing to work to find a long-term solution to address the *re Wakim* decision.

Aboriginal Justice Agreement

The Victorian Aboriginal Justice Agreement was the first significant Indigenous policy initiative launched under the Bracks Government. It was developed in conjunction with the Victorian Aboriginal Justice Advisory Committee, the Aboriginal and Torres Strait Islander Commission and the Aboriginal community. The agreement will:

- Address the ongoing issue of Aboriginal over-representation within all levels of the criminal justice system.
- Improve Aboriginal access to justice-related services.
- Promote greater awareness in the Aboriginal community of their civil, legal and political rights.

The agreement maximises Aboriginal participation in the development of policies and programs in all areas of the justice system. A central part of the agreement is the Government's commitment to implementing the recommendations from the Royal Commission into Aboriginal Deaths in Custody.

The Victorian Aboriginal Justice Agreement can be found at <http://www.justice.vic.gov.au>

Native Title

During 1999 – 2000 a draft protocol was negotiated between the Victorian Government, the Aboriginal and Torres Strait Islander Commission and the Mirimbiak Nations Aboriginal Corporation. The protocol will provide for further work to be undertaken in developing a framework agreement to promote the resolution of native title issues in Victoria. The agreement approach reflects a commitment to resolving native title matters in a non-litigious manner and is an important step in creating an environment of trust in which negotiations can occur.

The protocol is expected to be signed by the parties later in 2000.



Signatories of the Aboriginal Justice agreement from left to right:

Daphne Yarram, Chairperson, Biinjirru Regional Council; The Hon. Keith Hamilton, Minister for Aboriginal Affairs; Troy Austin, Chairperson, Tumbukka Regional Council; The Hon. Andre Haermeyer, Minister for Police and Emergency Services and Minister for Corrections; Commission Marion Hanson, Aboriginal and Torres Strait Islander Commission; The Hon. Rob Hulls, Attorney-General; Alf Bamblett, Chairperson, Victorian Aboriginal Justice Advisory Committee; and The Hon. Christine Campbell, Minister for Community Services.

Output performance measures: Services to the Attorney-General

Performance measure	Unit of measure	Target	Actual	Var %	Note
<i>Quantity</i>					
Policy and implementation briefs/issues addressed	number	1 400	1 514	8	a
Legislative program matters including responses to Parliamentary inquiries	number	30–35	29	-3	
Ministerial and general correspondence responded to	number	4 000	3 802	-5	
Law reform projects implemented	number	6	6	0	
Committees and task forces supported	number	42	55	31	b
<i>Quality</i>					
Minister's satisfaction with quality and timeliness of services provided	level	high	medium	-	c
<i>Timeliness</i>					
Completion of reviews and proposals identified for parliamentary sessions	per cent	95–100	95	0	

Notes on variations

a. A significant increase in ministerial services accompanied the change of government.

b. Reflects implementation of election commitments for a more consultative approach to policy initiatives of the new Government.

c. The ability to provide briefing materials within expected timeframes was affected by the significantly increased workloads and additional requirements of new briefing styles and committee structures.

Output: Legal Advice to Government

Output Group: Legal Services

Portfolio: Attorney-General

Description

This output provides legal advice to the Government on constitutional and other legal matters, and a full range of disputation, prosecutorial, commercial and property related solicitor services on behalf of client government departments. Services are provided by the Office of the Victorian Government Solicitor on a commercially competitive, full-cost recovery basis, and by the Crown Counsel and the Solicitor-General. (The output also includes the activities of the Legal Ombudsman not dealt with in this report, as the Legal Ombudsman reports separately to the Parliament.)

Alignment with the Government's priorities

The output plays an important role in providing specialist advice to the Government as a whole, and to individual departments, on a wide range of legal and constitutional matters. The statutory offices contributing to this output ensure the Government has appropriate regard for its legal rights, duties, obligations and constitutional responsibilities. The output is an essential support for the Government's priority objective for restoring real checks and balances so that while it can lead, it will also be ultimately accountable for its decisions.

