



Northern  
Territory  
Government

DEPARTMENT OF THE ATTORNEY-GENERAL AND JUSTICE

# ANNUAL REPORT

## 2012 - 2013

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## HOW TO USE THIS REPORT

This is the Chief Executive's report to the Attorney-General and Minister for Justice, the Minister for Health and the Minister for Children and Families for the financial year 2012-13. This Annual Report was prepared in accordance with the *Public Sector Employment and Management Act*, the *Financial Management Act*, *Information Act* and the *Northern Territory Government Annual Report Policy* issued by the Department of the Chief Minister. The report also provides information for the community and stakeholders.

The Annual Report relates the department's performance for 2012-13 on the measures outlined in the Budget Statements for the same period.

**PART 1** introduces readers to the Department of the Attorney-General and Justice with a review of the year from the Chief Executive. It also provides a description of the portfolio, the strategic framework and the department's organisational structure.

**PART 2** details management and accountability processes, including corporate governance, financial management, human resource management, information and knowledge management.

**PART 3** identifies how we are investing in our people to achieve the department's goals. It also provides demographic and related information about our staff.

**PART 4** reports on how the department performed during the period, against its outcomes.

**PART 5** details our performance in administering our functions under the *Construction Contracts (Security of Payments) Act*.

**PART 6** outlines our insurance arrangements and reporting.

**PART 7** contains the audited financial statements for 2012-13.

**PART 8** comprises appendices that provide additional information and reports.

## NAVIGATION AND PRINTING

This annual report has been created for optimal viewing as an electronic, online document. It can be viewed online at [www.nt.gov.au/justice](http://www.nt.gov.au/justice)

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Northern Territory Department of the Attorney-General and Justice

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[www.nt.gov.au/justice](http://www.nt.gov.au/justice)

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# LETTER TO THE MINISTERS

**The Hon John Elferink MLA**

Attorney-General and Minister for Justice  
Minister for Children and Families  
Parliament House  
DARWIN NT 0800

**The Hon Robyn Lambley MLA**

Minister for Health  
Parliament House  
DARWIN NT 0800

Dear Ministers

I am pleased to submit to you the 2012-13 annual report for the Department of the Attorney-General and Justice, in accordance with the provisions of section 28 of the *Public Sector Employment and Management Act* and section 12 of the *Financial Management Act*.

Pursuant to my responsibilities as the Accountable Officer under section 13 of the *Financial Management Act*, I advise to the best of my knowledge and belief:

- a) Proper records of all transactions affecting the department are kept and the employees under my control observe the provisions of the *Financial Management Act*, the *Financial Management Regulations* and the Treasurer's Directions.
- b) Procedures within this department afford proper internal control and current descriptions of such procedures were recorded in accordance with the requirements of the *Financial Management Act*.
- c) No indication of fraud, malpractice, material breach of legislation or delegation, major error in or omission from the accounts or records exists.
- d) In accordance with the *Financial Management Act*, the internal audit capacity was adequate and the results of the internal audits were reported to me.
- e) The financial statements included in this report have been prepared from proper accounts and records and are in accordance with appropriate Treasurer's Directions.
- f) All Employment Instructions issued by the Commissioner for Public Employment have been adhered to.

Pursuant to section 131 of the *Information Act*, I advise that to the best of my knowledge and belief, the department has implemented processes to achieve compliance with the archives and records management provisions as prescribed in Part 9 of the *Information Act*.

Yours sincerely

**GREG SHANAHAN**  
CHIEF EXECUTIVE  
27 September 2013

# INTRODUCTION AND OVERVIEW

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## OUR MINISTERS

The following Ministers were responsible for the Department of the Attorney-General and Justice portfolio as at the date of this report.



**Hon John Elferink MLA**

Attorney-General and Minister for Justice  
Minister for Children and Families



**Hon Robyn Lambley MLA**

Minister for Health

## THE YEAR IN REVIEW: CE'S MESSAGE

Following the general election in August 2012, the people of the Northern Territory elected a new government which has a significant policy focus in the Attorney-General's portfolio. The Department of the Attorney-General and Justice (the department) was created on 4 September 2012 and the portfolio responsibilities of the former Department of Justice were re-distributed to a number of separate departments.

Throughout 2012-13, the department has delivered on the government's law reform agenda and provided services, in line with a contemporary justice system, to members of the public.

The department has delivered on a number of priorities on the government's legislative reform agenda, which saw the introduction and passage of the *Criminal Code Amendment (Violent Act Causing Death) Act*, the *Serious Sex Offenders Act*, the *Evidence (National Uniform Legislation) Amendment Act*, the *Penalty Units Amendment Act*, the *Victims of Crime Assistance Amendment Act*, the *Sentencing Amendment (Mandatory Minimum Sentences) Act* and the *Sale of Land (Rights and Duties of Parties) Act Repeal Act*.

The work undertaken by the department during 2012-13, particularly during a period of significant change following the Administrative Arrangements Orders issued on 4 September 2012, has been significant and was conducted with the utmost professionalism. I thank all staff who contributed their expertise and dedication across all areas of the department throughout this period of change, without whom the achievements listed in this report would not have been possible.

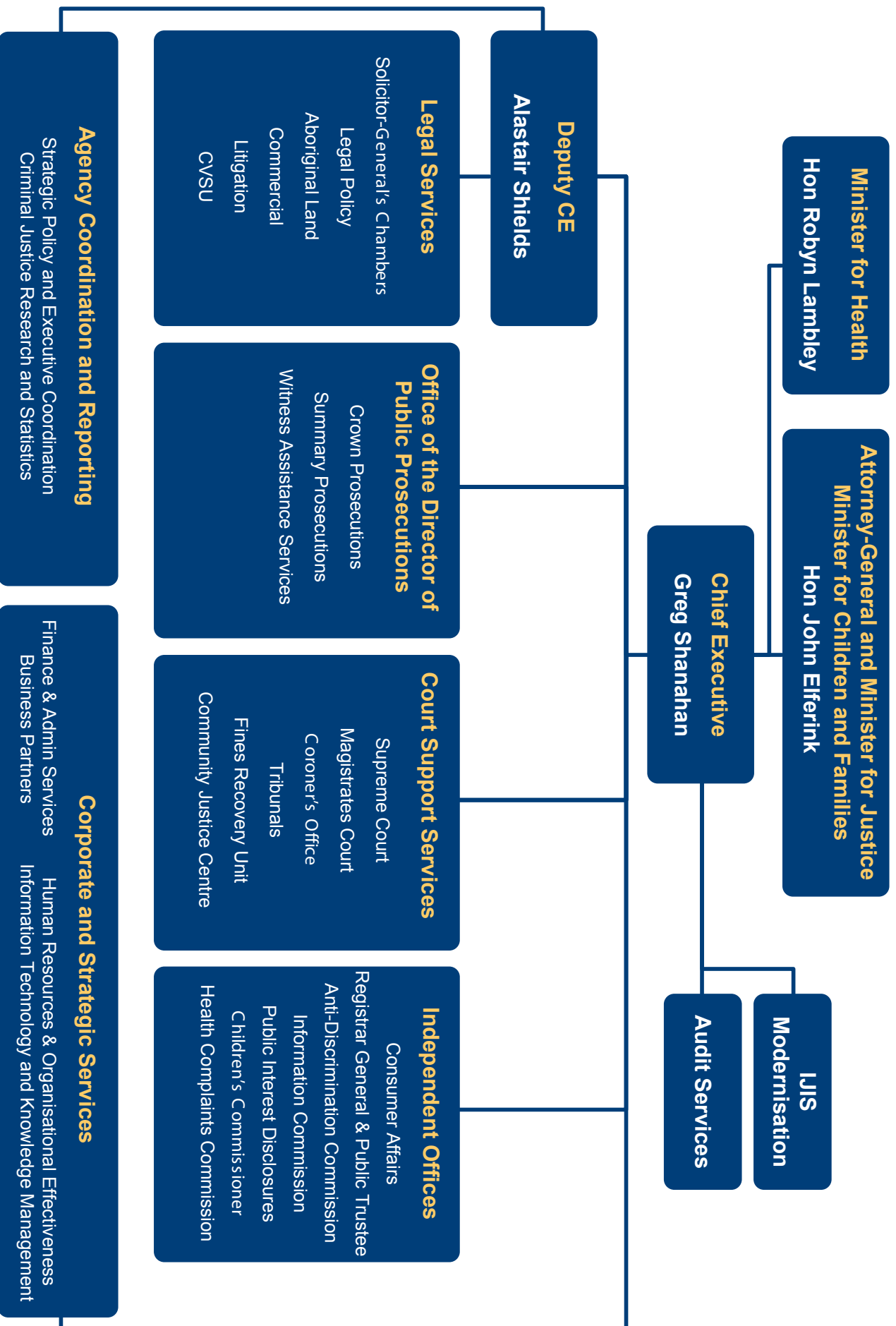
Greg Macdonald, a senior solicitor for the Solicitor for the Northern Territory, was awarded the Chief Minister's Public Sector Medal in November 2012. Greg is a skilled litigation lawyer and is based in the Solicitor-General's chambers. Greg is often called on to assist in matters involving complex and unique legal problems and continues to undertake a number of extra-curricular activities with a community focus. The award is an important recognition of the quality of legal services provided to government and I thank Greg for his ongoing commitment.

In the year ahead, the department will continue to implement the government's legislative reform agenda and a significant policy focus will be the government's Pillars of Justice initiative. I am confident that with the continued professionalism and commitment from all staff the department will be well placed to deliver services at the high standard expected of it.

We also look forward to the Integrated Justice Information System modernisation project gaining traction and delivering real service improvements to all stakeholders.

**Greg Shanahan**  
Chief Executive

# INTRODUCTION AND OVERVIEW



## BUDGET PAPER 3 OUTPUT GROUPS

Since the publishing of Budget Paper No 3 of 2012-13 there have been significant changes to the Administrative Arrangements Orders, with the disbandment of the Department of Justice and each of the Output Groups transferring to a number of different departments. Correctional Services has been established as a department which also includes the output group Youth Justice Unit. Licensing, Regulation and Alcohol Strategy has transferred to the Department of Business, the Department of Health and the Department of Sport and Recreation. WorkSafe has transferred to the Department of Business. The Environmental Protection Authority has transferred to the Department of Lands, Planning and Environment.

The remaining output groups from the former Department of Justice have formed the Department of the Attorney-General and Justice. There have been significant changes to the Policy and Coordination output group, with Community Justice Policy and Community Justice Grants no longer separate outputs, Legal Policy forming part of the Legal Services output group, the Community Benefit Fund transferring to the Department of Business, and Research and Statistics transferring functions to various departments with the criminal justice research and statistics remaining with the department, although not as an output. The significant changes are outlined in the table below:

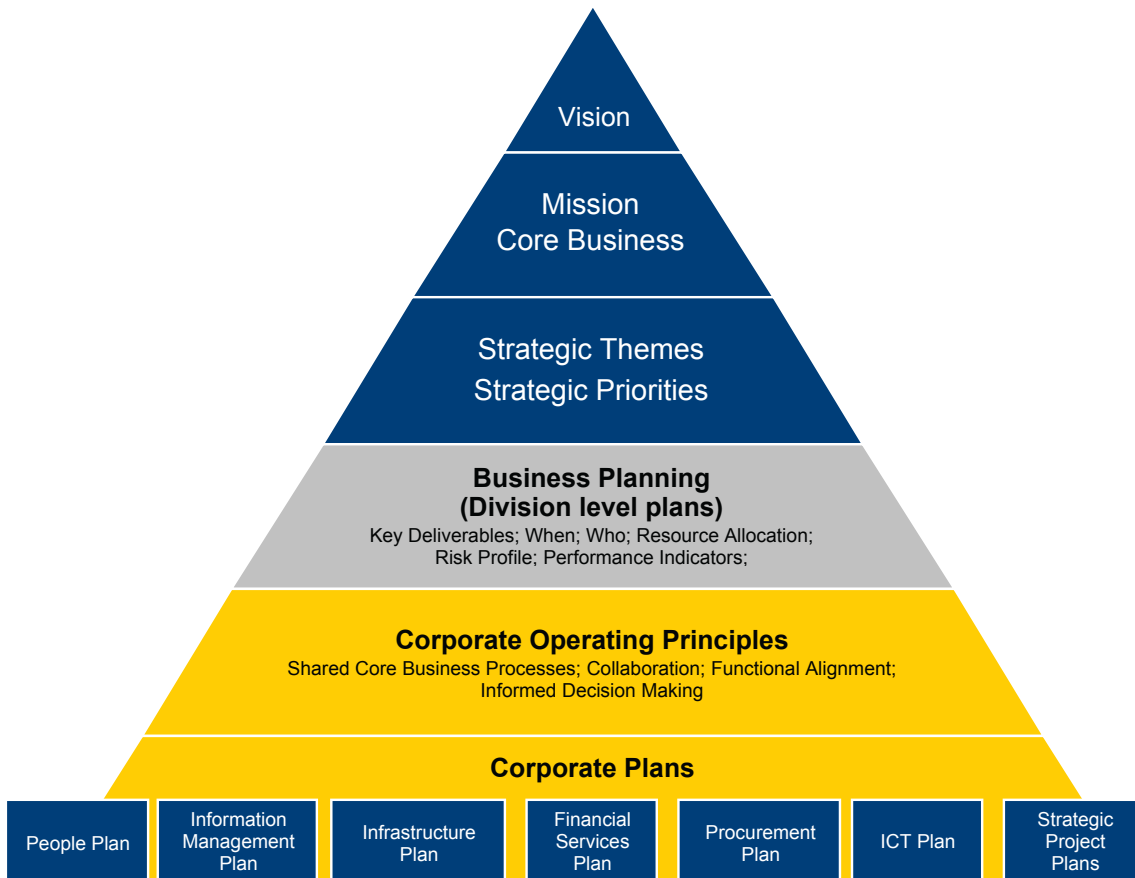
Output Groups (Budget Paper No. 3) 2012-13	Outputs (Budget Paper No. 3) 2012-13	Output Groups AAO (20 March 2013)	Outputs AAO (20 March 2013)
Solicitor for the Northern Territory	<ul style="list-style-type: none"> <li>Solicitor for the Northern Territory</li> </ul>	Legal Services	<ul style="list-style-type: none"> <li>Solicitor for the Northern Territory</li> <li>Crime Victims Services Unit</li> <li>Legal Policy</li> </ul>
Court Support and Independent Offices	<ul style="list-style-type: none"> <li>Higher Courts</li> <li>Lower Courts and Tribunals</li> <li>Fines Recovery Unit</li> <li>Independent Offices</li> </ul>	Court Support Services	<ul style="list-style-type: none"> <li>Higher Courts</li> <li>Lower Courts and Tribunals</li> <li>Fines Recovery Unit</li> </ul>
Policy Coordination	<ul style="list-style-type: none"> <li>Community Justice Policy(*)</li> <li>Legal Policy(*)</li> <li>Research and Statistics(*)</li> <li>Community Benefit Fund(*)</li> <li>Community Justice Grants(*)</li> </ul>		
		Director of Public Prosecutions	<ul style="list-style-type: none"> <li>Director of Public Prosecutions</li> </ul>
		Independent Offices	<ul style="list-style-type: none"> <li>Registrar-General</li> <li>Public Trustee</li> <li>Information Commissioner</li> <li>Public Interest Disclosures</li> <li>Consumer Affairs</li> <li>Anti-Discrimination Commission</li> <li>Children's Commissioner</li> <li>Health and Community Services Complaints Commission</li> </ul>

(\*) **These outputs have discontinued with the changes to the Administrative Arrangements Orders and Mini-Budget of December 2012:**

- Community Justice Policy is no longer a separate output function for the department.
- Legal Policy formed part of the Legal Services output.
- Research and Statistics is no longer a separate output function for the department.
- Community Benefit Fund is no longer an output function for the department.
- Community Justice Grants is no longer an output function for the department.

## STRATEGIC PLANNING FRAMEWORK

The Department of the Attorney-General and Justice has developed a strategic planning framework to articulate the inter-relationship between the various elements of the 2013-2016 strategic plan, divisional business plans and the underpinning individual corporate plans which are guided by the corporate operating principles.



Following the establishment of the Department of the Attorney-General and Justice the department developed a new Strategic Plan 2013-2016. This strategic plan articulates a new vision of a fair and accessible legal system for the community with the following three strategic drivers:

- Advise and support the Attorney-General as the First Law Officer
- Provide a strong, responsive, contemporary justice system
- Protect and promote the rights of victims of crime, the vulnerable and the disadvantaged.

Divisional business plans are structured to capture the divisional priorities which progress the department's strategic directions and identify success indicators. Some Statutory Offices have legislative functions which are not articulated in the strategic plan, and activity associated with these functions is captured within the divisional business plans.

A range of corporate activities provide support across the various divisions of the department. These activities are delivered by adhering to five corporate operating principles (shared business standards, collaboration, reduce complexity, informed decision making, and build positive relationships).

## THE DEPARTMENT'S STRATEGIC PLAN 2013-16

### OUR VISION

A fair and accessible legal system for the community.

### OUR MISSION

Provide strategic law and legal policy services to government and deliver Courts, prosecutions, advocacy, complaint resolution and registration services.

### OUR CORE BUSINESS

- Provide legal services to government.
- Provide support for government's legislative program
- Provide support to victims of crime.
- Provide support to courts and independent offices to protect the community's legal rights.
- Coordinate research and statistical data to support justice-related government policies.

### OUR VALUES

- Integrity
  - Act openly, honestly, fairly and with accountability.
- Courage
  - Provide government with robust advice that is frank, honest, timely and based on the best available evidence.
- Respect
  - Listen to and value different backgrounds, perspectives and contributions.
- Professional Excellence
  - Positively represent the department and the Northern Territory Government.
- Commitment
  - Strive to achieve the department's strategic directions.

### OUR STRATEGIC THEMES

- Work collaboratively and in partnership to inform quality advice.
- Value a cohesive and united workforce.
- Improve community understanding of the legal system, services and individual rights and obligations.
- Deliver effective, timely and responsive services.
- Drive operational and professional compliance.
- Be responsive to the needs of clients and the community.

### STRATEGIC DRIVERS

- Advise the Attorney-General as the First Law Officer.
- Provide a strong, responsive, contemporary justice system.
- Protect and promote the rights of victims of crime, the vulnerable and the disadvantaged.

## ENABLING LEGISLATION

The Administrative Arrangements Order of 20 March 2013 (the relevant order as at 30 June 2013) gave the Attorney-General and Minister for Justice, Minister for Health, and Minister for Child Protection responsibility for administering more than 140 Acts of the Northern Territory through the Department of the Attorney-General and Justice. A full list of the legislation administered by the department in 2012-13 is at Appendix 1.

