

### 3. PUBLIC ORDER AND SAFETY

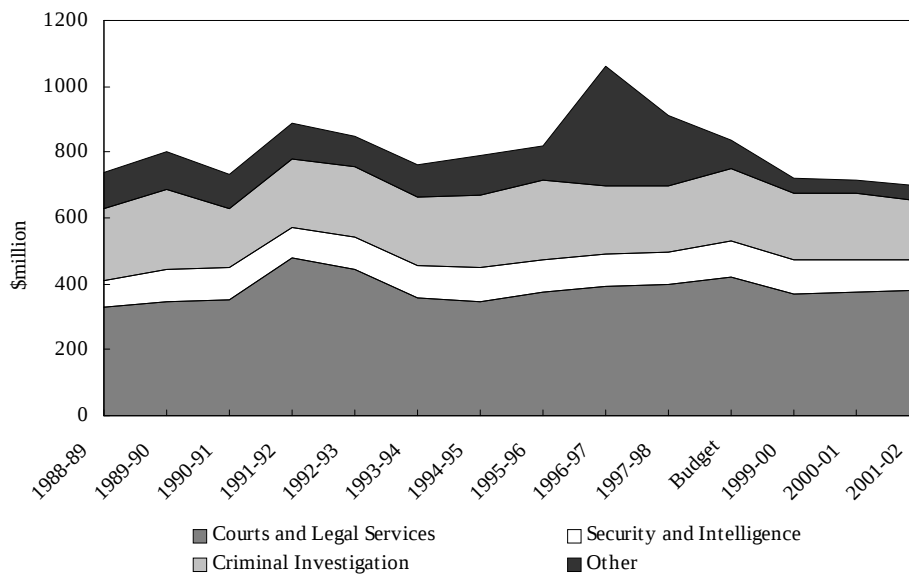
#### NATURE OF OUTLAYS

The purpose of these outlays is to provide the Australian community with appropriate legal services and protection under the law. They cover courts and related legal services (other than those concerned with industrial relations), legal aid, law enforcement, security and intelligence services and a range of other public safety activities.

This function includes outlays of the following portfolios:

- Attorney-General's;
- Finance and Administration;
- Foreign Affairs and Trade;
- Industry, Science and Tourism;
- Primary Industries and Energy;
- Prime Minister and Cabinet; and
- Transport and Regional Development.

**Chart 1. Overview of Commonwealth Outlays on Public Order and Safety (1989-90 prices)**



## TRENDS IN PUBLIC ORDER AND SAFETY OUTLAYS

Outlays on Public Order and Safety increased in 1991-92, largely due to the purchase of land for the Brisbane Court Building, the installation of the Legal Office Information System (LOIS) within the Attorney-General's Department and the preparation of war crimes legislation.

The transfer of funding for legal services to other functions in 1992-93 led to a reduction in outlays in this function. This trend continued in 1993-94 as projects under the Courts Construction Programme and LOIS were completed. Outlays rose again in 1995-96 as the first initiatives of the Justice Statement commenced.

The peak over the period 1996-97 to 1997-98 reflects the Commonwealth Government's contribution to the National Firearms Programme. These costs mainly constituted the Commonwealth's reimbursement of payments made by the States and Territories to firearm owners, dealers and collectors who surrendered guns as part of the compensation-for-surrender scheme. The reimbursement was funded from the gun levy collected as a one-off increase in 1996-97 of 0.2 per cent in the Medicare levy, raising approximately \$500 million. It is now estimated that \$40 million of the \$500 million will be expended in 1998-99. The gun amnesty expired in September 1997 and Commonwealth reimbursements to the States will be completed in 1998-99.

The budget and forward estimates indicate that the real value of outlays will continue to decline from a peak in 1996-97. The measures that most affect the forward estimates include: the winding down of the National Firearms Programme; changes to the financing arrangements for the construction of the Melbourne Law Courts building; the limiting of Commonwealth legal aid contributions to matters arising under Commonwealth law; and divestment and restructuring of commercial business units in the Attorney-General's portfolio.