Achievements

Legal advice and assistance on key issues

The Victorian Government Solicitor's Office (VGSO) provides an ongoing range of services to individual agencies. Some of the significant government issues that arose during the year in review that had major legal aspects are outlined below.

Year 2000

The VGSO was involved in advising departments on the contract, liability and compliance issues associated with Y2K's impact on service delivery. Its work ranged from establishing template documentation for use with suppliers, to addressing significant contractual issues.

Goods and services tax

The implementation by the Commonwealth Government of the goods and services tax affected the gamut of dealings for government agencies involved in the supply of goods and services. Advice on these issues was provided across government, particularly to the Victorian Government Purchasing Board and the Department of Natural Resources and Environment.

'Caretaker' period of Government

A period of 'caretaker' government operated in Victoria from the time the former Premier, The Hon. Jeff Kennett, announced that he had tendered advice to His Excellency the Governor that an election be held, to the time when the current Premier, The Hon. Steve Bracks and his Ministry were sworn in.

There are strict conventions surrounding what administrative actions can occur and decisions taken during the 'caretaker' period. Given that the period covered approximately two months, this engendered a number of activities that would not normally occur in the processes of Executive Government. The VGSO was involved in providing advice to the caretaker government and officials on their roles and responsibilities generally, but was particularly involved in advising on action that could occur in individual situations.

Criminal Justice Enhancement Project

The Criminal Justice Enhancement Project is a major project for the Department of Justice and the various areas and agencies that are part of the criminal justice process. The project reached the stage where major tendering was required for the information technology systems. The VGSO was involved in providing advice regarding the request for tender, and in contract drafting.

Review of the provision of legal services to Government

During the year in review, the Department of Justice undertook a review of legal services across government to identify the most effective and efficient ways to provide legal services to government. The review involved consulting with all key agencies and staff. The VGSO prepared substantial written material to assist the review and the Attorney-General in determining the most suitable model for the provision of such services.

Output performance measures: Legal Advice to Government

Performance measure	Unit of measure	Target	Actual	Var %	Note
<i>Quantity</i>					
Client Services (Victorian Government Solicitor's Office)	hours	35 500	30 919	-13	d
<i>Quality/timeliness</i>					
Client satisfaction with quality and timeliness of advice provided	level	high	high	0	

Note on variation

d. Reflects the reduction in the demand for legal services while the Government was in caretaker mode for a significant period in which all business transactions were put on hold.

Output: Enforcement Management

Output Group: Legal Services

Portfolio: Attorney-General

Description

This output provides civic compliance services giving effect to judicial fines, orders and warrants. Fines enforcement services are also provided to other State and local government agencies through this output.

The Sheriff's Office serves orders and warrants, and administrative support shared with the Traffic Camera Office is provided under contract with a private sector provider.

Alignment with the Government's priorities

The prompt enforcement of fines, civil judgments and orders of the courts and tribunals is necessary to maintain the integrity of, and community confidence in, the justice system. In the broader context, holding people to their legal obligations serves to protect the rights and freedoms of others.

Achievements

Improved service delivery

The Enforcement Management Division's systems were transferred from three databases onto the one system provided by LMT Australia. The conversion took longer than expected, but after the initial conversion phase is complete, it is expected that the system will significantly increase productivity through improved processes and proactive, defendant-based debt management strategies. The new system also allows for better accessibility for defendants through longer call centre and public counter opening hours, and the introduction of different payment options such as Bpay and Maxi-pay. Payments can also be made at post offices throughout the State.

A network upgrade was also completed to accommodate the new computer system that resulted in all regional offices being connected to the departmental network. This led to improvements in the Division's ability to communicate with all its staff.

Enforcement levels and backlog

The Sheriff's Office processed over 300,000 warrants and overall revenue to the Government increased by 6 per cent to \$34.5 million. Special saturation-style operations were carried out in five regional locations and these continue to be an effective way of processing the backlog of warrants in these areas.



Left: Sheriff's officers often work with the Victoria Police to enforce warrants against drivers with outstanding fines. This is a useful way to identify defendants who can be difficult to trace and to remind the general community of the efforts being made to enforce unpaid fines.

