

Director's Message - Important developments for our practice in light of Government budget decisions - 11 May 2011

As has been widely anticipated, the Budget that has just been handed down has made it clear that the Federal Government gives utmost priority to its election commitment to have the Budget in surplus in the 2012-13 financial years. This commitment has meant that stringent budgetary decisions have been made, including some that impact on the resources allocated to agencies.

One aspect of the Government's budgetary approach is a decision to increase the Efficiency Dividend to 1.5% for the coming two financial years. Another decision of Government is that it has been decided that the Office will cease its role in relation to the recovery of fines and costs.

A specific aspect of the budget, directly impacting on this Office, is that the Government has also ceased specific additional funding to the CDPP for people smuggling prosecutions as from 1 July 2011. As a consequence of this latter Government decision, at this stage, the Office will be obliged to absorb the cost of undertaking people smuggling prosecutions. As you would be aware several Government initiatives have been very recently announced in relation to people smuggling. It is difficult to make projections as to ongoing numbers, however there are a very significant number of cases already with this office.

Given the scale of the reductions to the CDPP, the required reduction in our operations will be more significant than the steps I took in 2009 to address resource constraints imposed on the Office at that time.

Direction by the Attorney

I now come to the major mechanism by which the Office will address the challenge of reduced resources. Until now, the CDPP has prosecuted all matters referred to it where the test in the *Prosecution Policy of the Commonwealth* is satisfied, that is, there is a prima facie case with reasonable prospects of conviction and the prosecution is in the public interest. However, as a result of budget related Government decisions there will be significantly reduced resources to the CDPP in the coming financial year. This necessarily means that the CDPP will not be resourced next year to carry out the range of work and number of prosecutions that it currently conducts.

I have informed the Attorney that the present situation gives rise to the need for a Direction pursuant to section 8(1) of the DPP Act 1983 in order for Government priorities to be stated. I am presently awaiting this Direction.

It is important to note that these steps arise from a decision by Government, essentially concerning the Commonwealth's allocation of resources. I want to assure you that the steps that we are required to take are not based on any policy change by the Government as to how the fundamentals of the prosecution system should operate.

The Government's decisions have not been brought about by any diminution in the importance of an independent CDPP, or in the importance of independent decision making in the prosecution function. There has been no suggestion to me of Government dissatisfaction with the work of this Office.

Senate Legal and Constitutional Affairs Committee
Budget Estimates 2011-12, 23-26 May 2011

Tabled Document

By:

Senator Brandis

Date:

25/5/2011

The Office makes a great contribution to the administration of criminal justice in Australia. This contribution is well known. It will continue, as will the high standing and reputation of the Office for effectiveness and integrity. The CDPP will continue to prosecute serious criminality across Australia with a diverse and challenging practice.

Impact on the Office

In approaching the present situation I have been very concerned to minimise any anxiety that the impact of these resource constraints might have on the staff of the Office. In relation to ceasing the fines and costs function, the Office will adopt a staged approach and we will discuss this with the staff concerned.

I am confident that we will be able to meet these challenges by natural attrition. I also want to tell you that, despite the present budgetary restrictions, I am committed to offering a 3% pay increase to staff as part of our Enterprise Agreement negotiations.

I am conscious that many of you may well be concerned about workloads and may be anxious that there will be an expectation that increased work is to be undertaken by staff. This is not to be my approach. I do recognise the hard work and diligence that is to be found amongst staff across the Office. On the other hand it is important for everyone to understand that, following an expected Direction from the Attorney, there will be a reduced number of prosecutions conducted with our reducing resources. We will not be able to sustain the range of activities in which we have been involved up to this point. Indeed, we will need to review some matters that are currently before the courts. These measures are the inevitable consequence of reduced resources being made available for prosecutions and consistent with my commitment that neither the over-loading of staff, nor reducing quality, are options for consideration.

I do understand that there will be concern about these changes. Some amongst you may be asking, quite reasonably, "How can this be happening, given the importance of our work?" or "Why is the Office being placed in this position – surely this could have been averted?" I want to assure you that the Office leadership has made it very clear to Government that a reduced budgetary allocation for prosecutions must have a significant effect on the Office and on Commonwealth law enforcement. Government decisions have been taken in the budget process with this having been communicated on many occasions and in every way possible. We have been in discussions about the impact of reduced resources and have made sure that all the consequences of the reduction have also been made in unmistakable terms.

I appreciate that you may have questions or concerns and there will be opportunities within your Office to raise and discuss these.

Our task as a responsible and principled prosecuting agency is to implement any required changes in accordance with the anticipated Direction as smoothly and consistently as we are able. I am confident that all of us in the Office will respond to the task professionally as we work together to meet this challenge.

Chris Craigie SC