A list summarising the statutory bodies and boards for which the department was principally responsible is provided at Appendix 2.

Details of offices and office holders for which the department had financial responsibility are set out below.

## STATUTORY OFFICE HOLDERS AND STATUTORY OFFICES

A number of statutory offices came under the umbrella of the Department of the Attorney-General and Justice in 2012-13 for the purposes of the *Public Sector Employment and Management Act* and the *Financial Management Act*.

The independent statutory offices are included in the department's output structure for the purposes of funding and reporting on performance against the approved agency budget. However the department has no authority to direct a statutory officer in the execution of their independent functions.

It should be noted that the functions and independence of statutory offices are maintained by their respective Acts.

A number of the statutory office holders are:

- the Solicitor-General, appointed pursuant to the *Law Officers Act*, who is a separate, independent source of legal advice for the Attorney-General;
- the Director of Public Prosecutions, who acted independently and reported separately to the Attorney-General pursuant to section 33 of the *Director of Public Prosecutions Act*;
- the Lands, Planning and Mining Tribunal Chairperson, who reported separately to the Attorney-General and Minister for Justice pursuant to section 38 of the *Lands, Planning and Mining Tribunal Act*;
- the President of the Mental Health Review Tribunal, who reported separately to the Attorney-General and Minister for Justice pursuant to section 140 of the *Mental Health and Related Services Act*;
- the Anti-Discrimination Commissioner, who reported separately to the Attorney-General and Minister for Justice pursuant to section 16 of the *Anti-Discrimination Act*;
- the Information Commissioner, who reported separately to the Attorney-General and Minister for Justice pursuant to section 98 of the *Information Act*;
- the Commissioner for Public Interest Disclosures, who reported separately to the Attorney-General and Minister for Justice pursuant to section 48 of the *Public Interest Disclosure Act*;
- the Commissioner for Consumer Affairs, who reported separately to the Attorney-General and Minister for Justice pursuant to section 12 of the *Consumer Affairs and Fair Trading Act*;
- the Public Trustee, who reported separately to the Attorney-General and Minister for Justice pursuant to section 18 of the *Public Trustee Act*;
- the Commissioner for Health and Community Services Complaints, who reported separately to the Minister for Health pursuant to section 19 of the *Health and Community Services Complaints Act*;
- the Children's Commissioner, who reported separately to the Minister for Child Protection pursuant to section 278 of the *Care and Protection of Children Act*.

This list is not exhaustive.

The Registrar-General, who was appointed pursuant to the *Registration Act*, and the Registrar of Births, Deaths and Marriages, who was appointed pursuant to the *Births, Deaths and Marriages Registration Act*, are also referred to in this report.

## **Justice of the Peace**

Northern Territory Justices of the Peace and Commissioners for Oaths are appointed under the *Oaths, Affidavits and Declarations Act* and *Justices of the Peace Act*.

Justices of the Peace and Commissioners for Oaths perform a wide range of services including administering an oath; taking an affidavit; or attesting the execution of a document. In addition to the above responsibilities, Justices of the Peace can sign warrants and summonses.

# CORPORATE GOVERNANCE

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## THE GOVERNANCE FRAMEWORK

Good governance is about the department being able to make decisions that are accountable, defensible, inclusive, responsive, effective and efficient. The department has achieved this by developing, monitoring and refining a governance framework which is known and understood by all employees and stakeholders.

It is also about ensuring that the department has the foundation to direct and control its resources and relate to its stakeholders. Good corporate governance is essential to making sure there is credibility and confidence in the public services we provide. It supports effective and ethical decision making and is based on:

- a balanced accountability framework which is formulated through clear communication and understanding across the department of roles and responsibilities;
- robust performance, financial, risk and information management systems; and
- high standards of conduct (defined by our values).

The department's Governance Framework is outlined below:



The department used a system of governance that allowed it to deliver business outcomes and meet its obligations with minimum risk.

Elements of the department's system of governance included:

- leadership and management;
- strategy development and planning;
- risk management and audit;
- delivering its strategy through its operations and business
- reviewing its performance and redirecting its resources; and
- legislative and statutory compliance.

Primary responsibility for the department's strategic leadership and management rested with the Executive Leadership Group (ELG).

The ELG was informed and supported by the Internal Audit Committee in meeting the department's governance responsibilities. The ELG is scheduled to meet monthly.

With the establishment of the new department, the requirement for the various subcommittees and advisory groups to inform and support the ELG was assessed. The following pages provide details of the committees which have been established and their functions, and show their relationships with the ELG.

A dedicated Chief Finance Officer was responsible for the department's financial governance and a dedicated Chief Information Officer was responsible for the governance of, and compliance with, the department's information systems.

## THE EXECUTIVE LEADERSHIP GROUP

The Executive Leadership Group (ELG) provides oversight of the department within the strategic framework.

The role of the ELG is to:

- Oversee the development and implementation of the department's Strategic Plan.
- Provide leadership in the coordination of intra and inter agency activities which deliver the department's strategic objectives.
- Provide leadership in the development of corporate frameworks which underpin the department's strategic objectives.
- Develop the leadership and technical skills of our staff across the department.

The focus of the ELG is to ensure that the development of our people and our supporting corporate frameworks are in line with the department's Strategic Plan.

The ELG meets monthly and all members were responsible for ensuring their divisional staff were briefed on decisions.

The ELG also travelled to Alice Springs for a meeting. It used this visit as an opportunity for broader networking, sharing information and obtaining feedback from staff.

The members of the ELG were:

Chair:

- Chief Executive

Members

- Deputy CE
- Director of Public Prosecutions
- Director Corporate and Strategic Services
- Director Court Support Services
- A representative from the Independent Offices Group

## BUSINESS PLANNING

The department's business planning process for 2013-14 commenced in May 2013, with all divisions undertaking the process for developing business plans for the 2013-14 period. The template used for this process included a strategic and operational risk assessment, and the alignment of the priorities with the recently completed Strategic Plan 2013-2016.

Particular emphasis for this cycle was placed on identifying the risks to achieving the departmental outcomes as well developing appropriate mitigation strategies and then identifying and allocating the required resources for actions or activities.

## SUBCOMMITTEES 2012-13

A number of subcommittees have been established to conduct specific activities or manage special projects, as determined by the Chief Executive (CE) and the Executive Leadership Group (ELG). Information provided by subcommittees informs decision making by the CE and ELG.

Subcommittee	Members (as at 30 June 2013)	Objective	Meetings held 2012-13
Internal Audit Committee (IAC)	Jim Laouris, Deputy Public Trustee (Chair) Janet Green, Internal Auditor (Secretary). Danielle Hutchinson, Court Support Services (Member). Alan Krajsek, Solicitor for the Northern Territory (Member). Lilia Cercarelli, Office of the Director of Public Prosecutions (Member). Jason Finlay, Corporate and Strategic Services (Observer). Representative, Auditor General's Office (Observer).	The IAC provides an oversight role to assist the CE and the ELG to fulfil their corporate governance responsibilities, particularly in relation to accountability arrangements, internal control, risk management and internal and external audit functions.	Quarterly
Information Management Committee (IMC)	Membership of the Committee is being reviewed	Objective of the IMC is being reviewed from the ICT Strategic Review	

## REVIEWS, AUDITS AND EVALUATIONS

### INTERNAL AUDIT COMMITTEE

#### Role of the Committee

The Internal Audit Committee (IAC) provides an oversight role to assist the Chief Executive and the Executive Leadership Group to fulfil their corporate governance responsibilities, particularly in relation to accountability arrangements, internal control, risk management and internal and external audit functions.

The IAC's functions and responsibilities are to:

- monitor the adequacy of the internal control environment and related policies, practices and procedures;
- monitor corporate risk assessment and the adequacy of the internal controls established to manage identified risks;
- oversee the internal audit function, liaise with external auditors, and monitor the implementation of internal and external audit recommendations;
- review financial statements and other public accountability documents such as annual reports, prior to approval by the accountable officer; and
- within the context of the committee's primary objective, undertake any other functions and activities as determined from time to time by the Chief Executive.

The IAC has authority in relation to each of these functions across all areas of the department, including statutory offices.

## REVIEWS AND AUDITS

Twenty one audits/reviews were conducted by AGD Internal Audit Services, one internal audit was conducted by Correctional Services Professional Standards Unit at the request of AGD, and four audits were conducted by the Auditor General's Office.

The AGD Internal Auditor also completed three compliance audits for the Department of Correctional Services.

### Audits/Reviews conducted and reported in 2012-13 by Internal Audit Services

Audit	No. of Audits
Petty Cash and Counter Floats (Darwin and Katherine)	4
Electronic Invoice Management System	1
Travel Audit	2
Cabcharge Audit	1
Higher Duties Allowance	1
ePASS Accounts	1
Consultancies	1
Building Emergency Procedures (Katherine)	1
Crime Victims Assistance Debtors	1
Agency Based Lawyers	1
Review of Performance Measures – Anti Discrimination Commission	1
Land Titles Office Compliance Audit	1
Darwin Supreme Court Security and Custodial Contract	1
Court Exhibits (Darwin and Katherine)	3
Birth, Deaths and Marriages Compliance	1
Criminal Property Forfeiture Procedures	1
	<b>22</b>

Audits conducted by the Auditor General's Office:

- End of Year Review 2011-12
- Agency Compliance audit
- Office of the Public Trustee – Financial Statements Audit
- Office of the Public Trustee – Interim Financial Statements Audit

The recommendations and agreed actions arising out of audits are monitored by Audit Services and the Internal Audit Committee until acquitted.

A sample of audits conducted by the Auditor General's Office and Audit Services is provided at Appendix 3.

## RISK MANAGEMENT

The audit committee is reliant upon the divisional business planning process to identify risks. Strategic business risk identification at the divisional level takes place during the annual business planning process. Risks, both long and short term, are identified and assessed through this process. Reporting on business performance is undertaken quarterly which includes a requirement for review and reporting against identified risks as well as assessment of emerging risks, the results of which may be referred to Audit Services.

## INFORMATION ACT

The *Information Act* (the Act) commenced on 1 July 2003 and created a general right of access to government information held by the department, limited only in those circumstances where the disclosure of certain information would be contrary to the public interest. The Act also protects the privacy of personal information held by the department.

Section 11 of the Act requires a public sector organisation to report annually on:

- the department's structure and functions;
- the types of government information held by the department and whether that information may be accessed; and
- the procedures for obtaining access to government information or correcting personal information held by the department.

The Information Statement on the department's website lists all information held by the department and is available to assist persons interested in making an application under the Act.

As the Department of the Attorney-General and Justice is a new department there are no comparisons with previous years.

	2012-13
Applications carried over from previous department	
• To access personal information	4
• To access government information	0
New applications to access personal information	4
New applications to access personal and government information	1
New applications to access government information	4
New applications to correct personal information	0
Total applications open	13
Requests withdrawn	0
Requests transferred to another agency	1
Responses completed within 30 day period	11
Responses completed exceeding 30 day period	1
Total applications finalised	12
Applications on hand at 30 June	1

# OUR PEOPLE

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## OUR PEOPLE

Our people are critical to achieving our vision for a fair and accessible legal system for the community. All employees contribute to the success of the department and, in particular, all employees were instrumental in continuing to excel in service provision while facilitating the change and restructure that was so much part of the year. The Our People section highlights those individual and team achievements, the changes that have occurred over the reporting period and the workforce challenges we face into the future.

The department provides services in line with its values of integrity, courage, respect, professional excellence and commitment. We recognise and appreciate the dedication and commitment shown by our employees as we established our department and we are committed to investing in workforce planning and development activities to support their growth, in turn making a positive difference to the communities we serve.

## KEY ACHIEVEMENTS

Employees at all levels have made significant achievements at individual and collective levels across the organisation that have been recognised on an ongoing basis. The achievements that are considered noteworthy are:

- The establishment and restructure of the new department to reflect a legal focused agency;
- The development and promulgation of the department's Strategic Plan for 2013 – 2016;
- The development and promulgation of the department's values;
- The development and implementation of the Business Partner model to be an interface between day to day corporate support and the divisions; and
- The development of critical Human Resource policies required under the *Public Sector Employment and Management Act*.

## OUR PEOPLE PROFILE

### Staff snapshot

At 30 June 2013, the department had 432 full-time equivalent (FTE) staff. The staff were part of the 1426 staff under the former Department of Justice as at 30 June 2012.

- The average age of our staff is 41.85, compared to the NTPS average of 42.9.
- The proportion of women in our workforce is 67%.
- Indigenous employees comprise 4.4% of our workforce.
- Fifty four employees work part time and the department continues to promote flexible work activities such as flexible hours, job sharing and working from home to support a healthy work-life balance for our people.
- Staff separation rate is 17%<sup>1</sup>.

<sup>1</sup> Staff separation rate reflects staff leaving the NT Government, rather than transfers to other agencies and is calculated using headcount, rather than FTE methodology. Due to Machinery of Government changes the separation rate is only for a six month period from 1 January 2013 to 30 June 2013.

## STAFFING NUMBERS AND COMPOSITION

### FTE numbers by classification as at 30 June 2013

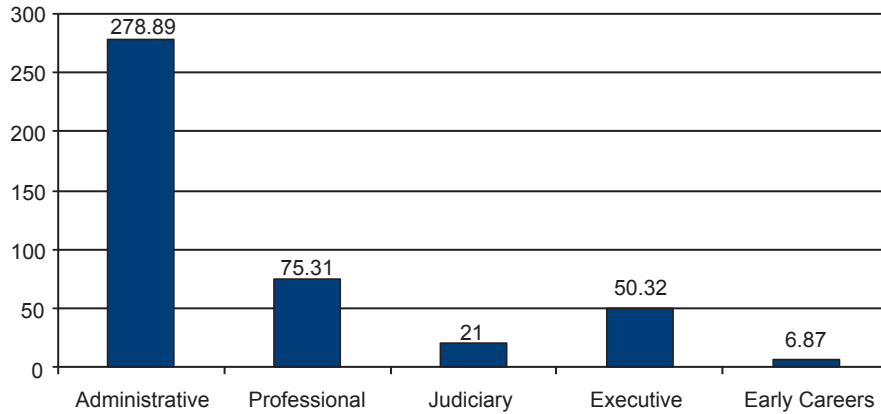
Classification	Casual	Ongoing	Fixed Term	Grand Total
Administrative Officer 2	5.7	5.5	8.32	19.52
Administrative Officer 3	2.96	45.02	24.5	72.48
Administrative Officer 4		54.65	15.95	70.6
Administrative Officer 5		27.09	1	28.09
Administrative Officer 6		26.6	6	32.6
Administrative Officer 7		22	2	24
Senior Administrative Officer 1	0.27	15.8	1.6	17.67
Senior Administrative Officer 2		15.8		15.8
Professional 1			3.4	3.4
Professional 2		12	6.61	18.61
Professional 3		16.5	4.6	21.1
Senior Professional 1		9	4	13
Senior Professional 2		15.2	4	19.2
Executive Contract Officer 1			29.82	29.82
Executive Contract Officer 2			13.5	13.5
Executive Contract Officer 3			3	3
Executive Contract Officer 4			1	1
Executive Contract Officer 6			1	1
Director of Public Prosecutions		1		1
Solicitor-General		1		1
Early Careers			5	5
Sub Total	8.93	267.16	135.3	411.39
Judiciary		20	1	21
<b>Grand Total</b>	<b>8.93</b>	<b>287.16</b>	<b>136.3</b>	<b>432.39</b>

#### Notes:

1. Members of the judiciary are statutory appointments and are not public servants, however they are included to reflect the public resources utilised for people in the department and delivery of Court functions.
2. Early Careers includes graduates, apprentices, trainees and Indigenous Cadets.
3. One FTE is based on an employee working full-time hours (36.45). An employee working part-time or casual hours will be represented as a fraction of this.

# OUR PEOPLE

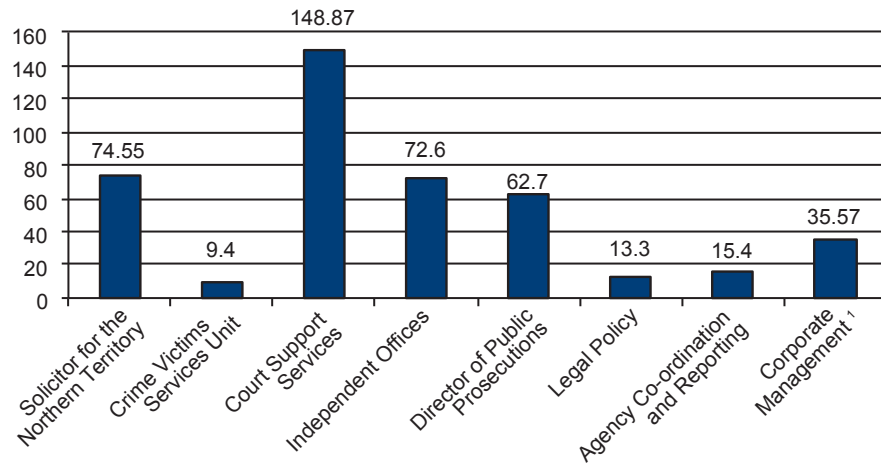
## FTE Numbers by Stream as at 30 June 2013



Notes:

1. Senior legal professionals and the Director of Public Prosecutions are paid under the Executive stream
2. 'Early Careers' includes graduates, apprentices, trainees and Indigenous Cadets.