Right: Under the *Confiscation Act 1997* equipment used to make or grow illegal drugs can be forfeited to the Crown. A generator hidden in a backyard bunker and used to power a hydroponic system for growing marijuana is removed by the Asset Confiscation Office.

Output performance measures: Enforcement Management

Performance measure	Unit of measure	Target	Actual	Var %	Note
<i>Quantity</i>					
Infringements, court orders and warrants cleared	number	1 132 000	1 226 974	8	e
Traffic camera operation	hours	48 000	49 290	3	
<i>Quality/timeliness</i>					
Percentage of debt clearance performance criteria satisfied	per cent	100	100	0	

Note on variation
e. Reflects continuing performance improvements associated with enforcement management initiatives.

Output: Asset Confiscation

Output Group: Legal Services

Portfolio: Attorney-General

Description

This output provides for the confiscation of the assets derived from criminal activity and held by accused persons in certain types of criminal cases.

Alignment with the Government's priorities

The output is designed to contribute to community confidence in the justice system, and provide a further disincentive to criminal activity through the enforcement of court-ordered asset confiscations. The program has potential contributory links with the Government's anti-crime strategies, particularly the high priority attention being given to commercial drug trafficking where the monetary proceeds are often 'laundered' into other assets.

Achievements

Level of confiscation

The asset confiscation scheme realised \$2.2 million for the year, and exceeded the target of \$2.1 million. Links to the Magistrates' Court computer system were improved and this will enhance the accuracy of orders made, and increase the amount of available information on the scheme's operation.

Property management

New property management procedures that utilise the Sheriff's Office resources were introduced. These procedures significantly reduced the amount of time forfeited property is held at police stations before being sold or destroyed.

Output performance measures: Asset Confiscation

Performance measure	Unit of measure	Target	Actual	Var %	Note
<i>Quantity</i>					
Number of confiscation orders obtained	number	5 000	na		f
Receipts generated	\$m	2.1	2.27	8	
<i>Quality</i>					
Collections from pecuniary penalty orders within benchmarks	per cent	25	75	0	g
Percentage of enforceable orders within benchmark	per cent	80	96	16	g
<i>Timeliness</i>					
Expired time between ultimate forfeiture and disposal	days	60	na		f

Note on variation
f. Data on these measures was not available due to systems interface difficulties.
g. Significant performance outcomes reflect continuous improvement to management processes

Output: Support for Victims of Crime

Output Group: Legal Services

Portfolio: Attorney-General

Description

This output provides victims of crime with referral to appropriate support agencies through the Victims' Helpline. It administers the Victims Counselling Scheme, and community program funding to victim support networks and specialist statewide services.

These services are delivered through the office of the Victims Referral and Assistance Service (VRAS) and the Victims Assistance Program, under which grants are provided to community-based support agencies.

Alignment with the Government's priorities

The output serves to recognise the physical and mental impacts of crime on victims, and seeks to make available a wide range of supports that victims might access to aid their recovery and return to normal health.

Achievements

Higher service levels

The target number of calls for assistance to VRAS Helpline and regional support services was 30,000. However, the total number of calls for assistance received and handled reached 56,478, representing an increase of 88 per cent above target.

The target number of clients completing counselling under the Victims Counselling Scheme was 8000. This target was also exceeded by 66 per cent as a total of 13,284 clients actually completed counselling in 1999–2000.

The overall caseload handled by VRAS funded Victim Assistance Program (VAP) agencies across the State increased by 61.8 percent from 4123 clients served in 1998–99 to 6671 clients in 1999–00.

In all areas of operation, VRAS achieved a much higher level of service than anticipated.

Restoration for victims of crime conference

In September 1999, the Victims Referral and Assistance Service, in conjunction with the Australian Institute of Criminology, hosted a conference exploring the issue of restoration for victims of crime. The conference titled 'Restoration for Victims of Crime: Contemporary Challenges' aimed to increase the knowledge and understanding of the challenges currently facing services for victims of crime and the criminal justice system. Particular emphasis was placed on meeting the needs of a diverse community.