These reductions have been partly offset by increases in funding to the Federal Court of Australia for native title matters, to the National Crime Authority to target fraud against the Commonwealth and other related crime, and two stages of the National Illicit Drugs Strategy.

### 1998-99 AND FORWARD ESTIMATES

|     |                                    | 1997-98    | 1998-99 | 1999-00  | 2000-01  | 2001-02  |
|-----|------------------------------------|------------|---------|----------|----------|----------|
|     |                                    | Estimate   | Budget  | Estimate | Estimate | Estimate |
| 3.1 | Courts and Legal Services          | \$m 465.0  | 508.6   | 461.0    | 480.3    | 497.7    |
|     |                                    | %          | 9.4     | -9.4     | 4.2      | 3.6      |
| 3.2 | Security and Intelligence Services | \$m 118.1  | 131.8   | 125.7    | 120.0    | 115.1    |
|     |                                    | %          | 11.6    | -4.6     | -4.5     | -4.1     |
| 3.3 | Criminal Investigation             | \$m 239.5  | 267.7   | 250.6    | 254.2    | 239.2    |
|     |                                    | %          | 11.8    | -6.4     | 1.4      | -5.9     |
| 3.4 | Other Public Order and Safety      | \$m 247.0  | 101.9   | 57.6     | 57.8     | 59.0     |
|     |                                    | %          | -58.7   | -43.5    | 0.3      | 2.1      |
|     | TOTAL                              | \$m 1069.6 | 1010.0  | 894.8    | 912.3    | 911.1    |
|     |                                    | %          | -5.6    | -11.4    | 2.0      | -0.1     |

### 3.1 COURTS AND LEGAL SERVICES

|                            |     | 1997-98  | 1998-99 | 1999-00  | 2000-01  | 2001-02  |
|----------------------------|-----|----------|---------|----------|----------|----------|
|                            |     | Estimate | Budget  | Estimate | Estimate | Estimate |
| High Court                 | \$m | 10.1     | 10.6    | 9.4      | 9.5      | 9.6      |
|                            | %   |          | 5.0     | -11.3    | 1.1      | 1.1      |
| Other Commonwealth Courts  | \$m | 170.2    | 185.9   | 170.8    | 188.6    | 206.4    |
|                            | %   |          | 9.2     | -8.1     | 10.4     | 9.4      |
| Legal Services             | \$m | 136.3    | 165.2   | 139.3    | 141.1    | 140.2    |
|                            | %   |          | 21.2    | -15.7    | 1.3      | -0.6     |
| Legal Aid                  | \$m | 130.8    | 133.6   | 130.0    | 129.5    | 129.9    |
|                            | %   |          | 2.1     | -2.7     | -0.4     | 0.3      |
| Protection of Human Rights | \$m | 17.6     | 13.2    | 11.5     | 11.6     | 11.7     |
|                            | %   |          | -25.0   | -12.9    | 0.9      | 0.9      |
| TOTAL                      | \$m | 465.0    | 508.6   | 461.0    | 480.3    | 497.7    |
|                            | %   |          | 9.4     | -9.4     | 4.2      | 3.6      |

Outlays under this subfunction include payments for:

- the High Court, the Federal Court of Australia, the Family Court of Australia and the Human Rights and Equal Opportunity Commission;
- the regulation and administration of bankruptcies by the Insolvency and Trustee Service, Australia;
- property lease termination costs associated with the Australian Government Solicitor's rationalisation, the operational expenses of the Australian Law Reform Commission and the running costs of the Office of the Director of Public Prosecutions; and
- the Commonwealth's contribution to funding for State Legal Aid Commissions for general legal aid services and specific legal aid programmes including the defence of claims under the *Native Title Act 1993*. The Commonwealth's funding arrangements for legal aid have been negotiated with each State and Territory and aim to better target legal aid funding to matters arising under Commonwealth law.