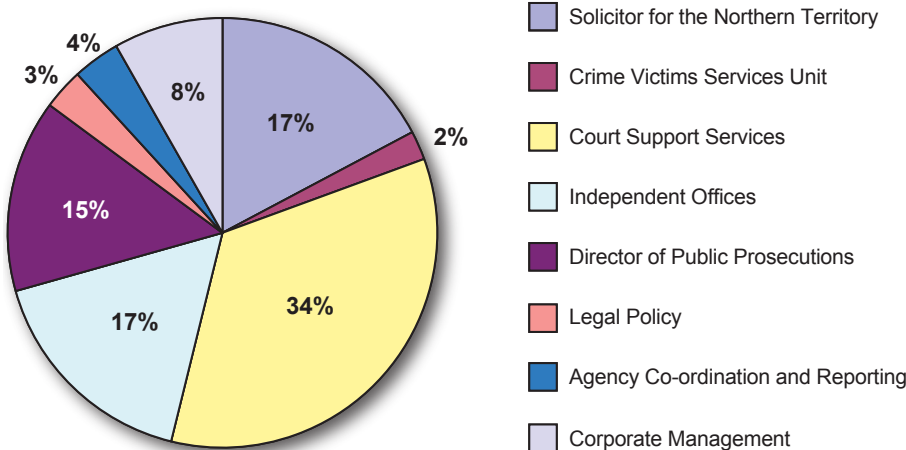
## FTE Numbers by Division as at 30 June 2013



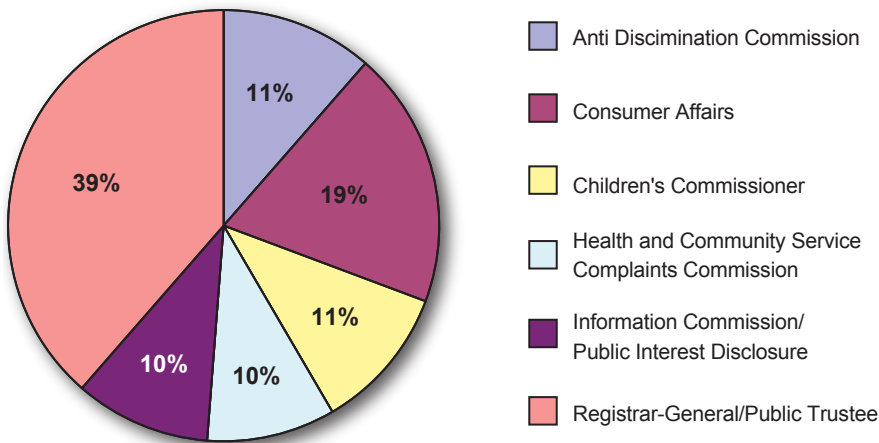
Notes:

1. Corporate Management includes the Executive, Audit Services and Corporate and Strategic Services. The Executive includes the Chief Executive and Deputy Chief Executive.

**FTE Staffing Percentage by Division as at 30 June 2013**

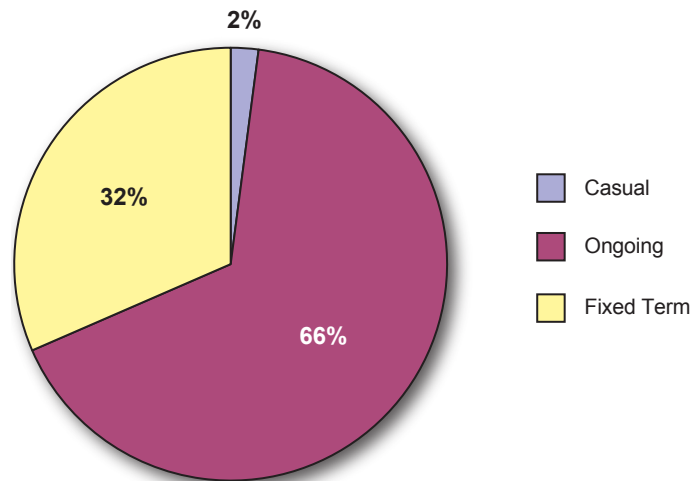


**FTE Staffing Percentage for Independent Offices as at 30 June 2013**

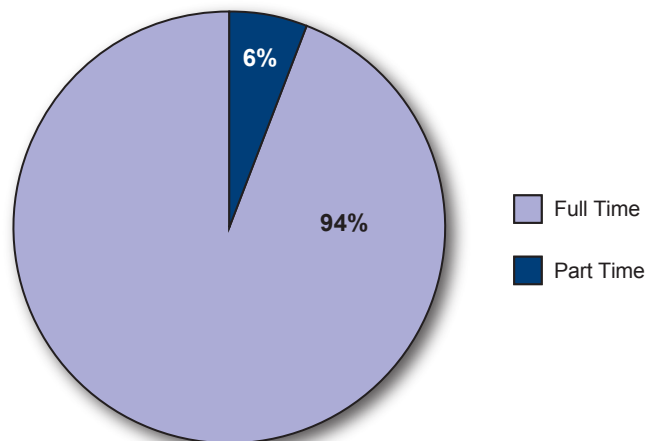


Note: With the exception of the Director of Public Prosecutions that is represented as a Division, separate figures are provided for independent offices, given the large number of statutory offices and associated staff contained within those offices.

**FTE Staffing Percentage by Employment Type as at 30 June 2013**



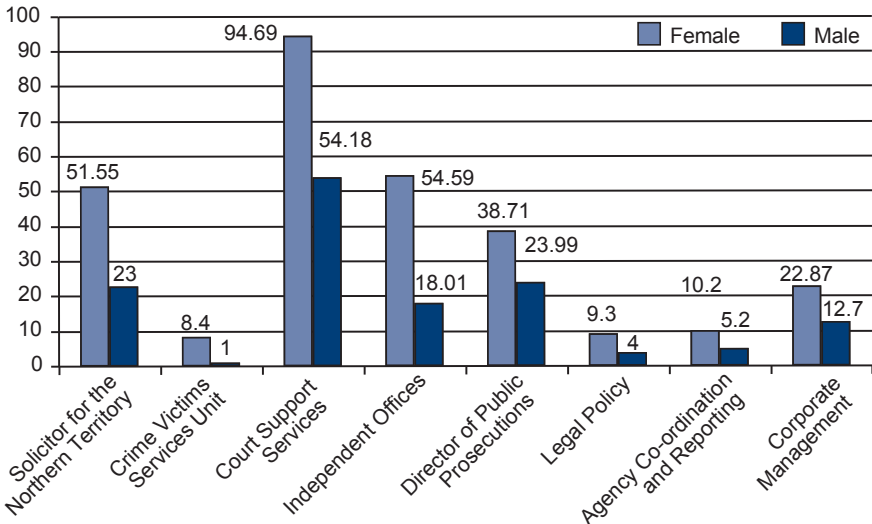
**FTE Staffing Percentage by Status as at 30 June 2013**



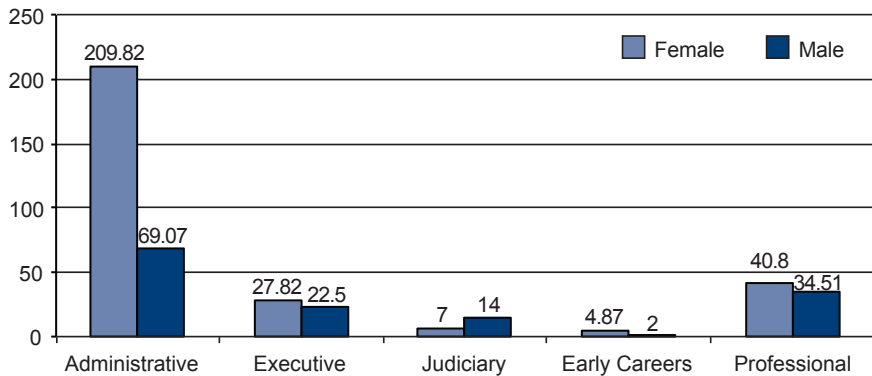
Note: The department is committed to work-life balance and will support requests for flexible working arrangements where practical. Twenty-one requests for flexible working arrangements were approved during the reporting period.

## EMPLOYEE DEMOGRAPHICS

FTE Staffing Numbers by Gender and Division as at 30 June 2013

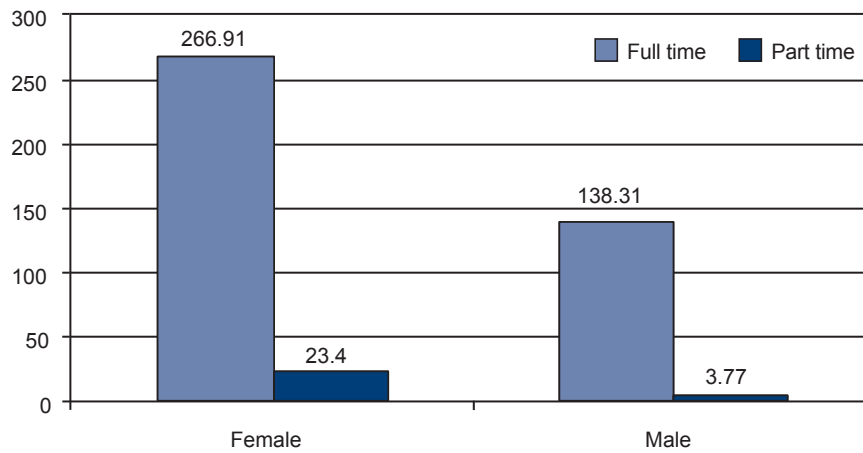


FTE Staffing Numbers by Gender and Stream as at 30 June 2013



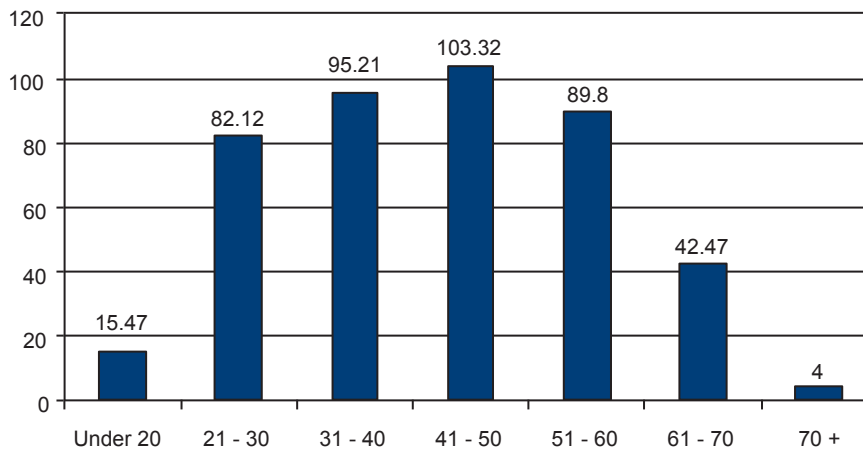
Note: Early Careers includes graduates, apprentices, trainees and Indigenous Cadets.

## FTE numbers by Status and Gender as at 30 June 2013



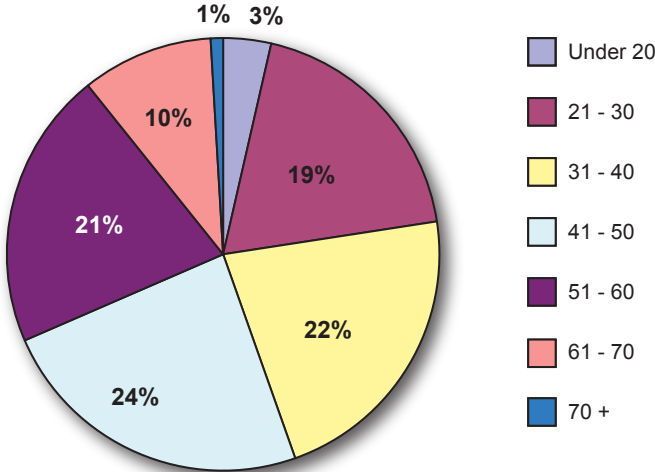
Females represent 66% of all full-time employees. Women make up 86% of part time employees, compared to men at 14%.

## Staff Age Profile as at 30 June 2013



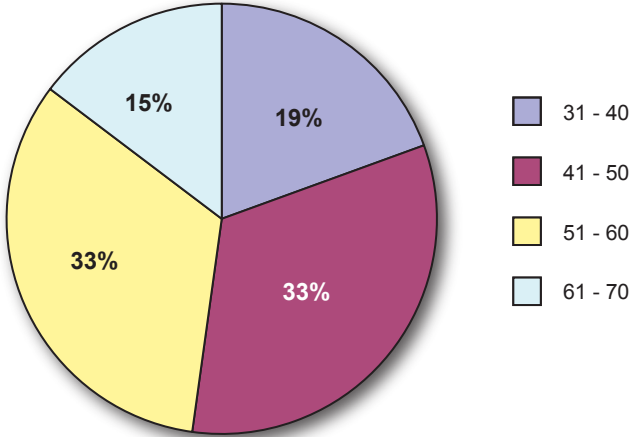
Note The average age of staff is 41.85 and the NTPS average age of 42.9 in 2012-13.

**Staff Age Profile Percentage as at 30 June 2013**



Note: With more than half the workforce over the age of 45, the department is conducting further analysis and employee profiling which will inform the department's workforce plan.

**Executive Stream Age Profile Percentage as at 30 June 2013**



Note: There is a much greater proportion of employees over 55 in this stream. The department continues to develop workforce planning tools such as succession planning to prepare for potential changes in this stream.

### ORGANISATIONAL CHANGES AND CHALLENGES

The department's primary focus during 2012-2013 was establishing the new Department of the Attorney-General and Justice following the August 2012 Northern Territory General Election and the subsequent restructure following mini budget decisions. This required an organisational restructure of the new department to accommodate tighter fiscal management with affected programs, services and staffing across the department.

In response to the Machinery of Government changes a number of Outputs and an Independent Office transferred out of the former Department of Justice:

- The Department of the Attorney-General and Justice was created and 592 employees<sup>2</sup> transferred to the new department;
- The NT Department of Correctional Services was created and 972 employees transferred from Correctional Services and Youth Justice Divisions into the new department;
- 142 employees from NT WorkSafe, Gaming and Licensing, NT Licensing Commissioner and the Community Benefit Fund transferred to the Department of Business;
- seven employees from the Environmental Protection Authority transferred to the Department of Lands, Planning and Environment;
- one employee from the Racing Commission transferred to the Department of Sport and Recreation;
- 22 employees from Alcohol Policy transferred to the Department of Health; and
- approximately 80 corporate services employees were affected and were transferred between the Department of the Attorney-General and Justice, the NT Department of Correctional Services, the Department of Business and the Department of Health.

Extensive consultation with affected employees and unions was undertaken, including the provision of information about managing change, mechanisms for consultation and communication, updates on the intranet and the inclusion of recruitment restrictions. This included extensive involvement with the Chief Executive from the department so employees and stakeholders had confidence in the process and the information sessions provided. During this period of change, the department invested in resilience training to assist employees work through any challenges that arose during the period.

Further restructure and change occurred in late 2012 with restructuring necessary for further fiscal restraint, and included the abolition of positions in the Community Justice Policy Division and the Community Court, and the cessation of the Alcohol and Other Drugs Tribunal and the Substance Misuse and Referral for Treatment Court and Court Clinicians. Most significantly, in-house and agency-based lawyers were impacted in the restructure. In total, this change impacted on 47 employees, with 15 employees declared as potentially excess to requirements. All employees affected by these changes were actively supported by Human Resources and as at 30 June 2013 only eight employees remained potentially surplus.

2 The count used for illustrating the staffing movement is head count rather than FTE as this was the actual transfer from the former Department of Justice. These figures should not be compared to other figures reported as the counting rules may be different (FTE; head count; FTE average apply different counting rules).

As a consequence of this change a large number of positions were reviewed and the department is now established and priorities for 2013-2014 include undertaking further workforce planning. This is essential to identify the profile of the new department, identify and build leadership capability required into the future, identify new opportunities and risks, and manage the challenging supply and demand of labour in the Territory so as to employ a workforce more representative of the communities we serve.

During this period of change the department also adopted a business partner model to work towards more refined and timely corporate support for divisions. The business partner teams have been aligned with the new agency structure and are an interface for divisions with respect to corporate assistance and support. The model is intended to ensure day-to-day corporate support is provided at the front end of the business, allowing divisional capacity to focus on front-line services.

The department is currently undertaking a full review of all HR related policies, procedures and instructional material to ensure they reflect any recently updated legislation, are fit for purpose with the new structure of the department and follow best practice.

## LEADING AND DEVELOPING OUR PEOPLE

### Highlights

- The new departmental Strategic Plan was launched in May 2013 with the Chief Executive attending divisional meetings to share his vision for the department and express his strong commitment to the new departmental values.
- Four law clerks from the Graduate Development Program were admitted to practise law in the Northern Territory.
- Employees from the department have participated in seven different NTPS development programs.
- The department supported 12 applications for study assistance.
- The department actively promoted performance plans and supported this with training for employees and supervisors.
- Eighteen employees took part in eight 'Life. Be In It' challenges.
- One Indigenous cadet graduated from their law degree.

The department has continued to integrate HR metrics into day-to-day people management strategies and will be developing robust reporting and workforce datasets over the next period to support the new departmental structure. The department will also be developing a department-wide strategic workforce plan that will identify and mitigate people risks, analyse the supply and demand of skills required, and outline planning and development activities so the department continues to have a workforce that enables it to deliver its strategic outcomes.

## **Workforce Learning and Development**

The department has continued to invest in its people and actively promoted development initiatives throughout the year. Employees and their supervisors are encouraged to use a variety of learning methods to develop capability that suits individual learning styles and enables enhanced performance in the workplace. Access to learning and development is provided with individual divisions supporting their employees with training specific to their business needs. This includes attendance at conferences, mediation training, compliance programs, NTPS Leadership Programs and a range of on-the-job support programs. The department also supports professional memberships and professional allowances in accordance with Enterprise Agreements.

The department provides a range of in-house training programs on recruitment and the application of merit to ensure employees understand the legislative foundation for recruitment in the Northern Territory Government, and best practices for the administration of recruitment and selection outcomes.

Twelve employees were supported with study assistance during 2012-13. This assistance supported tertiary qualifications including law, science, criminology, accounting and business.

## **NTPS Programs**

The department promotes and supports nominations for NTPS wide leadership programs designed to enhance capabilities to build a contemporary public sector with high quality leadership. The programs are coordinated by the Office of the Commissioner for Public Employment.

## **Public Sector Management Program**

The department continued to support participation in the Public Sector Management Program (PSMP). PSMP aims to enhance the existing knowledge, skills and attitudes and behaviours of middle and senior managers and contributes to a certificate in Public Sector Management.

During 2012-13, one employee commenced studying the program and will graduate in 2014-15, and one employee recommenced in the reporting period and is due to graduate during 2013-14.

## **Indigenous Leadership**

The Kigaruk (Men's) and Lookrukin (Women's) Indigenous Leadership Development Programs are designed to provide a high-level, significant learning experience for Aboriginal and Torres Strait Islander men and women employed in the Northern Territory Public Service (NTPS). "*Kigaruk*" is a Kungarakan language word, meaning "adult male". "*Lookrukin*" is a Kungarakan language word, meaning "adult female".

The objectives of the Kigaruk and Lookrukin programs are to redress the lack of representation of Indigenous men and women in senior management and executive officer positions in the NTPS. In support of improvements in Indigenous leaders in the workforce, the department has continued to promote and support nominations for these programs.