Workshops held in conjunction with the conference addressed gaps in service delivery and best practice when responding to victims of crime. The workshops focused on the following groups: older persons, gay and lesbians, young people (including children), people with mental or physical impairment, women, newly arrived immigrants and refugees, Indigenous people as well as victims of hate crimes.

Three hundred people attended and the presentations and outcomes have been published.

Melbourne Magistrates' Court project

Between April 1999 and June 2000, the Victims Referral and Assistance Service undertook a pilot project to make access to the court system a more empowering experience for victims of family violence who sought an intervention order against a family member or partner. The pilot assumed people experiencing family violence needed more support when they made their first contact with the courts.

For the pilot, a registrar position was established at the court to provide information and support to people as they dealt with the normal legal processes.

Funded specialist projects

In 1999–00, the Victims Referral and Assistance Service funded a number of specialist projects to provide services for victims of crime in specified areas. These included:

- Victoria University of Technology: a research project to inform policy makers and service providers regarding the delivery of culturally sensitive programs and services to Horn of African youth.
- Ovens & King Community Health Service: development of a service delivery model for Aboriginal victims of crime (particularly family violence) in the Greater Shepparton area.
- South East Centre Against Sexual Assault: expansion of an existing program of dance therapy for victims of sexual assault. The project has the potential to broaden the range of options available to assist victims of crime to recover.
- Forensicare: research and development of a model for support groups for victims of stalkers. This is a relatively new area in which little research has been undertaken.
- Missing In Suspicious Circumstances Inc.: funding for a part-time worker to provide support to families and friends of people missing in cases where the police suspect foul play and the Homicide Squad has become involved.

Output performance measures: Support for Victims of Crime

Performance measure	Unit of measure	Target	Actual	Var %	Note
<i>Quantity</i>					
Calls for assistance received (through Victims Referral and Assistance Service (VRAS) Helpline and regional support networks)	number	30 000	56 478	88	h
Clients completing course of counselling	number	8 000	13 284	66	h
Grants made to victim support networks	number	12	14	17	
Public education activities conducted	number	1 000	500	-50	h
<i>Quality</i>					
Client satisfaction rate	per cent	85	99	14	h
<i>Timeliness</i>					
Helpline calls responded to within benchmarks	per cent	100	100	0	
Follow-up material to victims in one day	per cent	100	100	0	

Note on variation

h. Continuing increases in calls for assistance and counselling services reflect increased knowledge about the existence of the VRAS and the perceived quality of the service provided. Some refocusing of resources from public education was needed to meet this increased demand.

output group: courts and tribunal services

Government objective

A safer community

A just society

Output group

Courts and Tribunal Services

Portfolio

Attorney-General

Outputs

Delivered by the Department of Justice

Alternative Dispute Resolution Services

Outputs

Delivered by other agencies

Case Processing in the Supreme Court

Case Processing in the County Court

Case Processing in the Magistrates' Court

Processing of Tribunal Matters

Output: Alternative Dispute Resolution Services

Output Group: Courts and Tribunal Services

Portfolio: Attorney-General

Description

This output provides a low-cost, accessible and expeditious dispute resolution service that helps all Victorians achieve an equitable and acceptable outcome to their civil disputes. Customers are referred from government agencies (including courts, prosecuting agencies and registering agencies), local government and other community agencies.

Alignment with the Government's priorities

This output contributes to the priority objective of providing an accessible and cost-effective courts system that delivers just outcomes for the participants and the community. The components of the output are fully aligned with the Government's priorities to reduce the demand on the formal courts by promoting a range of alternative dispute resolution schemes where procedures are simple and informal. The Dispute Settlement Centre of Victoria, for example, provides neighbourhood and community mediation service.