### 3.2 SECURITY AND INTELLIGENCE SERVICES

Outlays under this subfunction include the operations of the Australian Security Intelligence Organization, the Australian Secret Intelligence Service and the Office of National Assessments. These agencies collect and assess information relevant to protection against threats to Australia's national interests. Other activities include the physical and technical security at overseas posts, counter-terrorist training and equipment, and the operations of the Office of the Inspector-General of Intelligence and Security.

### 3.3 CRIMINAL INVESTIGATION

|                              |     | 1997-98  | 1998-99 | 1999-00  | 2000-01  | 2001-02  |
|------------------------------|-----|----------|---------|----------|----------|----------|
|                              |     | Estimate | Budget  | Estimate | Estimate | Estimate |
| Australian Federal Police    | \$m | 180.8    | 202.4   | 188.3    | 197.9    | 182.8    |
|                              | %   |          | 11.9    | -7.0     | 5.1      | -7.6     |
| Other Criminal Investigation | \$m | 58.7     | 65.3    | 62.3     | 56.3     | 56.4     |
|                              | %   |          | 11.2    | -4.6     | -9.6     | 0.2      |
| TOTAL                        | \$m | 239.5    | 267.7   | 250.6    | 254.2    | 239.2    |
|                              | %   |          | 11.8    | -6.4     | 1.4      | -5.9     |

These outlays provide for law enforcement and associated investigation activities and include:

- the Australian Federal Police's enforcement of the law in relation to drug trafficking, organised crime, fraud against the Commonwealth, counter terrorism, and community policing in the ACT; and
- police and criminology support activities such as those provided by the Australian Bureau of Criminal Intelligence, the Australian Institute of Criminology, the National Crime Authority and Australian Transaction Reports and Analysis Centre.

### 3.4 OTHER PUBLIC ORDER AND SAFETY

|                             |     | 1997-98<br>Estimate | 1998-99<br>Budget | 1999-00<br>Estimate | 2000-01<br>Estimate | 2001-02<br>Estimate |
|-----------------------------|-----|---------------------|-------------------|---------------------|---------------------|---------------------|
| General Administration      | \$m | 26.7                | 22.3              | 22.3                | 22.2                | 22.5                |
|                             | %   |                     | -16.5             | na                  | -0.4                | 1.4                 |
| Coastwatch                  | \$m | 34.9                | 35.1              | 35.7                | 36.3                | 37.0                |
|                             | %   |                     | 0.6               | 1.7                 | 1.7                 | 1.9                 |
| National Firearms Programme | \$m | 129.0               | 40.0              | -                   | -                   | -                   |
|                             | %   |                     | -69.0             | -100.0              | na                  | na                  |
| Other                       | \$m | 56.3                | 4.5               | -0.4                | -0.8                | -0.4                |
|                             | %   |                     | -92.0             | -108.9              | 100.0               | -50.0               |
| TOTAL                       | \$m | 247.0               | 101.9             | 57.6                | 57.8                | 59.0                |
|                             | %   |                     | -58.7             | -43.5               | 0.3                 | 2.1                 |

This subfunction incorporates all other outlays on Public Order and Safety activities such as:

- the residual general administration costs of the Attorney-General's Department, grants and payments to Australian and overseas bodies, and the costs of publishing legislation;
- the Coastwatch unit of the Australian Customs Service, which is responsible for the aerial surveillance of Australian Coastal and Fishing Zone areas, for the purposes of detecting smuggling, illegal entry, unauthorised fishing and quarantine breaches;
- the National Firearms Programme which provides compensation to gun owners, dealers and collectors for the surrender of certain categories of firearms;
- provision of community policing in the Territories of Christmas Island and Cocos (Keeling) Islands; and
- the protection of Commonwealth property.