The Kigaruk and Lookrukin programs are held biennially in alternate years. In the reporting period, one of the department's Indigenous female employees graduated from the Lookrukin program.

## **The Australia and New Zealand School of Government (ANZSOG) Programs**

ANZSOG provides teaching programs for current and emerging public sector leaders to enhance the breadth and depth of policy, leadership and management skills needed in today's public sector. These programs are delivered as part of the NTPS building leadership framework.

### **ANZSOG Women in Leadership**

This two-day program is aimed at providing fresh perspectives on traditional leadership and management issues, with particular focus on challenges that women in the public service may face. Participants are encouraged to experiment and deepen their own influencing styles, broaden repertoires for leadership, manage the pressures of senior leadership while keeping focused on overarching public purpose and values, set personal goals and achieve them, develop strategies to deal effectively with personal and professional risk, develop techniques of reflection on group behaviour and expand their range of managerial skills. Two employees from the department attended this workshop.

### **Department of the Attorney-General and Justice Learning and Development Programs**

The department aspires to a learning culture to strengthen the capability of its workforce to meet the needs of the Government and in doing so promote and uphold the department's values. The department will undertake to develop a Leadership Development Program during 2013-14 that encompasses first-time supervisors, middle managers and senior managers.

### **Orientation program**

The Departmental Corporate Orientation Programs were delivered on a limited basis during 2012-13 due to restructuring across the department. The program will undergo a review during 2013-14 to reflect changes in the department under the recently launched Department Strategic Plan 2013–2014, including Our Values and Current Government Priorities. The program includes an overview of the Code of Conduct, Work Health and Safety and Conditions of Service, and an interactive session on appropriate workplace behaviours.

### **Recruitment and Selection Training**

The department continues to support the delivery of recruitment and selection training for all selection panel members. There are currently 155 employees trained to undertake and/or chair selection panels. The workshop is intended to provide panel members with the necessary skills to successfully undertake a merit-based recruitment exercise and ensure the principles of natural justice and good human resource management practices are incorporated.

The department undertook a review of the use of the Department of Corporate Information Services on-line recruitment system called eRecruit to ensure that recruitment practices maximised the use of online systems. Extensive support material was developed for the manager's online toolkit and training has been conducted in Darwin for users to streamline processes and reduce the overall time to fill vacancies. Training for regional staff will be conducted during 2013-14.

## **HR Metrics – Boxi HR reporting**

During 2012-13, the Department of Corporate Information Services (DCIS) expanded Boxi-HR access to general users. This system is the Northern Territory Government's online HR Reporting Solution. It provides managers and supervisors with a staffing responsibility with online access to HR information via a user-friendly, web-based reporting application to review payments and employment actions that may require follow up, and provide leave and FTE data to support divisional workforce planning. The department actively promotes the use of, and training in, Boxi-HR.

## **Developing Personal Resilience through Change**

In 2012-13, the department offered workshops on developing personal resilience through change as part of its health and wellbeing strategy. Four workshops were provided (in Darwin and Alice Springs) for employees most directly affected by the restructure of the department. The workshops assisted participants to increase awareness of the need for personal resilience, understand symptoms of reducing resilience, provide practical strategies for themselves and others around them, and understand organisational processes such as employee assistance programs that can assist individuals and teams.

## **Continuing Professional Development Program**

The Solicitor for the Northern Territory and the Office of the Director for Public Prosecutions both run internal professional development programs for professional and administrative staff to ensure a skilled and professional workforce. The programs comprise a mix of internal and external speakers covering a variety of topics. The professional programs contribute to mandatory professional development requirements.

## **Employment Programs**

### **Graduate Development Program**

This program provides university graduates with the opportunity to begin their career with the NTPS in an environment that continues their professional training within a supervised workplace.

The department has an established 24-month program for law graduates providing exposure and experience to clerks through extended rotations to various areas of the department.

Four graduate trainees undertaking legal studies commenced the program with the department in 2012-13 and four graduate trainees also undertaking legal studies are continuing in their second year of the program. All four graduates commencing in 2011-12 have been admitted to practise as legal practitioners in the Northern Territory.

Seven graduates are placed in the Solicitor for the Northern Territory and one with the Office of the Director of Public Prosecutions.

### **Indigenous Cadetship Support Program**

In an effort to improve recruitment and retention of Indigenous Territorians, the department supports placements in the Indigenous Cadetship Support Program. The program is jointly funded by the Northern Territory and Australian governments and

is aimed at improving the employment prospects of Indigenous people. Indigenous students undertaking TAFE or tertiary studies are provided 12 weeks paid full-time employment annually (for the duration of their studies), as well as financial support for course fees and book, equipment and study allowances.

The department currently supports one law cadet under this program, with a second law cadet graduating during the reporting period.

### **Apprentice Program**

The NTPS Apprentice Program is an entry level recruitment program that aims to provide Territorians with an opportunity to gain a qualification through structured employment and training over a 12 month period in the NTPS.

During the 2012-13 financial year, three apprentices completed their studies, and one apprentice did not complete the program. One new apprentice also commenced during the reporting period and is due to complete the program during 2013-14.

### **Vacation Employment**

During the 2012-13 mid-semester break the department employed four university students through the formal vacation employment program. The department also offers students employment to backfill short-term vacancies as they arise and summer clerkships are offered annually by the Solicitor for the Northern Territory. These opportunities aim to provide valuable workplace experience for students.

### **Practicums**

The department believes in providing opportunities to support local students and supported two practicums for students undertaking studies towards a Bachelor of Social Work. One student was placed in the Health and Community Service Complaints Commission and the other was placed with the Community Visitor Program attached to the Anti-Discrimination Commission.

## **PERFORMANCE MANAGEMENT**

The department is committed to providing a framework that supports the appropriate management of performance. The performance management system within the department is known as the Individual Performance Review (IPR). To reinforce the department's commitment to this process, presentations on the IPR were delivered by HR across the department to employees and supervisors during 2012-13. Instructional material developed for information and guidance (including the performance-based senior classification pay progression scheme) is also available.

All employees are expected to have a performance plan that is based on the divisional business plan, providing a clear link from the department's strategic direction to individual efforts and responsibilities. This helps employees understand their roles and what is expected of them and receive regular feedback from their supervisor on their personal performance.

## RECOGNITION

### Recognition of Service Policy

A new Recognition of Service policy for the Department of the Attorney-General and Justice has been developed and is expected to be implemented in the first half of 2013-14. The policy will acknowledge the dedication, commitment and professionalism of our people. Through this policy, the department will formally acknowledge employees who achieve milestones of 10, 20 and 30 years of continuous service to the department or the Northern Territory Government.

### SFNT Professional Development Award

The Solicitor for the Northern Territory provides an annual professional development award to recognise and reward the achievement of individuals who have demonstrated exceptional potential and professional excellence in the early years of their career. One award is offered each year to law officers within the graduate clerk to Professional 3 range. The successful applicant receives a benefit to undertake an accredited professional development opportunity.

## HEALTH AND WELLBEING

The department believes that investing in our people extends beyond workplace learning and development, and includes investment in their wellbeing so that they are fully engaged in their work, enjoy their work environment, feel safe and secure and have a healthy work-life balance.

The department's Health, Safety and Wellbeing Policy, detailing options for accessing health, safety and wellbeing support and activities that promote a healthy lifestyle and work-life balance, is available to all employees. Strategies include information, support and advice for employees dealing with personal wellbeing challenges, as well as promoting services and resources that may enable employees to lead more active and healthy lives.

Below are some support and activities utilised during 2012-13.

### Employee Assistance Programs

The department promotes the use of the Employee Assistance Program (EAP). Promotion of the EAP has been incorporated into the Health, Safety and Wellbeing Policy and information is also made available to employees during the Orientation Program. Promotional material is distributed to employee workplaces, and is available on the department's intranet information page, to help employees choose the most appropriate way to access support for confidential counselling and professional advice.

### Flu Vaccinations

In March 2013, all employees were provided with the opportunity to have a free flu vaccination, with 87 department employees electing to receive the vaccination.

## **Life. Be in It**

The department promotes employee participation in the 'Life. Be In It' corporate challenges, and funds one team per challenge each year. The aim is to assist employees to stay fit and healthy, as well as meet colleagues from across the department. In 2012-13 the department supported 18 individuals taking part in three different challenges – touch football, lawn bowls and table tennis. These challenges also enable teams to raise money for charity through the deposit scheme for the 'Just-us' branded sporting t-shirts.

## **Australia's Biggest Morning Tea**

Morning teas were held across the department on Thursday 23 May, to help raise vital funds for cancer research, prevention and support services.

## **Developing Personal Resilience through Change**

In 2012-13, more than 30 employees participated in four workshops on developing personal resilience through change, targeting those employees most impacted by the change.

## **EQUAL EMPLOYMENT OPPORTUNITIES AND DIVERISTY**

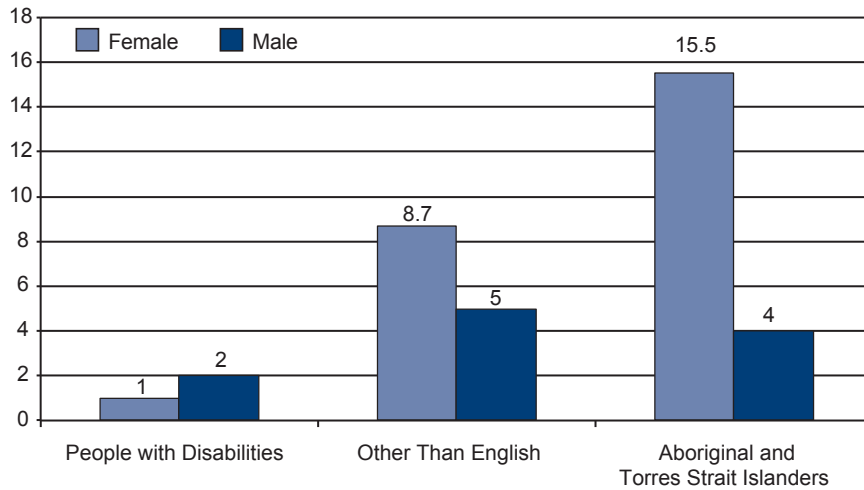
All employees are encouraged to update their personal details in MyHR to enable accurate recording of equal opportunities data, with an EEO census promotion on 30 May 2013.

Female employees represent 67% of the department's workforce, Indigenous employees (4.4%), those from non-English speaking backgrounds (3.1%) and those with a disability (0.7%)

Training, forums and events supporting diversity and appropriate behaviours are encouraged, such as:

- NAIDOC week to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander peoples.
- The Anti Discrimination Commission training on a variety of topics such as understanding individual's rights and responsibilities with regard to anti-discrimination, harrassment and bullying, preventing harrassment and bullying for managers and supervisors, and training for contact officers.
- Women and the Glass Ceiling – lunch-time forums on how women can climb the ladder of success in the NTPS.
- Taste of Harmony Day, to celebrate diversity in the workplace.

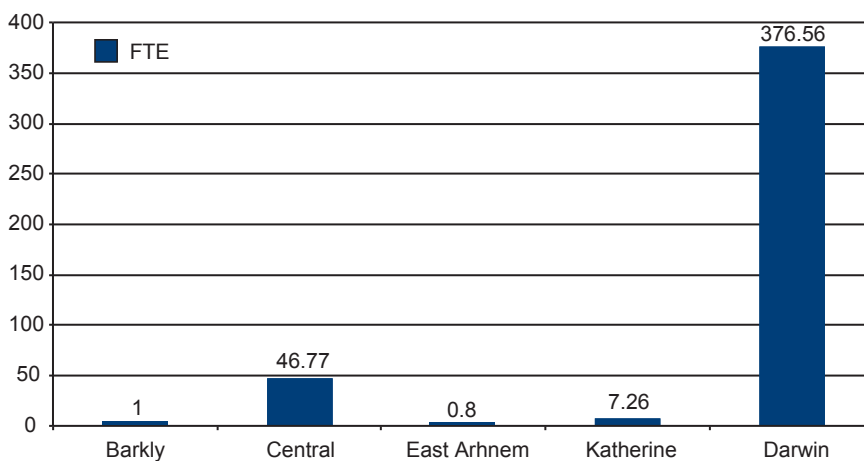
## EEO Group by Gender as at 30 June 2013



**Notes:**

1. These figures include only self-identified individuals in the categories shown in the above chart.
2. These figures also only include employees who were paid in the pay period as at 30 June 2013.

## Workforce by Region as at 30 June 2013



## **Compliance with Employment Instructions**

The department is currently undertaking a full review of all HR-related policies and procedures. This includes incorporating references to Employment Instructions to ensure they are fit for purpose.

### ***Employment Instruction 1 – Filling Vacancies***

Agency to develop procedures for filling vacancies consistent with the Act, its subordinate legislation and any relevant award or enterprise agreement.

- A review of the department's procedures for filling vacancies was undertaken during 2012-13 to ensure compliance with redeployment provisions and to optimise usage of the on-line system e-Recruit. Training was also rolled out across the department to support managers and employees with the new processes.
- The department publishes extensive procedural guidelines for advertising, selection and appointment processes on its intranet.
- Intensive training in the principles and processes of recruitment and selection was delivered during 2012-13, and 155 employees are currently trained panel members. The department will continue to deliver training as required.

### ***Employment Instruction 2 – Probation***

Chief Executive Officer must develop a probation procedure consistent with the Act, its subordinate legislation and any relevant award or enterprise agreement.

The Probation Policy is available for all staff and managers on the department's intranet website. The policy, procedure and guidance were developed and approved during the reporting period as part of the overall process to review and update all HR-related policies and procedures.

### ***Employment Instruction 3 – Natural Justice***

A person who may be adversely affected by an impending decision must be afforded natural justice before a final decision is made.

- The rules of natural justice are observed and reinforced through the HR consultancy framework.
- The principle of natural justice is reflected in relevant policies and procedures.

### ***Employment Instruction 4 – Employee Performance Management and Development Systems***

Chief Executive Officer must develop and implement an employee performance management and development procedure consistent with the Act, its subordinate legislation and any relevant award or enterprise agreement.

- The department's performance management program, the Individual Performance Review (IPR), which includes a policy and a comprehensive procedural toolkit, is available to all staff on the department's intranet.
- Information sessions on the department's performance management program, including the Senior Classification performance-based pay increment, were delivered to divisions during the reporting period.

- Divisions are required to report quarterly on the management of the program, including the number of employees with performance and development plans in place.

### ***Employment Instruction 5 – Medical Examinations***

Chief Executive Officer may engage a health practitioner in accordance with the Act.

- The legislative provisions and best practice principles for undertaking medical examinations are observed and reinforced through the HR consultancy framework.

### ***Employment Instruction 6 – Employee Performance and Inability***

This Employment Instruction sets out rules for undertaking an employee performance and inability process in accordance with the Act but does not require the Chief Executive Officer to establish any particular agency policy and/or procedures.

- Managers continue to implement this Employment Instruction as necessary, with support and advice from Human Resources. The requirements within this Instruction are observed and reinforced through the HR consultancy framework.
- A manager's toolkit, available on the department's intranet, provides guidance on managing employee performance.

### ***Employment Instruction 7 – Discipline***

This Employment Instruction sets out rules for undertaking an employee disciplinary process in accordance with the Act but does not require the Chief Executive Officer to establish any particular agency policy and/or procedures.

- The Department's Discipline Policy is available on the intranet and can be accessed by all staff. An improved and updated policy, procedure and supporting guidance were developed and approved during the reporting period as part of the process to review and update all HR-related policies and procedures.
- HR provides guidance and assistance to managers in dealing with discipline issues.

### ***Employment Instruction 8 – Internal Agency Complaints and Section 59 Grievance Reviews***

Chief Executive Officer must develop an internal employee grievance handling policy and procedure consistent with the Act, its subordinate legislation and any relevant award or enterprise agreement.

- The department's review of Treatment in Employment Policy, process flowchart, supporting information and forms are available on the intranet and can be accessed by all staff. An updated policy, procedure and supporting guidance were developed and approved during the reporting period as part of the process to review and update all HR-related policies and procedures.
- HR continue to promote sound workplace practices, with workshops encouraging appropriate workplace behaviour delivered as part of the orientation program, and separately as required.
- Mediation continues to be used as an effective early intervention tool to resolve issues.

## ***Employment Instruction 9 – Employee Records***

The Commissioner has delegated the responsibility for keeping records to each Chief Executive Officer. In addition to the requirements of the Act and its subordinate legislation, a Chief Executive Officer must comply with the requirements of the *Information Act* (NT) regarding correction, collection and handling of personal information contained in an employee's employment record.

- All staff employment records are securely maintained and stored by the Department of Corporate Information Services on behalf of the Department of the Attorney-General and Justice.
- Access to employment records and the Personnel Information and Payroll Service (PIPS) information is restricted.
- The department conducts a biannual audit of PIPS access to ensure compliance.

## ***Employment Instruction 10 – Equality of Employment Opportunity Programs***

Chief Executive Officer must develop an Equality of Employment Opportunity Program consistent with the Act, its subordinate legislation, the *Anti-Discrimination Act* and any relevant award or enterprise agreement.

- The department's Diversity Policy is available to all staff on the intranet.
- Cross cultural awareness training (delivered through the Office for the Commissioner for Public Employment) was promoted during 2012-13, and the department is considering partnering arrangements with other departments to develop and deliver cross cultural awareness training during 2013-14.
- The department delivers appropriate workplace behaviour training to new staff at orientation. This includes discrimination in the workplace and the steps taken to prevent this.
- The department will be developing a new Indigenous Employment and Career Development Strategy for 2013-14.

## ***Employment Instruction 11 – Occupational Health and Safety Standards Programs***

Chief Executive Officer must ensure the application in his or her agency of appropriate occupational health and safety standards and programs. Chief Executive Officer is required to provide information in the agency annual report in relation to the agency occupational health and safety programs.

Chief Executive Officers will develop programs that ensure employees and their representatives are consulted in the development and implementation of Occupational Health and Safety (OH&S) programs in the agency.

- Work Health and Safety (WH&S) is included in the department's orientation program to ensure new employees were aware of WH&S rights and responsibilities.
- Induction guidelines, available on the intranet, include specific WH&S matters relevant to the immediate work environment for managers to discuss with new employees.