Achievements

New case management system

In January 2001, the Dispute Settlement Centre implemented a new case management system to replace the manual and partly computerised system previously used. This new system enables the centre to record all details and contacts with its clients. It has assisted operations by:

- Streamlining the administrative processes involved in providing the Dispute Resolution Advisory Service and the mediation service so clients' enquiries are handled more expeditiously.
- Ensuring a consistency in staff approach to enquiries and information distribution.
- Providing an accurate statistical reporting mechanism that enables the centre to identify its client base, and thereby more effectively coordinate public information initiatives.

Client Satisfaction Survey

The Client Satisfaction Survey was first introduced in July 1996 as a major service delivery initiative. Clients attending a mediation session are surveyed one to two months after the mediation to gauge their satisfaction with the service and the durability of the agreement reached.

Responses from clients have consistently indicated a very high level (89 per cent) of satisfaction with the range of services provided.

Comments from clients have enabled the centre to modify its work practices (for example, time management in mediation), and to introduce initiatives to further improve service delivery (for example, improved information sheets). More recently, a detailed analysis was undertaken of the actual survey and data collection procedure. It is anticipated that some modifications may be made to feedback procedures as a result.

Involvement in large-scale facilitation work

The centre continues to be involved in large-scale facilitation work that deals with a range of disputes such as planning, workplace, organisational and environmental issues. It is currently providing facilitators for the Department of Natural Resources and Environment for selected community consultation initiatives. It also provides a facilitation service to clubs and organisations pursuant to the *Associations Incorporation Act 1981*, and works closely with a number of local councils to facilitate in the planning permit process where objections have been lodged.

The number of people typically involved in these types of disputes can range from half a dozen to over 100, and can even involve whole communities. This service assists the community by providing an independent forum for participants to air and identify issues and helps them to focus on the future. Resolving issues through this process often negates the need for parties to seek legal redress, and allows a more effective and efficient use of the court processes.

Output performance measures: Alternative Dispute Resolution Services

Performance measure	Unit of measure	Target	Actual	Var %	Note
<i>Quantity</i>					
General and Dispute Resolution. Advisory Service enquiries responded to	number	8 500	11 994	41	i
Disputes received for resolution	number	1 560	1 504	-4	
Public education activities conducted	number	210	258	23	i
<i>Quality</i>					
Resolution rate for mediations activated	per cent	37	31	-6	j
Client satisfaction rate (by survey)	per cent	80	91	11	k
<i>Timeliness</i>					
Files closed within 30 days	per cent	80	85	5	

Notes on variations

i. Reflects actual demand above estimates met within budget. Result is in line with 1998–99 actual results.

j. Results are within normal range of variation for mediations between voluntary participants.

k. Reflects the additional emphasis placed on addressing identified client issues during training sessions and case review meetings with mediators and other staff.

output group: consumer affairs and equity

Government objective

Protecting consumer rights

A just society

Output group

Consumer Affairs and Equity

Portfolio

Consumer Affairs

Attorney General

Outputs

Delivered by the Department of Justice

Consumer Protection and Responsible Trading Services

Registration of Births, Deaths and Marriages

Outputs

Delivered by other agencies

Implementation of Equal Opportunity Legislation

Public Advocacy and Guardianship Services

Advancing the Status of Women*

* Responsibility for the whole-of-government policy coordination and development services provided by the Office of Women's Affairs was transferred to the Department of Premier and Cabinet during government changes implemented in February 2000. However, while the Advancing the Status of Women output has been transferred from the Consumer Affairs and Equity Services Group in Justice, responsibility for gender-based equal opportunity and addressing women's issues in the criminal and civil justice system is maintained across all Department of Justice outputs.

Output: Consumer Protection and Responsible Trading Services

Output Group: Consumer Affairs and Equity

Portfolio: Consumer Affairs

Description

This output facilitates a confident and informed marketplace where consumers are protected and traders are responsible.

It achieves this by:

- Providing information and advisory services to enable consumers, traders, tenants and landlords to avoid problems and resolve disputes directly and through mediation.
- Enforcing legislation and forging a strategic campaign to target specific marketplace problems.
- Administering appropriate statutory trading regulations and assisting the development of alternative co-regulatory mechanisms.
- Providing policy advice and regulation reform services to the Minister for Consumer Affairs.