- The new department is currently operating under the former Department of Justice framework while it implements its WH&S framework. As part of implementing the framework, employees are being consulted prior to finalising the reviewed WH&S material and a communication strategy will be co-ordinated in the first half of 2013-14.
- The department regularly updates its emergency documentation and new fire warden and first aid officers have been identified for the department. Training for nominated officers is available for these officers and funded by the department as required.
- HR updates are issued on a fortnightly basis and periodically include WH&S tips, issues and promotion of healthy lifestyle options.
- The department case manages work-related injuries to ensure expedient rehabilitation and return to the workplace, where appropriate. Early intervention is a focus for the department to reduce the number of potential workers compensation claims.
- The Employee Assistance Program is promoted widely across the department and to employees who may be experiencing work and non-work related difficulties.

### ***Employment Instruction 12 – Code of Conduct***

Chief Executive Officer may issue an agency-specific code of conduct which is consistent with the Act, its associated subordinate legislation, this Code and any other relevant legislation.

Chief Executive Officer may issue agency guidelines/policy regarding the acceptance of gifts and benefits by public sector officers, consistent with the Code.

- Information sessions on the Code of Conduct are provided to new employees as part of orientation and electronic copies are made available on the intranet.
- The department's Acceptance of Gifts and Benefits Policy is available to all staff on the intranet.

### ***Employment Instruction 13 – Appropriate Workplace Behaviour***

Chief Executive Officer must develop and implement an agency policy and procedure to foster appropriate workplace behaviour and a culture of respect, and to deal effectively with inappropriate behaviour and bullying as defined in the Employment Instruction. The policy and procedure are to be consistent with the Act, its subordinate legislation and any relevant award or enterprise agreement.

- The department's Appropriate Workplace Behaviour Policy is available on the intranet for all employees to access.
- An improved and updated policy, procedure and supporting guidance are being developed as part of the review of all HR-related policies and procedures.
- The department delivers a session on Appropriate Workplace Behaviour as part of the department's employee orientation program. In addition HR branch attend divisional inductions and training programs as and when required to deliver training on appropriate workplace behaviours.

# OUR PERFORMANCE

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## REPORT ON PERFORMANCE

This section outlines the department's actual performance against the planned outcomes published in *Budget Paper No. 3* for 2012-13. It includes the performance measures used to demonstrate efficiency and effectiveness in achieving the outcomes.

As at 1 July 2012, the former Department of Justice (DoJ) was responsible for a total budget of \$272.453 million and reported under seven output groups:

- Solicitor for the Northern Territory;
- Court Support and Independent Offices;
- Northern Territory Correctional Services;
- Policy and Coordination;
- Licensing, Regulation and Alcohol Strategy;
- Youth Justice; and
- WorkSafe.

New Administrative Arrangements Orders were issued on 4 September 2012 followed by revisions, the most recent being 20 March 2013. The new administrative arrangements provided for the transfer of output functions and funding to a number of new and existing agencies.

The effect of the new administrative arrangements is the core business of the Department of the Attorney-General and Justice (AGD), which will focus on the provision of strategic legal and justice policy advice to the Northern Territory and independent court, prosecution, registration and advocacy services for Territorians.

The former DoJ output functions and funding have transferred to new agencies as follows:

- Northern Territory Correctional Services is now the Department of Correctional Services.
- The Community Benefit Fund function transferred to the Department of Business.
- Responsibility for functions under the former Licensing, Regulation and Alcohol Strategy output group has been transferred to a number of agencies.
  - Alcohol Policy functions transferred to Department of Health.
  - Gaming and Licensing functions transferred to the Department of Business.
  - The Racing Commission is now a stand alone commission and reports directly to the Department of Sport and Recreation.
- The Youth Justice Unit is now the responsibility of the Department of Correctional Services.
- WorkSafe functions have transferred to the Department of Business.

A summary of the funding transfers are outlined in the table below:

Responsible Agencies following the Machinery of Government changes	Function/s Transferred	\$000
Department of the Attorney General and Justice	Solicitor for the Northern Territory; Legal Policy; Courts Administration; Public Prosecutions; and Independent Offices	96 340
Department of Business	WorkSafe; Community Benefit Fund; Gaming and Licensing; and NT Licensing Commission	24 326
Department of Correctional Services	Correctional Services; and Youth Justice Unit	133 841
Department of Lands, Planning and the Environment	Environment Protection Authority	1 411
Department of Sport and Recreation	Racing Commission	12 572
Department of Health	Alcohol Policy	3 963
Total transfer from the former Department of Justice		272 453

The output groups transferred to AGD have been restructured as follows:

- Solicitor for the Northern Territory and the Crime Victims Services Unit have been separated and will report under a new 'Legal Services' output group.
- The Policy Coordination output group has been disbanded. The Legal Policy output will now report under the Legal Services output group. The remaining functions from the former Policy Coordination output group will form a centralised Agency Coordination and Reporting function. The costs for this function will be distributed across AGD, but will be largely attributed to the Legal Policy output, as the main client of these services.
- The Courts and Independent Offices have been separated into three separate output groups being:
  - Court Support Services;
  - Office of the Director of Public Prosecutions; and
  - Independent Offices.

## LEGAL SERVICES

Deliver quality legal advice, representation and policy development to government.

### SOLICITOR FOR THE NORTHERN TERRITORY (SFNT)

Provide government with quality legal advice and representation.

Key deliverables	Current Year		Targets	Previous Years	
	2012-13 Estimate	2012-13 Actual	2013-14 Estimate	2011-12 Actual	2010-11 Actual
	Total	Total	Total	Total	Total
Legal services (solicitor hours)	96,600	83,510	75,753	91,244	87,251
Requests for legal services <sup>1</sup>					
Minor	2,000		1,560		
Significant					
- provided by SFNT			1,700		
- outsourced	450	370	500	446	404
Client satisfaction	85%	96%	85%	87%	89%

Note:

1. Previously requests which were outsourced were identified. A new measure for 2013-14 will also capture the requests which are provided in house.

### Restructure of the SFNT

In response to the changes to the Administrative Arrangements for the NTPS announced by the Chief Minister in September 2012, and the Mini-Budget announcement by the Treasurer in December 2012 (which included a range of savings measures for all NTPS agencies), the SFNT has undergone a complete restructure required to ensure the best provision of service to the newly created and restructured government departments.

The implications for SFNT operations included:

- changing the way legal services are delivered by establishing client counsel groups within the structure of SFNT to replace groups previously dedicated to a single agency;
- closing all but four of the agency-based legal units;
- restructure of the financial arrangements for the agency-based lawyers;
- reduction in the number of law officers by 22; and
- conversion of 23 law officer positions from contract to ongoing employment.

A program of consultative briefings, including staff, OCPE and the Community and Public Sector Union, took place. Feedback on the restructure was sought and considered before the final proposal was settled. A merit-based selection process was undertaken to fill available positions.

## Providing Legal Services to Government

The SFNT represented the Northern Territory in a wide range of leading cases at all levels of the courts, including the High Court. It has provided strategic commercial legal advice in respect of a number of major infrastructure projects and has worked to resolve numerous outstanding, but vital, native title and Aboriginal land claims, while also managing the conduct of selected litigation and commercial matters by private legal practitioners.

## Litigation

Specific achievements/accomplishments in 2012-13 include:

- Provision of advice and opinions on the interpretation and application of Territory and Commonwealth laws, and legal issues and disputes.
- Assistance to the Solicitor-General and Counsel with a challenge to the Container Deposit Scheme in the Federal Court.
- Instructing the Solicitor-General in a High Court challenge to the *Criminal Property Forfeiture Act*.
- Provision of strategic legal advice and dedicated case management service (working with private lawyers) to the Department of Infrastructure in relation to several high-value and complex construction litigation matters.
- Provision of counsel assisting to a range of Territory Boards and Tribunals, including the Disciplinary Appeals Board under the *Public Sector Employment and Management Act*, Teachers Registration Board, Anti-Discrimination, Promotion Appeals, Grievance Review, Tenancies, Screening Authority and the Licensing Commission.
- Continuing representation of the Northern Territory and MacDonnell Shire Council in the Supreme Court in relation to a legal challenge to the validity of the 2008 Local Government reforms brought by members of the former Amoonguna Community Inc.
- Representation of the Territory and the Minister for Natural Resources in the Supreme Court in a claim for water allocation in a regional area.
- Representation for the CEO of the Office of Children and Families, including in the Supreme Court, in an appeal regarding the conduct of child protection hearings in the family matters jurisdiction.
- Representation for the CEOs of the Departments of Correctional Services and Health in relation to 'supervised persons' under Part IIA of the *Criminal Code*.
- Representation for the Commissioner of NT Police in relation to public interest immunity claims in criminal proceedings, and '*criminal intelligence*' matters relating to 'fitness and propriety' under the Dangerous Goods Regulations.
- Advice to and representation for CEOs and statutory officeholders in relation to disciplinary and inability proceedings under the *Public Sector Employment and Management Act*.
- Provision of advice on the Territory's role and obligations in relation to the Royal Commission into Child Sexual Abuse.

- Instructing the Attorney-General and Solicitor-General in the Northern Territory Court of Appeal to clarify the common law in relation to 'apprehended bias'.
- Representation for the Territory in various coronial inquiries.
- Representation for the Commissioner of Police, Corrections and Courts in claims for wrongful imprisonment.
- Provision of a prosecution service on behalf of various Territory agencies under the Animal Welfare legislation, *Liquor Act*, *Private Security Act*; Crowd Controllers, Security Firms and Security Officers Regulations, the Water Safety legislation, Parks and Wildlife legislation, Work Health legislation, *Tobacco Control Act* and the *Domestic and Family Violence Act*.
- Building the capacity of agencies to investigate and run their own prosecutions by conducting training courses and shadowing prosecutions.
- Representation for the Commissioner for Public Employment in the Fair Work Commission.
- Representation for the Department of Health in complex medical negligence matters including one fast-tracked proceeding in the Supreme Court relating to a claim for a terminally ill plaintiff.
- Assistance to the Controller of Water Resources in the development of water allocation plans currently being circulated for public comment in respect of several regional areas.
- Assistance to the Solicitor-General and Crown Counsel with a dispute over a pastoral lease before the Court of Appeal.
- Advice and representation in relation to applications under the *Volatile Substance Abuse Act*, the *Child Protection Offending, Reporting and Registration Act* and the *Serious Sex Offenders Act*.

### **Criminal Property Forfeiture**

Administration and enforcement of the *Criminal Property Forfeiture Act* has been successful over the past 12 months. Of note was the refusal of the High Court to allow an appeal brought by the respondent in the matter of *Dickfoss v DPP*. The refusal settled various challenges to constitutional and construction appeals of the legislation.

A further application for special leave to appeal has been made to the High Court by the Territory in the matter of *Emmerson v DPP*, regarding a further constitutional challenge made to the Declared Drug Trafficker provisions.

During 2012-13, property valued at \$4.1 million was forfeited. Since 2006, assets worth \$11.8 million have been forfeited.

Property valued at approximately \$2.2 million currently remains under restraint pending determination of proceedings and orders for forfeiture.

Enforcement activities under the *Criminal Property Forfeiture Act* have made a significant contribution to combating drug offending in the Northern Territory and to law enforcement generally. The Northern Territory continues to be regarded as a leading exponent in proceeds of crime enforcement and, in particular, in the area of unexplained wealth.

## Residential Tenancies disputes

The SFNT continues to provide a lawyer to hear residential tenancy disputes as delegate of the Commissioner of Tenancies under the *Residential Tenancies Act*. The number of matters proceeding to Inquiry and the time required by lawyer delegates to prepare, hear and decide these matters continues to increase.

In addition the department negotiated a further three year period of funding for the Tenant's Advice Service under the *Agents Licensing Act*.

## Aboriginal Land

The Aboriginal Land Division of SFNT has continued to provide specialist legal services to Government as to the impact upon, and obligations of, government in respect of native title and Aboriginal land rights. The division engages in ongoing liaison with government agencies and attends high level policy meetings to ensure a whole of government approach to native title and Aboriginal land matters.

Significant matters within the reporting year include:

- Native Title Consent Determinations – negotiated two consent determinations in the Central region of the Northern Territory and progressed 25 consent determinations in the Northern region for determinations in early August 2013.
- Kakadu land claims – continued negotiation of an agreement with the Director of National Parks, the Commonwealth and the Northern Land Council over the outstanding *Aboriginal Land Rights (Northern Territory) Act* (Cth) claims in Kakadu Nation Park.
- Diversification of pastoral land – provided extensive advice and assistance to the Department of Land Resource Management regarding diversification of land use on pastoral land.
- Jabiru native title claim – continued negotiations with the Commonwealth, the Northern Land Council, the Mirrar Traditional Owners and the Director of National Parks regarding settlement of the Jabiru native title claim.
- Ord Development Task Force – provision of advice to assist negotiations for the potential expansion of the Ord River irrigation district into the Northern Territory.
- Kenbi land claim – continued assistance and advice regarding settlement of the Kenbi land claim.
- Streamlining native title processes – provided legal and strategic advice to Government relating to options for faster resolution of native title claims over pastoral estates.
- Blue Mud Bay – provision of advice and assistance regarding negotiations with land councils and other stakeholders to find practical and positive outcomes to issues arising from the decision of the High Court in *Northern Territory of Australia & Anor v Arnhem Land Aboriginal Land Trust & Ors*.
- Instructing the Solicitor-General and junior counsel in the Timber Creek Native Title Compensation claim.
- Assisting the Department of Mines and Energy in relation to the Review of Part IV of the *Aboriginal Lands Rights (Northern Territory) Act* 1976 by Mr Justice Mansfield, AM.

## Commercial

The SFNT provided extensive legal, policy, commercial and strategic advice on whole of government and sensitive matters of a commercial nature, and generally assisted the various agencies to carry on the commercial business of government.

In particular, SFNT drafted and negotiated complex documentation and advised in respect of the following major projects:

- Inpex Ichthys LNG Project – following execution of the Project Development Agreement, SFNT has continued to work on ancillary land tenure agreements and other associated agreements related to the LNG Plant site and to the construction of the workers' accommodation village to support the construction phase which is now underway.
- Marine Supply Base – the SFNT has provided advice and drafted contract documentation and is now advising on a range of issues related to this important infrastructure project.
- NT Secure Facilities Project (new prison) – SFNT provided ongoing advice and is assisting on the project as required. Construction is due for completion in mid 2014.
- Darwin City Waterfront Redevelopment Stage 2 – SFNT provided ongoing advice and assists as required.
- Land Release – SFNT assisted the Department of Lands, Planning and the Environment in relation to a range of residential land releases including Kilgariff in Alice Springs and Katherine East Stage 1, as well as the continuing development of Johnston and Zuccoli.
- Gas to Gove – SFNT worked on the team investigating ways to provide a gas supply to the Gove refinery.

## CRIME VICTIMS SERVICES UNIT

Assist in the rehabilitation of victims of violent crime through the provision of financial assistance, counselling and other support including management of the Victims Register.

Key deliverables	Current Year		Targets	Previous Years	
	2012-13 Estimate	2012-13 Actual	2013-14 Estimate	2011-12 Actual	2010-11 Actual
<i>Victims of Crime Assistance Act</i> applications	525	497	525	510	478
Number of people on Victims Register	90	96	90	74 <sup>1</sup>	81

Note:

1. The number of people on the Victims Register increases as new people are added, but also reduces as people are removed (usually because the offender has been released from prison and/or is no longer under the supervision of Corrections).

### Highlights for Victims of Crime

- A Discussion Paper to promote consideration of aspects of the *Victims of Crime Assistance Act* was distributed. Consultation with a wide range of stakeholders was held across the NT, with a report to be sent the Minister in the new financial year;
- A key decision in the Supreme Court (*NTA v James*), has provided direction on the payment of an award where the victim remains in a relationship with the offender, and/or where the offender may benefit from the award;
- Under the *Victims of Crime Assistance Amendment Act 2012*, the levy on court-imposed fines, infringement notices and enforcement orders was increased to generate more revenue for the Victims Assistance Fund, which funds the provision of counselling and financial assistance to victims of crime;
- Anglicare successfully re-tendered for the provision of counselling and support services to victims of crime in the Northern Territory. Anglicare has been working with a range of government and non-government service providers to increase sectoral communication and cooperation in the provision of support to victims;
- Ninety-six people on the Victims Register receive regular advice about the offender for whom they are registered. Information relates to the offenders' conditions of sentence, parole and/or other supervision by Correctional Services.
- Provided an additional \$100 000 to Victims of Crime NT to assist victims of crime to stay safe in their homes. This increase supplements existing funding of \$205 000 provided to Victims of Crime NT in 2012-13.

## LEGAL POLICY

Develop, review and implement legislative change, and advise the Attorney-General and the government on law and justice measures.

Key deliverables	Current Year		Targets	Previous Years	
	2012-13 Estimate	2012-13 Actual	2013-14 Estimate	2011-12 Actual	2010-11 Actual
Bills introduced to Parliament	20	18	20	15	22
Cabinet comments completed within 5 working days	90%	88%	90%	77%	97%
Minister's satisfaction with: <sup>1</sup>					
- Strategic policy and program advice	≥5	5	≥5	N/A <sup>2</sup>	N/A
- Agreed timeframes and milestones met	≥5	4	≥5	N/A <sup>2</sup>	N/A

Note:

1. Measures range from a rating of 1 = extremely dissatisfied through to 6 = extremely satisfied.
2. Ministerial satisfaction was not collected in 2011-12.

## Highlights for Legal Policy

- Implementation of the Government's election related commitments and other strategic issues (sentencing, bail, victims of crime levy, one punch, minimum sentences for assaults, assaults on workers, age of retirement of magistrates and senior law officers, serious sex offenders, repeal of vendor disclosure legislation).
- Implementation of national reforms (electronic conveyancing, uniform evidence law, classification of computer games, cheating at gambling).
- Significant expansion of face to face community consultation (sessions held in Darwin, Alice Springs, Katherine, Tennant Creek).
- Co-led along with the Office of Children and Families the implementation of the \$3.26m Alice Springs Integrated Response to Domestic and Family Violence project. In 2012-13 highlights include: the development of a Family Safety Framework Practice Manual and associated Memorandum of Understanding between eleven government and non government agencies in Alice Springs with over 400 staff working in the sector receiving domestic violence training and briefings; and introduction of the victim's support role at the Alice Springs Court.
- Publication of reports, issues papers or draft legislation, including bail discussion paper; report on Part 3.3 Review, *Care and Protection of Children Act*; unit titles discussion papers; vulnerable witnesses (Crofts and section 21B of the *Evidence Act*), issues paper concerning the *Victims of Crime Assistance Act*; issues paper and Bill for advanced personal directives; optional protocol against violence issues paper; and small claims reform.
- Commencement or re-invigoration of major projects (*Criminal Code*, Part IIAA; Courts and Administrative Tribunals, summary offences).
- Hosting of the Standing Council on Law and Justice in Darwin.
- Eighteen Bills introduced for the period October 2012 to June 2013.

- Provided the Northern Territory Legal Aid Commission with an additional, one-off payment of \$1.18m to meet the costs of unforeseen, expensive criminal legal proceedings in 2012-13.
- Negotiated a one year funding agreement for 2013-14 with the Northern Territory Legal Aid Commission for the provision of legal aid services for Territorians, particularly those in the community that are disadvantaged.
- Supported coordination across the NT legal and social services sector to implement the National Partnership Agreement on Legal Assistance Services, including through the hosting of two jurisdictional forums in 2012-13. As part of the agency's support for the delivery of legal services to the community, an ongoing increase in funding for Domestic Violence Legal Services of \$0.165m was announced in the mini budget from 2012-13.

## COURT SUPPORT SERVICES

### Outcomes

- Effective judicial support and penalty recovery services to enable delivery of justice to the community by the courts and tribunals of the Territory.

### Outputs

- Higher Courts
- Lower Courts and Tribunals
- Fines Recovery Unit

(Integrated Justice Information System will be a new output in 2013-14).

## HIGHER COURTS

Provides processing and appropriate case-flow management for the higher courts including the Supreme Court and courts of appeal.

Key deliverables	Current Year		Targets	Previous Years	
	2012-13 Estimate	2012-13 Actual	2013-14 Estimate	2011-12 Actual	2010-11 Actual
Cases lodged					
- Criminal	500	511	500	510	458
- Civil	500	497	500	488	510
Sitting days					
- Criminal	1000	977	1000	979	949
- Civil	250	236	250	263	213
Finalisation of cases within 12 months					
- Criminal	90%	95%	90%	94%	92%
- Civil	85%	90%	85%	89%	88%

## LOWER COURTS AND TRIBUNALS

Processing and appropriate case-flow management for the lower courts, tribunals or other statutory offices. Includes the Community Justice Centre (CJC) which provides free mediation services and public awareness functions to help people resolve their own disputes.

Key deliverables	Current Year		Targets	Previous Years	
	2012-13 Estimate	2012-13 Actual	2013-14 Estimate	2011-12 Actual	2010-11 Actual
Criminal cases lodged					
- Major centre courts <sup>1</sup>	10,000	13,352	11,500	10,450	10,472
- Circuit courts <sup>2</sup>	3,200	4,153	3,500	3,078	3,433
Civil cases lodged	6,000	7,037	6,500	6,781	7,601
Sitting days	3,000	2,961	2,600	3,166	3,100
Circuit court days	390	372	390	372	373
Finalisation of cases within six months					
- Criminal	80%	77%	80%	63%	81%
- Civil	85%	81%	85%	82%	88%
Finalisation of coronial cases within 12 months	60%	42%	60%		
Community Justice Centre mediations	150	153	150	151	144
Community Justice Centre presentations	30	35	30	29	48
Community Justice Centre client satisfaction	85%	92%	85%	92%	85%

Notes:

1. Major centres are Alice Springs, Katherine and Darwin.
2. Circuit courts are held at Ali Curung, Alyangula, Barunga, Borroloola, Daly River, Elliott, Galiwin'ku, Hermannsburg, Jabiru, Kalkarindji, Kintore, Lajamanu, Maningrida, Milikapiti, Mutitjulu, Nguiu, Ngukurr, Nhulunbuy, Numbulwar, Oenpelli, Papunya, Pirlangimpi, Tennant Creek, Timber Creek, Ti Tree, Wadeye, Yuendumu and Yarralin.

## FINES RECOVERY UNIT

Processes and collects court fines and infringement penalties.

Key deliverables	Current Year		Targets	Previous Years	
	2012-13 Estimate	2012-13 Actual	2013-14 Estimate	2011-12 Actual	2010-11 Actual
Fines and penalties paid in full	52,000	57,666	60,000	51,540	51,779
Fine and penalty clearance rate	85%	83%	85%	80% <sup>3</sup>	81%
Enforcements issued <sup>1</sup>					
- Court fines	9,000	11,715	11,500	8,470 <sup>2</sup>	9,547
- Infringement penalties	23,000	26,090	24,000	23,230	21,354
Enforcements fully paid within 12 months					
- Court fines <sup>2</sup>	35%	33%	35%	32%	37%
- Infringements penalties <sup>3</sup>	65%	62%	65%	63%	67%
Client satisfaction	85%	94%	85%	94%	92%

Notes:

1. Enforcement orders are issued if a person does not pay a fine or penalty within the prescribed time.
2. The reduction in enforcements of Court fines is in part a reflection of a reduction in the number of court ordered fines during the year.
3. Time to Pay arrangements are set up to pay the oldest matter first, resulting in a delay in payments of the most recent fines / penalties. As some debtors accrue more fines or penalties, an increasing number require more than 12 months to pay off the total debt, so reducing the proportion paid off within 12 months.

## Highlights for Courts Division

- The former Executive Director of Court Support and Independent Offices, Mr Peter Shoyer, was appointed as NT Ombudsman in November 2012.
- Court allocation and expenditure was reviewed following the December mini-budget. Government injected additional funding into the Courts and a number of areas that historically had been overspent such as travel, information technology and transcription services were reviewed and efficiencies introduced to offset those overspends. The funding injection and expenditure review has placed the Courts in a better position to tackle increasing workloads.
- The development of a 10 Year Infrastructure Plan for court buildings was commenced. The purpose of the plan is to determine the minimum standard for circuit courts with a view to setting out a short-term time frame in which these minimum standards should be met. The plan will also incorporate a Master Plan for court buildings in major centres.
- A combined Civil/Criminal Registry was established at the Darwin Magistrates Court allowing for pooling of resources and improved cross-jurisdictional work practices.
- In collaboration with NT Police, a backlog of historical non-executable warrants was cleared.

## OUR PERFORMANCE

- In collaboration with the Chief Magistrate, a review of performance of the Magistrates Court was undertaken and a plan for the future of the Magistrates Court established.
- Free public Wi-Fi was introduced in Darwin and Alice Springs court buildings.
- The Supreme Court upgraded its jury database to enable jurors to attend less frequently, and the Access Control System was replaced in the Supreme Court in Darwin.
- The Community Justice Centre trained mediators located in Yuendumu, Lajamanu, Willowra and Alice Springs, in collaboration with NT Police, Courts, Central Desert Shire, Correctional services and FaCHSIA, played a leading role in successfully resolving a long-standing intra-family conflict in Yuendumu that had led to riots and high number of incarcerations over two years. As a result of the continued peacemaking efforts, the community will return to holding its first sports weekend since 2011.
- The Community Justice Centre, in collaboration with NAAJA, delivered Nationally Accredited Mediation Training for 66 Indigenous Mediators in Lajamanu, Tiwi Islands, Katherine and Gunbalanya to provide practical skills to deal with intra-community lateral violence, jealousy and gossips in a physically, emotionally and culturally safe way. The training was funded by the Healing Foundation.

## OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Provide an independent public prosecution service for the Territory, and witness and victim support services throughout the criminal justice process through the Witness Assistance Service.

Key deliverables	Current Year		Targets	Previous Years	
	2012-13 Estimate	2012-13 Actual	2013-14 Estimate	2011-12 Actual	2010-11 Actual
New matters	1400	1,906	1400	2021	1,482
Finalisations:					
- Supreme Court pleas	220	341	220	397	235
- Supreme Court trials	50	53	50	49	66
- Supreme Court withdrawn	50	45	50	43	49
- Not committed to Supreme Court	20	0	20	1	2
- Summary hearings/pleas <sup>1</sup>	815	972	815	959	794
- Summary withdrawn <sup>2</sup>	245	249	245	234	212
- Appeals at all levels	75	62	75	68	64
Witness Assistance Service clients	1300	1822	1300	1493	1,536
Duty prosecutors days	1000	886	1000	1097	932
CPF file hours provided by SFNT <sup>3</sup>	N/A	N/A	N/A	3370	2,574
Matters committed to the Supreme Court <sup>4</sup>	N/A	N/A	N/A	100%	99%
Findings of guilt (including guilty pleas) in Supreme Court	90%	94%	90%	95%	93%
Findings of guilt (including guilty pleas) in Court of Summary Jurisdiction	90%	89%	90%	91%	90%
Convictions after trial or hearing	80%	90%	80%	91%	90%
Files where CPF order obtained <sup>3</sup>				75%	90%
Filing of indictments within 28 days of committal	65%	57%	65%	75%	70%
Supreme Court matters withdrawn less than 28 days before a trial was to commence	65%	69%	65%	63%	60%
CPF matters finalised in Local Court within 12 months <sup>3</sup>	N/A	N/A	N/A	50%	80%
CPF matters finalised in Supreme Court within 24 months <sup>3</sup>	N/A	N/A	N/A	83%	80%

### Notes:

1. Have increased with the identification of matters completed in the summary jurisdiction for police.
2. Have increased with the identification of matters completed in the summary jurisdiction for police.
3. Performance measure removed in 2012-13.
4. Performance measure no longer applicable.

### Highlights for the Office of the Director of Public Prosecutions

- In January 2013, Richard Coates retired as the Director of Public Prosecutions. Richard was the Director for seven years and Jack Karczewski QC was appointed as his replacement. Jack has over 35 years experience in criminal law and has been the Deputy Director of Public Prosecutions since 1998.

## INDEPENDENT OFFICES

A safer, more secure and equitable society in which a person's legal rights and property interests are protected.

### Outputs

- Consumer Affairs
- Anti-Discrimination Commission
- Information Commissioner
- Public Interest Disclosures
- Registrar General
- Public Trustee
- Health and Community Services Complaints Commission
- Children's Commissioner

## CONSUMER AFFAIRS

Provides a regulatory framework where the community is informed on consumer rights and responsibilities, and responsible business conduct is promoted.

Key deliverables	Current Year		Targets	Previous Years	
	2012-13 Estimate	2012-13 Actual	2013-14 Estimate	2011-12 Actual	2010-11 Actual
Enquiries received <sup>1</sup>	18,000	20,996	22,000	17,8471	17,570
Consumer and Business actions <sup>2</sup>	600	647	200	4742	833
Compliance actions	200	265	260	773	166
Tenancy applications <sup>3</sup>	800	957	1000	7604	857

Notes:

1. Enquiries received continue to increase at a high level reflecting the major increase in workload relating to consumer complaints and residential tenancies.
2. Consumer and Business Actions include indigenous education and liaison, general presentations and trader visits.
3. Residential tenancy applications continue to increase due to the tightening rental market.

### Consumer Affairs Highlights

- Residential Building Consumer Protection: Changes to the consumer protection focus of the *Building Act* commenced on 1 January 2013 creating the new role of Commissioner of Residential Building Disputes. The *Building Act* directed this role and its functions to the Commissioner of Consumer Affairs. Since commencement Consumer Affairs has worked closely with the Department of Lands, and Planning and the Environment to create web site content and to educate builders and consumers about the new regulations the role of the Commissioner and the consumer protection focus.
- Increasing demands on the Consumer Affairs office. The Consumer Affairs offices in Darwin and Alice Springs have received increasing numbers of contacts from consumers and traders seeking information and assistance with issues from residential and business tenancies, consumer complaints about purchases of goods and services, residential building matters and general issues.

Statistics have evidenced:

- Contacts to the offices increasing by 18% to almost 21,000,
- Residential Tenancy Applications increasing by 26% to 960, and
- Residential Tenancy Hearings increasing by 19% to 950.

## ANTI-DISCRIMINATION COMMISSION

Provide anti-discrimination education, training and public awareness to the private sector, government and the general community. Accepts, investigates and conciliates complaints, and conducts public hearings in respect of anti-discrimination matters.

Provides complaint resolution and advocacy services for people receiving treatment under the *Mental Health and Related Services Act* and the *Disability Services Act* through the Community Visitor Program (CVP). Key functions consist of inspections/inquiry, visiting and making recommendations in the adequacy and quality of the standard of services and facilities.

Key deliverables	Current Year		Targets	Previous Years	
	2012-13 Estimate	2012-13 Actual	2013-14 Estimate	2011-12 Actual	2010-11 Actual
Public awareness / community-based events, development of educational resources and training (hours)	300	176 <sup>1</sup>	80	623	N/A
Participant satisfaction with training	85%	100	N/A	100	100
Complaints (includes complaints carried over)	300	279	270	N/A	N/A
Complaints accepted	120 <sup>2</sup>	108	N/A	N/A	N/A
Complaints outstanding (in progress)	200	58 <sup>3</sup>	N/A	N/A	N/A
Percentage of accepted complaints settled	35%	78%	N/A <sup>4</sup>	N/A	N/A
Complaints closed within 8 months of receipt	60%	72%	40%	N/A	N/A
<b>Community Visitor Program</b>					
Contact within one working day of request	100%	99%	100%	91%	99%
Panel and community visitor inspections completed <sup>5</sup>	8	5	8	9	N/A

Notes:

1. Due to funding constraints, ADC ceased providing its scheduled training program in April 2013, which was not anticipated when the estimates for the KPIs were set. The ADC no longer has a full time training position. This has impacted on performance in this area.
2. A new measure for 2012-13 which will be discontinued in 2013-14
3. A new measure for 2012-13 which will be discontinued in 2013-14.
4. This is a new measure for 2012-13, this will be replaced by a new KPI % of complaints settled, the estimate of which is 35% for 2013-14.
5. Due to the secure care facilities not being opened until April 2013, projected panel visits did not occur in 2012-13.

## Anti-Discrimination Commission Highlights

A New Anti-Discrimination Commissioner Ms Sally Sievers commenced in January 2013.

Continued efficiencies in improving timeliness of complaints and hearings with 64% of matters being finalised within 6 months.

The Commissioner and staff continued to travel throughout 2012-13 both interstate and intrastate to conduct their work, including successive visits to Gunbalanya to meet with important members of the community and to discuss their discrimination issues.

## OFFICE OF THE INFORMATION COMMISSIONER

Promotes knowledge about freedom of information (FOI) and privacy rights within government and the community. Investigates and attempts to resolve complaints about FOI and privacy matters and considers related applications.

Key deliverables	Current Year		Targets	Previous Years	
	2012-13 Estimate	2012-13 Actual	2013-14 Estimate	2011-12 Actual	2010-11 Actual
Complaints (includes complaints carried over)					
- FOI	20	21	20	24	22
- Privacy	6	7	6	7	10
Complaints finalised <sup>1</sup>					
- FOI	15	13	15	83%	N/A
- Privacy	4	4	4	40%	
Awareness and training					
- Presentations	20	14	20	17	20
- Participants	250	318	250	312	315
Training participant satisfaction	80%	83%	80%	85%	86%
FOI and privacy hours (advice and audits)	650	247	650	650	N/A

Note:

1. Key deliverable changed in 2012-13 to 'Number of complaints finalised' calculated from only those complaints finalised in the reporting period. In 2011-12 figures displayed represent the percentage of complaints finalised with 12 months of receipt.

## Office of the Information Commissioner Highlights

- Practical guidance on FOI, privacy and preventing improper conduct: The Office of the Information Commissioner continues to provide practical guidance to public bodies via regular training sessions and forums. Topical issues covered have included information management challenges, initiatives to minimise data breaches and ways to detect and avoid improper conduct occurring. Public awareness has been raised through community events in Darwin, Katherine and Alice Springs and the concerns of individuals are well catered for through online and telephone support.

## PUBLIC INTEREST DISCLOSURES

Investigates public interest disclosures and ensures that any improper conduct is appropriately dealt with. Protects persons who make public interest disclosures from acts of reprisal. Promotes awareness of the legislation.

Key deliverables	Current Year		Targets	Previous Years	
	2012-13 Estimate	2012-13 Actual	2013-14 Estimate	2011-12 Actual	2010-11 Actual
Public interest disclosures <sup>1</sup>	60	66	60	70	75
Awareness and training:					
- Presentations	10	9	10	11	26
- Participants	400	189	400	456	558
Participant satisfaction <sup>2</sup>	90%	92.6%	90%	91%	90%
Disclosures resolved or investigation reports presented to responsible authority within 6 months	70%	62.9%	70%	68%	N/A

Notes:

1. Includes all disclosures (including files carried over from the previous year) whether or not ultimately assessed as falling within the Act.
2. Participant satisfaction refers only to participants in face-to-face training.

### Officer of the Commissioner for Public Interest Disclosures Highlights

- Successful implementation of recommendations to address improper conduct: The Office of the Commissioner for Public Interest Disclosures has continued to work with Chief Executives wherever possible to make meaningful recommendations that target improper conduct and prevent its recurrence. In 2011-12, there was full compliance by public bodies in implementing recommendations made by the Commissioner.

## OFFICE OF THE REGISTRAR-GENERAL

Registers dealings with land and other property, powers of attorney, births, deaths, marriages and changes of name and sex.

Key deliverables	Current Year		Targets	Previous Years	
	2012-13 Estimate	2012-13 Actual	2013-14 Estimate	2011-12 Actual	2010-11 Actual
Records maintained (M)	1.22M	1.22M	1.22M	1.19M	1.15M
Registrations	32,000	33,082	32,000	33,362 <sup>1</sup>	29,403
Searches	750,000	722,966	750,000	905,049 <sup>1</sup>	794,752
Client satisfaction	95%	96%	95%	98%	97%
Life event certificates issued within 24 hours	95%	98%	95%	98%	97%
Life events registered within 72 hours	95%	99%	95%	99%	99%
Land dealings and instruments registered within 48 hours	97%	100%	97%	100%	100%

Note:

1. Increase due to high activity in Births, Deaths & Marriages particularly during the four month certificate and change of name fee waiver period.

## OFFICE OF THE PUBLIC TRUSTEE

Provides will registry and will-making, trustee and estate administration services.  
Manages restrained and forfeited property under the *Criminal Property Forfeiture Act*.

Key deliverables	Current Year		Targets	Previous Years	
	2012-13 Estimate	2012-13 Actual	2013-14 Estimate	2011-12 Actual	2010-11 Actual
Deceased estates active	140	139	140	142 <sup>1</sup>	129
Deceased estates finalised	140	132	140	110 <sup>1</sup>	170
Finalise deceased estates:					
- within 12 months	65%	59%	65%	70%	62%
- within 24 months	85%	86%	85%	89%	84%
Trusts active	660	665	660	660	669
Trusts finalised	100	94	100	100	123
Wills prepared	250	311	250	250	311
Client satisfaction	90%	94%	90%	90%	93%

Note:

1. Deceased estates active and finalised are less than the original estimate due to a reduced number of new estates.

## Registrar General and Public Trustee Highlights

### Land Titles Office

- Continued to participate in the development of a national electronic conveyancing system.