Alignment with the Government's priorities

The output contributes to achieving a confident and informed Victorian marketplace where traders are responsible and consumers are protected. A range of consumer protection measures is required to implement the priority elements of the Government's policy platform.

These include:

- Improvements in access to services and to the delivery of those services (Consumer Affairs presence in regional Victoria, baseline study of non-users of Consumer Affairs services to the public).
- A revitalised approach to the provision of information to consumers and to the marketplace (including a review of current publications).
- Programs to provide for potentially vulnerable sectors of the community who may need a higher degree of protection, particularly people from non-English speaking backgrounds and those living in rural and lower socioeconomic areas.
- Legislation and policy work to support consumer protection priorities.

Consumer and Business Affairs Victoria works in partnerships with other State and Commonwealth regulators of business and industry, and with major industry associations to encourage greater self-regulation. Cross-portfolio coordination with small business initiatives will support trader education and facilitate access to services, particularly in regional business centres.

Achievements

Creation of Consumer and Business Affairs Victoria

The former Office of Fair Trading and Business has been restructured to create Consumer and Business Affairs Victoria (CBAV). This will make the agency more accessible to the public, and will more fully align CBAV's various service delivery components with the Government's policy priorities. It supports the renewed focus on protection of the rights of vulnerable consumers.

Pursuant to the *Fair Trading Act 1999*, CBAV is required to publish a separate annual report. This report provides a more detailed overview of the operations of CBAV for 1999–00.

Legislative changes and initiatives

During the year in review, a number of legislative changes came into effect, most notably the *Fair Trading Act 1999* and the *Fundraising Appeals Act 1998*. The Fair Trading Act consolidated and updated general Victorian consumer protection legislation and introduced new consumer protection measures in the areas of contact (or door-to-door) sales, and pyramid selling. The Fundraising Appeals Act introduced new levels of protection for the donating public, and thus for legitimate fundraisers.

Other legislative developments included amendments to the *Business Names Act 1962* and to the legislation regulating incorporated associations, limited partnerships and cooperatives to facilitate the use of electronic communication with CBAV. Amendments to the *Domestic Building Contracts Act 1995* made provision for the introduction of the goods and services tax. The operation of protective provisions for hire purchase contracts for farm machinery was extended until 30 June 2003. Finally, the *Prostitution Control Act 1994* was amended to make clear that its provision limiting room size and numbers apply to all brothels irrespective of the date of their permit.

Activities now in train will contribute to a continued program of legislative review to identify and address deficiencies in the consumer protection framework. These activities include:

- Review of the regulation of pawnbrokers.
- Post-implementation review of fundraising regulation.
- National Competition Policy review of the *Estate Agents Act 1980*, the Consumer Credit Code, and other legislation.
- Review of a proposal to require lenders to provide information on a comparative rate of interest.
- Review of the remaining *Hire Purchase Act 1959* provisions as they affect farm machinery.

Assistance to more vulnerable consumers

The 1999–00 year saw the increased provision of services targeted to vulnerable consumers. This included providing tenants' rights and responsibilities material in braille, audio and large print formats. Increased accessibility of information was a major theme, and major publications were redesigned.

More accessible information and services were further advanced with the upgrading of the CBAV website. The website provides forms that can be downloaded, and online enquiries and complaints facilities.

In 1999–00, work commenced on a survey to determine the pattern of use by the community of CBAV services, and the gaps in service delivery. This survey and the related analysis are expected to play an important role in ensuring services are appropriate to, and targeted to, the needs of vulnerable consumers.

A program of efficiency reviews of the various areas of CBAV service delivery commenced in 1999–00 to ensure the efficiency of service delivery is adequate, and that the services available are relevant to consumers and traders.

Increased levels of business names registration

The number of business names registered in 1999–00 increased to 72,000 (up by 29 per cent on the previous year). This increase in workload was addressed within existing resource levels.

An efficiency review of this function has been undertaken, and its recommendations are now being implemented. The CBAV public waiting area (the most numerous users are those registering business names) was upgraded during the year.