### Births, Deaths & Marriages

- Continued to provide identity information, birth certificates and changes of name to facilitate a number of programs designed to assist Indigenous Territorians to improve their identity documentation. Provided a weekly visiting service by Births, Deaths & Marriages for the benefit of Palmerston residents. In Katherine and Tennant Creek, a limited Births, Deaths & Marriages service is provided through Court offices.

### Public Trustee

- Increased services in a range of trusts, supported by an upgraded software package.

## HEALTH AND COMMUNITY SERVICES COMPLAINTS COMMISSION

Resolve complaints against providers of health and community services in the Territory and recommend improvements in the standard and quality of service delivery.

Key deliverables	Current Year		Targets	Previous Years	
	2012-13 Estimate	2012-13 Actual	2013-14 Estimate	2011-12 Actual	2010-11 Actual
Inquiries and complaints received	500	522	500	559	502
Inquiries and complaints closed	450	460	450	485	411
Complaints resolved within 180 days of receipt	>80%	80%	80%	78%	78%

### Highlights for Health and Community Services Complaints Commission

- Participation in various public and professional forums including during Disability Awareness Week, Senior's Month, Remote Health provider forum and National Disability Service and National Disability Insurance Scheme forums in Darwin, Alice Springs, Katherine and Tennant Creek.
- Numerous presentations to legal organisations, associations, registration boards, various service providers, hospital staff and management, and local councils.
- The increase in the number of health and disability complaints that were resolved through conciliation.
- Participation in a national study on identification of doctors at risk of recurrent complaints.
- The internal review of our enquiry system and development of a new feedback tool.
- Development of new disability and plain English information brochures.

## CHILDREN'S COMMISSIONER

The Office of the Northern Territory Children's Commissioner is responsible for investigating and resolving complaints regarding required services for vulnerable children, monitoring the administration of the *Care and Protection of Children Act* so far as it relates to vulnerable children, dealing with submissions received by the Commissioner regarding the recommendations arising from the Board of Inquiry into the Child Protection System of the Northern Territory and for monitoring the Territory's response to the Little Children are Sacred Report.

There has been a major change in the method of processing complaints with the additional powers to conduct preliminary enquiries. The Commissioner processed 68 such preliminary enquiries in the 2012-13 financial year.

Key deliverables	Current Year		Targets	Previous Years	
	2012-13 Estimate	2012-13 Actual	2013-14 Estimate	2011-12 Actual	2010-11 Actual
Approaches received	90	110	90	119 <sup>1</sup>	82
Number of referrals <sup>2</sup>	14	21	14	11	12
Complaints investigated	65	47	65	95 <sup>1</sup>	42
Public awareness and educations programs	28	18	28	27	12

### Notes:

1. Approaches received and complaints investigated have increased due to expansion of the Commissioner's role and powers.
2. Complaints referred to another body for investigation.

## Highlights for the Children's Commissioner

- The new preliminary investigation powers have led to more minor complaint matters being referred or declined, allowing the office investigators to concentrate on complex complaints and own-initiative investigations.
- In 2011-12, 119 approaches were processed by the office of which 75 were deemed to be enquiries. This left 43 investigation cases to be dealt with under section 266 of the Act. Of these, 32 became cases that were investigated and 11 were referred to other investigation bodies.
- In 2012-13, there were 110 approaches of which 49 were deemed to be enquiries. Sixty-one investigation cases were dealt with under section 266 of the Act. This resulted in 22 matters being declined (primarily because the complaints lacked substance), 21 mainly minor matters being referred to other investigation bodies and 18 matters involving 47 complaint issues being formally investigated. In the course of the year the Commissioner and his staff initiated three own-initiative investigations.

# LEGISLATIVE REPORTING

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## LEGISLATIVE REPORTING

Section 63 of the *Construction Contracts (Security of Payments) Act* (the Act) requires the relevant Chief Executive Officer to provide a report on the operation and effectiveness of the Act for the year. The Act provides a speedy dispute resolution mechanism for building disputes. The process permits disputes to be resolved on an interim basis pending any further action before the courts. These interim resolutions permit construction contracts to proceed, with monies being paid, subject to the reservation of the right to proceed in court. The Act is administered by the department through Legal Policy. Mr Guy Riley holds the position of Construction Contracts Registrar.

Some statistics concerning the operation of the Act, since its commencement on 1 August 2006, are:

Year (to 30 June)	Number of applications	Determinations	Rejections of applications (e.g. for being made out of time)	Court actions resulting from determinations
2005-06	1	1	0	0
2006-07	9	7	2	1
2007-08	14 <sup>1</sup>	10	5	2
2008-09	20	15 <sup>2</sup>	5	2
2009-10	19	15 <sup>2</sup>	4	2 <sup>3</sup>
2010-11	11 <sup>4</sup>	5	5	1 <sup>3</sup>
2011-12	3 <sup>5</sup>	3 <sup>5</sup>	0	1 <sup>5</sup>
2012-13	7	5	2	0

### Notes:

1. In 2007-08 there was one more determination than application because the adjudicator rejected the application for a lack of jurisdiction, but the matter went to the local Court where the Magistrate took a different view and referred it back to the adjudicator. As a result, there was a rejection and a determination for the same application.
2. One determination was subsequently overturned in the Courts on the basis that the adjudicator did not have the jurisdiction to make a determination (and therefore should have rejected the application).
3. One Court action was a successful appeal against a decision of the Supreme Court made during the previous financial year.
4. One application was deemed to be dismissed because the adjudicator failed to make a determination within the required time.
5. This matter was determined twice – the original determination being set aside as the application was found by the Supreme Court to have been made before there was a dispute on foot (see *Department of Construction and Infrastructure v Urban and Rural Contracting Pty Ltd and Anor* [2012] NTSC 22). The applicant then reapplied and the adjudicator made the same determination.

# INSURANCE REPORTING

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## INSURANCE REPORTING

Reporting on insurance activities is a requirement pursuant to Treasurer's Direction M2.1 Insurance Arrangements.

The management of insurance risks and responsibilities in the Department is currently achieved through policy and guidance documentation and reviews in areas such as staff wellbeing and occupational health and safety, motor vehicle usage, building maintenance and travel procedures.

Additionally, to further mitigate worker's compensation risks, the Department operates an early intervention program and promotes access to the Northern Territory Public Sector's Employee Assistance Program.

Classification	2012-13 <sup>1</sup> Total value in \$
<b>Self Insurance Claims</b>	
Workers Compensation – total costs as provided by DBE	38,473
Property Assets <sup>2</sup>	47,140
Professional Indemnity – legal settlement costs	0
Public Liability – legal settlement costs	0
<b>Total</b>	<b>85,613</b>

Commercial Insurance	2012-13 <sup>1</sup>	
	Premiums (\$)	Claims (\$)
Professional Indemnity Insurance	1,273	0

Notes:

1. As the Department of the Attorney-General and Justice was only established in 2012-13 there are no comparisons with previous years.
2. Motor vehicles - costs advised by NT Fleet

# FINANCIAL OVERVIEW AND STATEMENTS

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## FINANCIAL STATEMENT OVERVIEW

### For the Year Ended 30 June 2013

The 2012-13 financial statements and notes for the Department of the Attorney-General and Justice have been prepared on an accrual basis. The statements provide information on the financial operations, balance sheet, changes in equity and cash flows of the agency for the year ended 30 June 2013.

A new Administrative Arrangements Order was issued on 4 September 2012 followed by a revised order on 19 October 2012. The new administrative arrangements provided for the transfer of a number of output functions and funding to new and existing agencies from the former Department of Justice, including the establishment of the new Department of the Attorney-General and Justice.

The effect of the new administrative arrangements is the core business of the Department of the Attorney-General and Justice which will focus on the provision of strategic legal and justice policy advice to the Northern Territory and independent court, prosecution, registration and advocacy services for Territorians. The agency's operating deficit for 2012-13 reflects a minor variation from the budgeted deficit. Both revenue and expenditure were slightly less than budgeted.

Key results at year end for the agency were:

- While there was an operating deficit of \$5.1 million for the 2012-13 financial year, depreciation expense was \$5.8 million of the deficit, which is a non-cash expense.
- Net equity of \$221.1 million as at 30 June 2013.
- Cash of \$2.7 million at year end.

## OPERATING STATEMENT

The operating statement provides information on the financial performance of the agency during the year. The surplus or deficit for the year is calculated by subtracting the expense items from the revenue items.

**Table 1: 2012-13 Operating Summary Statement**

	<b>Actual \$000</b>	<b>Budget \$000</b>
Operating Income	100 483	100 869
Operating Expenses	105 549	105 978
<b>Net Deficit</b>	<b>(5 066)</b>	<b>(5 109)</b>

# FINANCIAL OVERVIEW AND STATEMENTS

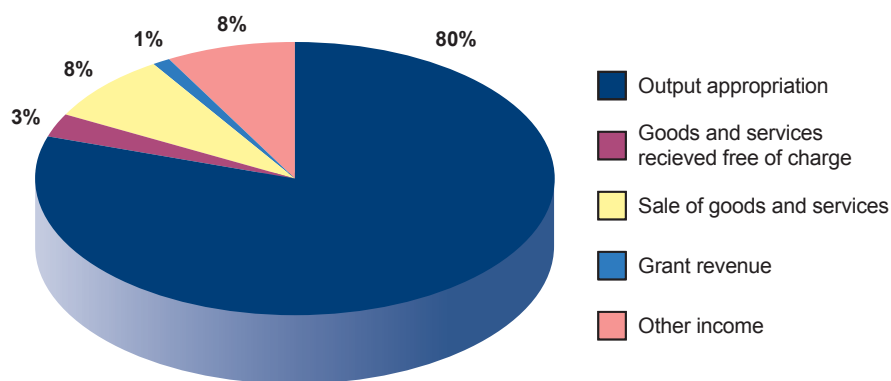
For the year ended 30 June 2013

## OPERATING INCOME

Table 2: Operating Income

	Actual \$000
Output appropriation	80 023
Goods and services received free of charge	3 002
Sale of goods and services	8 555
Grant revenue	1 030
Other income	7 873
	<b>100 483</b>

Figure 1: Operating Income



Total operating income for 2012-13 was \$100.5 million. The Department of the Attorney-General and Justice's principal source of revenue (80% or \$80.0 million in 2012-13) is output appropriation from the Northern Territory Government. Output Revenue represents 2012-13 funding approved for new and on-going major initiatives including:

- \$0.2 million to support Domestic Violence Legal Services to provide advice and assistance for people in need of protection and people accused of crimes relating to domestic violence.
- \$1.3 million to provide increased administrative and other support services to enable Northern Territory courts and tribunals to function efficiently and effectively.
- \$0.7 million to provide increased support to the Office of the Director of Public Prosecutions to undertake independent criminal prosecution services on behalf of Government.
- \$0.2 million to manage residential building consumer complaints as part of the new Residential Building Consumer Package and \$0.1 million for communication and training to assist with the implementation of the package.

# FINANCIAL OVERVIEW AND STATEMENTS

For the year ended 30 June 2013

- \$0.3 million to continue operation of the Office of the Commissioner for Public Interest Disclosures.
- \$1.18 million one-off funding to the Northern Territory Legal Aid Commission to manage unforeseen expensive cases, mainly in relation to criminal matters.

The remaining revenue is comprised of sale of goods and services (8% or \$8.6 million), grant income (1% or \$1 million), notional revenue for goods and services free of charge (3% or \$3 million) and other income (8% or \$7.87 million). Of the \$7.87 million in the other income category, \$4.8 million relates to revenue from agency based lawyer services.

Notional income to recognise goods and services provided free of charge by the Department of Corporate and Information Services is offset by notional expenditure to the same value.

Total operating expenses for 2012-13 was \$105.6 million. Table 3 and Figure 2 provide a summary of expenditure by category.

## OPERATING EXPENSES

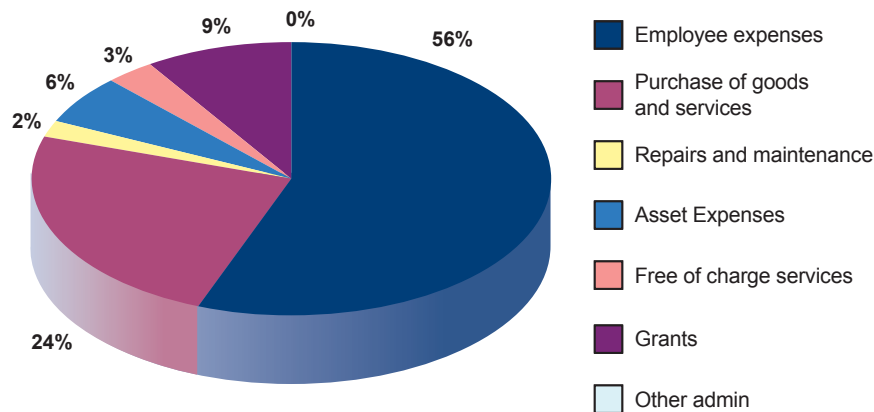
**Table 3: Operating Expenses**

	<b>Actual \$000</b>
Employee Expenses	59 304
Purchase of Goods and Services	25 392
Repairs & Maintenance	2 037
Asset Expenses	5 771
Free of Charge Services	3 002
Grants	9 933
Other Administration Expenses	110
	<b>105 549</b>

# FINANCIAL OVERVIEW AND STATEMENTS

For the year ended 30 June 2013

**Figure 2: Operating Expenditure**



More than half of the agency's expenditure related to employee expenses. The Department of the Attorney-General and Justice employed 560 employees (432 FTE) at 30 June 2013, covering classifications such as Judges, Magistrates, Independent Commissioners and support staff, solicitors, court support officers and a range of administrative support positions that help to facilitate provision of strategic legal and justice policy advice.

Administrative expenses comprise 34% of agency expenditure in 2012-13 and include the purchase of goods and services, repairs and maintenance and depreciation of assets. It also incorporates the notional cost of shared services provided by the Department of Corporate and Information Services to the Department of the Attorney-General and Justice.

The agency paid \$9.9 million in grants in 2012-13, largely to support provision of legal aid services, domestic violence services, tenancy advice and support to victims of crime.

## BALANCE SHEET

The Balance Sheet shows the agency's financial position as at 30 June 2013. The values reported are the net worth to the Northern Territory Government of the assets and liabilities held by the agency.

**Table 4: Balance Sheet Summary**

	<b>2013</b>
	<b>\$000</b>
Total assets	233 133
Total liabilities	12 009
<b>Net Equity</b>	<b>221 124</b>

The Net Assets of the agency at 30 June 2013 was \$221.1 million. During the 2012-13 financial year the Department of the Attorney-General and Justice was established as a new agency, having previously been part of the former Department of Justice. During 2012-13 there were \$224.9 million in net assets transferred to the Department of the Attorney-General and Justice, effective 1 July 2012.

Major assets include:

- \$2.7 million: cash and deposits
- \$0.6 million: receivables
- \$0.5 million: prepayments
- \$229.3 million: property, plant and equipment (primarily buildings and leasehold improvements).

The agency held liabilities totalling \$12.0 million at 30 June 2013 which remains relatively consistent with the liabilities transferred in to establish the agency during the year. In 2012-13, the agency maintains a strong financial position, with liabilities representing approximately 5 per cent of total assets.

Major liabilities include:

- \$0.8 million: deposits held
- \$3.8 million: creditors and accruals
- \$7.4 million: employee provisions.

# FINANCIAL OVERVIEW AND STATEMENTS

For the year ended 30 June 2013

## CERTIFICATION OF THE FINANCIAL STATEMENTS

We certify that the attached financial statements for the Department of the Attorney-General and Justice have been prepared from proper accounts and records in accordance with the prescribed format, the *Financial Management Act* and Treasurer's Directions.

We further state that the information set out in the Comprehensive Operating Statement, Balance Sheet, Statement of Changes in Equity, Cash Flow Statement, and notes to and forming part of the financial statements, presents fairly the financial performance and cash flows for the year ended 30 June 2013 and the financial position on that date.

At the time of signing, we are not aware of any circumstances that would render the particulars included in the financial statements misleading or inaccurate.