Developments under way to address the needs of Victorian business and their consumers include the development of the capacity to renew business names online. Enhanced cooperation with the Department of State and Regional Development to maximise the accessibility of business registration services in Victoria is also under way.

The Hon. Marsha Thomson, Minister for Consumer Affairs, launching *Going Mobile? Make the right call* brochure, in April 2000. The brochure aims to alert young people to the unmanageable level of debts that can be incurred with some mobile phone contracts.



Output performance measures: Consumer Protection and Responsible Trading Services

Performance measure	Unit of measure	Target	Actual	Var %	Note
<i>Quantity</i>					
Preventive and remedial advice provided (includes dispute handling)	number	650 000 – 750 000	729 368	0	
Business regulation services provided	number	336 000 – 405 000	469 931	16	a
Inspection, compliance monitoring and enforcement activities undertaken	number	3300–4200	3 378	0	
Policy briefs and ministerial correspondence responses provided	number	375–435	513	18	b
<i>Quality</i>					
Client satisfied with quality and timeliness of services provided	per cent	80–90	80	0	
Business regulatory services provided in accordance with agreed service standards	per cent	90–95	87	-3	
Successful outcome to enforcement activities	per cent	90	100	10	c
Policy advice and other services to Minister provided that meet relevant quality standards and timelines	per cent	80–90	78	-3	

Notes on variations

- a. Reflects actual demand above estimates met within budget.
- b. A significant increase in ministerial services accompanied the change of government.
- c. Higher than expected success rate due to appropriate targeting and quality of investigations.

Output: Registration of Births, Deaths and Marriages

Output Group: Consumer Affairs and Equity

Portfolio: Attorney-General

Description

The output creates and maintains a database of Victorian births, deaths and marriages changes of names and adoptions pursuant to the *Births Deaths and Marriages Act 1996* and Commonwealth/State agreements. It also provides statutory birth, death, marriage and change of name certificates for official uses and for family history and research purposes. In addition, it delivers a range of non-compulsory market-priced products and services to business, government and individuals.

Alignment with the Government's priorities

This output is a statutory service. It is consistent with the Government's position to ensure such services are customer-focused, take advantage of new technologies and continually improve business processes.

Achievements

Imaging of large registers

During the year in review, all records from settlement as a colony were converted to computerised form. The registry is now the first in Australasia, and possibly the world, to have done this. In the first months of 2000–01, further work within the registry will link the last of these records to LifeData indexes, and final quality assurance checks will be undertaken.



To mark the new millennium, commemorative birth certificates were presented at Government House to all babies born in Victoria on 1 January 2000. Pictured above is His Excellency The Hon. Sir James Gobbo AC, CVO and The Hon. Rob Hulls, Attorney-General surrounded by millennium babies and their families.

In total, the final stage of the registry's imaging projects in 1999–00 consisted of approximately 4.2 million entries of births, deaths and marriages. These were then burnt to CD-ROM and loaded into the registry's optical disk imaging system. This is linked to the indexes contained in the LifeData computer system to enable retrieval by staff and the public.

LifeData II – online service delivery

LifeData II was developed during the year in review to streamline processing and to provide second generation electronic service delivery for customers 24 hours a day. Early in 2000–01, database loading will be completed and process refinements and rectifications made.

Output performance measures: Registration of Births, Deaths and Marriages

Performance measure	Unit of measure	Target	Actual	Var %	Note
<i>Quantity</i>					
Registration transactions	number	125 000 – 126 000	128 405	2	
Certificate transactions (statutory & non-statutory)	number	351 000 – 355 000	390 655	11	d
<i>Quality</i>					
Registration error rate	per cent	0.8	0.67	0	
<i>Timeliness</i>					
Certificate turnaround times					
• Mail (same day)	per cent	50–70	68	0	
• Counter (1.5 minutes)	per cent	70–80	85	5	

Note on variation

d. Budget targets were based on the expectation that NSW would assume production of their Commemorative Certificates in January 2000 whereas this did not occur until May 2000; however, the additional demand was met within budget.