**Greg Shanahan**  
Chief Executive  
August 2013

**Andrew Baylis**  
Chief Financial Officer  
August 2013

# FINANCIAL OVERVIEW AND STATEMENTS

For the year ended 30 June 2013

## COMPREHENSIVE OPERATING STATEMENT

For the year ended 30 June 2013

	Note	2013 \$000
<b>INCOME</b>		
Grants and subsidies revenue		
Current		1 030
Appropriation		
Output		80 023
Sales of goods and services		8 555
Goods and services received free of charge	4	3 002
Other income		7 873
<b>TOTAL INCOME</b>	<b>3</b>	<b>100 483</b>
<b>EXPENSES</b>		
Employee expenses		59 304
Administrative expenses		
Purchases of goods and services	6	25 392
Repairs and maintenance		2 037
Depreciation and amortisation	9,10	5 765
Other administrative expenses		3 112
Grants and subsidies expenses		
Current		9 933
Loss on disposal of assets	5	6
<b>TOTAL EXPENSES</b>	<b>3</b>	<b>105 549</b>
<b>NET SURPLUS/(DEFICIT)</b>		<b>(5 066)</b>
<b>OTHER COMPREHENSIVE INCOME</b>		
<b>Items that will not be reclassified to net surplus/deficit</b>		
Changes in asset revaluation surplus		166 785
<b>TOTAL OTHER COMPREHENSIVE INCOME</b>		<b>166 785</b>
<b>COMPREHENSIVE RESULT</b>		<b>161 719</b>

*The Comprehensive Operating Statement is to be read in conjunction with the notes to the financial statements.*

# FINANCIAL OVERVIEW AND STATEMENTS

For the year ended 30 June 2013

## BALANCE SHEET

As at 30 June 2013

	Note	2013 \$000
<b>ASSETS</b>		
<b>Current Assets</b>		
Cash and deposits	7	2 741
Receivables	8	630
Prepayments		476
<b>Total Current Assets</b>		<b>3 847</b>
<b>Non-Current Assets</b>		
Property, plant and equipment	9	228 635
Heritage and cultural assets	10	651
<b>Total Non-Current Assets</b>		<b>229 286</b>
<b>TOTAL ASSETS</b>		<b>233 133</b>
<b>LIABILITIES</b>		
<b>Current Liabilities</b>		
Deposits held	11	823
Payables	12	3 810
Provisions	13	5 517
<b>Total Current Liabilities</b>		<b>10 150</b>
<b>Non-Current Liabilities</b>		
Provisions	13	1 859
<b>Total Non-Current Liabilities</b>		<b>1 859</b>
<b>TOTAL LIABILITIES</b>		<b>12 009</b>
<b>NET ASSETS</b>		<b>221 124</b>
<b>EQUITY</b>		
Capital		59 405
Asset Revaluation Reserve	14	166 785
Accumulated funds		(5 066)
<b>TOTAL EQUITY</b>		<b>221 124</b>

*The Balance Sheet is to be read in conjunction with the notes to the financial statements.*

# FINANCIAL OVERVIEW AND STATEMENTS

For the year ended 30 June 2013

## STATEMENT OF CHANGES IN EQUITY

For the year ended 30 June 2013

	Note	Equity at 1 July \$000	Comprehensive result \$000	Transactions with owners in their capacity as owners \$000	Equity at 30 June \$000
<b>2012-13</b>					
<b>Accumulated Funds</b>			(5 066)		(5 066)
			<b>(5 066)</b>		<b>(5 066)</b>
<b>Asset Revaluation Reserve</b>	14		<b>166 785</b>		<b>166 785</b>
<b>Capital – Transactions with Owners</b>					
Equity injections					
Equity transfers in				68 225	68 225
Other equity injections				2 885	2 885
Equity withdrawals					
Capital withdrawal				(11 705)	(11 705)
Equity transfers out					
				<b>59 405</b>	<b>59 405</b>
<b>Total Equity at End of Financial Year</b>			<b>161 719</b>	<b>59 405</b>	<b>221 124</b>

*The Statement of Changes in Equity is to be read in conjunction with the notes to the financial statements.*

# FINANCIAL OVERVIEW AND STATEMENTS

For the year ended 30 June 2013

## CASH FLOW STATEMENT

For the year ended 30 June 2013

	Note	2013 \$000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
<b>Operating Receipts</b>		
Grants and subsidies received		
Current		1 030
Appropriation		
Output		80 023
Receipts from sales of goods and services		17 068
<b>Total Operating Receipts</b>		<b>98 121</b>
<b>Operating Payments</b>		
Payments to employees		50 779
Payments for goods and services		26 624
Grants and subsidies paid		
Current		9 933
<b>Total Operating Payments</b>		<b>87 334</b>
<b>Net Cash From/(Used in) Operating Activities</b>	15	<b>10 785</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
<b>Investing Payments</b>		
Purchases of assets		46
<b>Total Investing Payments</b>		<b>46</b>
<b>Net Cash From/(Used in) Investing Activities</b>		<b>(46)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>		
<b>Financing Receipts</b>		
Deposits received		823
Equity injections		
Other equity injections		2 885
<b>Total Financing Receipts</b>		<b>3 708</b>
<b>Financing Payments</b>		
Equity withdrawals		11 706
<b>Total Financing Payments</b>		<b>11 706</b>
<b>Net Cash From/(Used in) Financing Activities</b>		<b>(7 998)</b>
Net increase/(decrease) in cash held		2 741
Cash at beginning of financial year		
<b>CASH AT END OF FINANCIAL YEAR</b>	7	<b>2 741</b>

*The Cash Flow Statement is to be read in conjunction with the notes to the financial statements.*

**INDEX OF NOTES TO THE FINANCIAL STATEMENTS**

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## 1. OBJECTIVES AND FUNDING

The Department of the Attorney-General and Justice provides strategic law and legal policy services to government and delivers courts, prosecutions, advocacy, complaint resolution and registration services. The agency's mission is to provide a fair and accessible legal system for the Northern Territory community.

The Agency has four main output groups:

- (a) Legal Services – provides civil litigation, commercial and native title legal services to Government, manages the outsourcing of selected legal services and administers the scheme that provides financial support to victims of crime. In addition, the output group also provides strategic legal and social policy advice to Government and monitors and coordinates the implementation of related Government policies and research. Consequently, Government is provided with the benefit of quality legal and policy advice and representation.
- (b) Court Support Services – provides administrative support services to enable courts and tribunals to administer justice for the community including registry and processing of case documents, support for trials and hearings, fine recovery and mediation services.
- (c) Director of Public Prosecutions – Provides an independent public prosecution service for the Territory, and witness and victim support services throughout the criminal justice process through the Witness Assistance Service.
- (d) Independent Offices – Protect the community's legal rights and property interests by providing registration services and searching facilities, trustee and estate administration services and managing restrained and forfeited property, overseeing freedom of information and privacy protection law, providing consumer protection services, providing protection from discrimination through education and independent complaint handling. The outcome is a safe, secure and equitable society in which a person's legal rights and property interests are protected.

The agency is predominantly funded by, and is dependent on, the receipt of Parliamentary appropriations. The financial statements encompass all funds through which the agency controls resources to carry on its functions and deliver outputs. For reporting purposes, outputs delivered by the agency are summarised into several output groups. Note 3 provides summary financial information in the form of a Comprehensive Operating Statement by output group.

**2. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES****a) Basis of Accounting**

The financial statements have been prepared in accordance with the requirements of the *Financial Management Act* and related Treasurer's Directions. The *Financial Management Act* requires the Department of the Attorney-General and Justice to prepare financial statements for the year ended 30 June based on the form determined by the Treasurer. The form of agency financial statements is to include:

- (i) a Certification of the Financial Statements;
- (ii) a Comprehensive Operating Statement;
- (iii) a Balance Sheet;
- (iv) a Statement of Changes in Equity;
- (v) a Cash Flow Statement; and
- (vi) applicable explanatory notes to the financial statements.

The financial statements have been prepared using the accrual basis of accounting, which recognises the effect of financial transactions and events when they occur, rather than when cash is paid out or received. As part of the preparation of the financial statements, all intra-agency transactions and balances have been eliminated.

Except where stated, the financial statements have also been prepared in accordance with the historical cost convention.

The form of the agency financial statements is also consistent with the requirements of Australian Accounting Standards. The effects of all relevant new and revised Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that are effective for the current annual reporting period have been evaluated. The Standards and Interpretations and their impacts are:

**AASB 2011-9 Amendments to Australian Accounting Standards – Presentation of Items of Other Comprehensive Income [AASB 1, 5, 7, 101, 112, 120, 121, 132, 133, 134, 1039 and 1049]**

The amendments, as reflected on the comprehensive operating statement, require entities to group items presented in other comprehensive income on the basis of whether they are potentially reclassifiable to profit or loss subsequently.

**b) Australian Accounting Standards and Interpretations Issued but not yet Effective**

At the date of authorisation of the financial statements, the Standards and Interpretations listed below were in issue but not yet effective.

# FINANCIAL OVERVIEW AND STATEMENTS

For the year ended 30 June 2013

## 2. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Standard/Interpretation	Summary	Effective for annual reporting periods beginning on or after	Impact on financial statements
AASB 9 <i>Financial Instruments (Dec 2010)</i> , AASB 2010-7 <i>Amendments to Australian Accounting Standards arising from AASB 9 (Dec 2010)</i> [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 & 1038 and Interpretations 2, 5, 10, 12, 19 & 127], AASB 2012-6 <i>Amendments to Australian Accounting Standards – Mandatory Effective Date of AASB 9 and Transition Disclosures</i> [AASB 9, 2009-11, 2010-7, 2011-7 & 2011-8]	AASB 9 incorporates revised requirements for the classification and measurement of financial instruments resulting from the IASB's project to replace IAS 39 <i>Financial Instruments: Recognition and Measurement</i> (AASB 139 <i>Financial Instruments: Recognition and Measurement</i> ).	1 Jan 2015	
AASB 13 <i>Fair Value Measurement</i> , AASB 2011-8 <i>Amendments to Australian Accounting Standards arising from AASB 13</i> [AASB 1, 2, 3, 4, 5, 7, 9, 2009-11, 2010-7, 101, 102, 108, 110, 116, 117, 118, 119, 120, 121, 128, 131, 132, 133, 134, 136, 138, 139, 140, 141, 1004, 1023 & 1038 and Interpretations 2, 4, 12, 13, 14, 17, 19, 131 & 132]	Replaces the guidance on fair value measurement in existing AASB accounting literature with a single standard. The Standard defines fair value, provides guidance on how to determine fair value and requires disclosures about fair value measurements.	1 Jan 2013	
AASB 119 <i>Employee Benefits (2011)</i> , AASB 2011-10 <i>Amendments to Australian Accounting Standards arising from AASB 119 (2011)</i> [AASB 1, 8, 101, 124, 134, 1049 & 2011-8 and Interpretation 14]	Changes the definition of short-term employee benefits and the measurement and recognition of defined benefit superannuation obligations.	1 Jan 2013	

# FINANCIAL OVERVIEW AND STATEMENTS

For the year ended 30 June 2013

## c) Agency and Territory Items

The financial statements of the Department of the Attorney-General and Justice include income, expenses, assets, liabilities and equity over which the Department of the Attorney-General and Justice has control (Agency items). Certain items, while managed by the agency, are controlled and recorded by the Territory rather than the agency (Territory items). Territory items are recognised and recorded in the Central Holding Authority as discussed below.

### *Central Holding Authority*

The Central Holding Authority is the 'parent body' that represents the Government's ownership interest in Government-controlled entities.

The Central Holding Authority also records all Territory items, such as income, expenses, assets and liabilities controlled by the Government and managed by agencies on behalf of the Government. The main Territory item is Territory income, which includes taxation and royalty revenue, Commonwealth general purpose funding (such as GST revenue), fines, and statutory fees and charges.

The Central Holding Authority also holds certain Territory assets not assigned to agencies as well as certain Territory liabilities that are not practical or effective to assign to individual agencies such as unfunded superannuation and long service leave.

The Central Holding Authority recognises and records all Territory items, and as such, these items are not included in the agency's financial statements. However, as the agency is accountable for certain Territory items managed on behalf of Government, these items have been separately disclosed in Note 21 – Schedule of Territory Items.

## d) Comparatives

Under the new administrative arrangements for the Northern Territory Government issued on 4 September 2012, a significant number of output functions and funding were transferred from the former Department of Justice to the newly created Department of the Attorney-General and Justice effective as at 1 July 2012.

As the agency is newly created, there is no useful comparative data for 2011-12 available to present an accurate comparison with current year results and this has therefore been omitted in these statements.

## e) Presentation and Rounding of Amounts

Amounts in the financial statements and notes to the financial statements are presented in Australian dollars and have been rounded to the nearest thousand dollars, with amounts of \$500 or less being rounded down to zero.

## f) Changes in Accounting Policies

There have been no changes to accounting policies adopted in 2012-13 as a result of management decisions.

**2. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (continued)****g) Accounting Judgments and Estimates**

The preparation of the financial report requires the making of judgments and estimates that affect the recognised amounts of assets, liabilities, revenues and expenses and the disclosure of contingent liabilities. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis for making judgments about the carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current and future periods.

Judgments and estimates that have significant effects on the financial statements are disclosed in the relevant notes to the financial statements. Notes that include significant judgments and estimates are:

- Employee Benefits – Note 2(r) and Note 13: Non-current liabilities in respect of employee benefits are measured as the present value of estimated future cash outflows based on the appropriate Government bond rate, estimates of future salary and wage levels and employee periods of service.
- Contingent Liabilities – Note 17: The present value of material quantifiable contingent liabilities are calculated using a discount rate based on the published 10-year Government bond rate.
- Allowance for Impairment Losses – Note 2(o), 8: Receivables and 16: Financial Instruments.
- Depreciation and Amortisation – Note 2(k), Note 9: Property, Plant and Equipment, and Note 10: Heritage and Cultural Assets.

**h) Goods and Services Tax**

Income, expenses and assets are recognised net of the amount of Goods and Services Tax (GST), except where the amount of GST incurred on a purchase of goods and services is not recoverable from the Australian Tax Office (ATO). In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated with the amount of GST included. The net amount of GST recoverable from, or payable to, the ATO is included as part of receivables or payables in the Balance Sheet.

Cash flows are included in the Cash Flow Statement on a gross basis. The GST components of cash flows arising from investing and financing activities, which are recoverable from, or payable to, the ATO are classified as operating cash flows. Commitments and contingencies are disclosed net of the amount of GST recoverable or payable unless otherwise specified.

**i) Income Recognition**

Income encompasses both revenue and gains.

Income is recognised at the fair value of the consideration received, exclusive of the amount of GST. Exchanges of goods or services of the same nature and value without any cash consideration being exchanged are not recognised as income.

***Grants and Other Contributions***

Grants, donations, gifts and other non-reciprocal contributions are recognised as revenue when the agency obtains control over the assets comprising the contributions. Control is normally obtained upon receipt.

Contributions are recognised at their fair value. Contributions of services are only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

***Appropriation***

Output appropriation is the operating payment to each agency for the outputs they provide and is calculated as the net cost of agency outputs after taking into account funding from agency income. It does not include any allowance for major non-cash costs such as depreciation.

Commonwealth appropriation follows from the Intergovernmental Agreement on Federal Financial Relations, resulting in Special Purpose Payments (SPPs) and National Partnership (NP) payments being made by the Commonwealth Treasury to state treasuries, in a manner similar to arrangements for GST payments. These payments are received by the Department of Treasury and Finance on behalf of the Central Holding Authority and then on-passed to the relevant agencies as Commonwealth appropriation.

Revenue in respect of appropriations is recognised in the period in which the agency gains control of the funds.

***Sale of Goods***

Revenue from the sale of goods is recognised (net of returns, discounts and allowances) when:

- the significant risks and rewards of ownership of the goods have transferred to the buyer;
- the agency retains neither continuing managerial involvement to the degree usually associated with ownership nor effective control over the goods sold;
- the amount of revenue can be reliably measured;
- it is probable that the economic benefits associated with the transaction will flow to the agency; and
- the costs incurred or to be incurred in respect of the transaction can be measured reliably.

**2. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (continued)*****Rendering of Services***

Revenue from rendering services is recognised by reference to the stage of completion of the contract. The revenue is recognised when:

- the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- it is probable that the economic benefits associated with the transaction will flow to the entity.

***Interest Revenue***

Interest revenue is recognised as it accrues, taking into account the effective yield on the financial asset.

***Goods and Services Received Free of Charge***

Goods and services received free of charge are recognised as revenue when a fair value can be reliably determined and the resource would have been purchased if it had not been donated. Use of the resource is recognised as an expense.

***Disposal of Assets***

A gain or loss on disposal of assets is included as a gain or loss on the date control of the asset passes to the buyer, usually when an unconditional contract of sale is signed. The gain or loss on disposal is calculated as the difference between the carrying amount of the asset at the time of disposal and the net proceeds on disposal. Refer also to Note 5.

***Contributions of Assets***

Contributions of assets and contributions to assist in the acquisition of assets, being non-reciprocal transfers, are recognised, unless otherwise determined by Government, as gains when the agency obtains control of the asset or contribution. Contributions are recognised at the fair value received or receivable.

**j) Repairs and Maintenance Expense**

Funding is received for repairs and maintenance works associated with agency assets as part of output revenue. Costs associated with repairs and maintenance works on agency assets are expensed as incurred.

**k) Depreciation and Amortisation Expense**

Items of property, plant and equipment, including buildings but excluding land, have limited useful lives and are depreciated or amortised using the straight-line method over their estimated useful lives.

Amortisation applies in relation to intangible non-current assets with limited useful lives and is calculated and accounted for in a similar manner to depreciation.

# FINANCIAL OVERVIEW AND STATEMENTS

For the year ended 30 June 2013

The estimated useful lives for each class of asset are in accordance with the Treasurer's Directions and are determined as follows:

	2013
<b>Buildings</b>	
Supreme Court	100 years
Public Buildings	50 years
Sheds / Demountables	10-20 years
<b>Plant and Equipment</b>	
Catering Equipment	5-15 years
Computer Hardware	3-6 years
Furniture and Fittings	10 years
Library Equipment	2-5 years
Office Equipment	5-10 years
Power Generators	5-10 years
Security Systems	5-10 years
Telephone / Radio / Communication Equipment	3-10 years
<b>Heritage and Cultural Assets</b>	
Artworks / sculptures	100 years
<b>Intangibles</b>	
Software - general	2-5 years
Software – corporate system	5-10 years

Assets are depreciated or amortised from the date of acquisition or from the time an asset is completed and held ready for use.

## l) Cash and Deposits

For the purposes of the Balance Sheet and the Cash Flow Statement, cash includes cash on hand, cash at bank and cash equivalents. Cash equivalents are highly liquid short-term investments that are readily convertible to cash. Cash at bank includes monies held in the Accountable Officer's Trust Account (AOTA) that are ultimately payable to the beneficial owner – refer also to Note 19.

## m) Receivables

Receivables include accounts receivable and other receivables and are recognised at fair value less any allowance for impairment losses.

The allowance for impairment losses represents the amount of receivables the agency estimates are likely to be uncollectible and are considered doubtful. Analyses of the age of the receivables that are past due as at the reporting date are disclosed in an aging schedule under credit risk in Note 16 Financial Instruments. Reconciliation of changes in the allowance accounts is also presented.

Accounts receivable are generally settled within 30 days and other receivables within 30 days.

**2. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (continued)****n) Property, Plant and Equipment*****Acquisitions***

All items of property, plant and equipment with a cost, or other value, equal to or greater than \$10 000 are recognised in the year of acquisition and depreciated as outlined below. Items of property, plant and equipment below the \$10 000 threshold are expensed in the year of acquisition.

The construction cost of property, plant and equipment includes the cost of materials and direct labour, and an appropriate proportion of fixed and variable overheads.

***Complex Assets***

Major items of plant and equipment comprising a number of components that have different useful lives, are accounted for as separate assets. The components may be replaced during the useful life of the complex asset.

***Subsequent Additional Costs***

Costs incurred on property, plant and equipment subsequent to initial acquisition are capitalised when it is probable that future economic benefits in excess of the originally assessed performance of the asset will flow to the agency in future years. Where these costs represent separate components of a complex asset, they are accounted for as separate assets and are separately depreciated over their expected useful lives.

***Construction (Work in Progress)***

As part of the financial management framework, the Department of Infrastructure is responsible for managing general government capital works projects on a whole of government basis. Therefore, appropriation for most agency capital works is provided directly to the Department of Infrastructure and the cost of construction work in progress is recognised as an asset of that department. Once completed, capital works assets are transferred to the agency.

**o) Revaluations and Impairment*****Revaluation of Assets***

Subsequent to initial recognition, assets belonging to the following classes of non-current assets are revalued with sufficient regularity to ensure that the carrying amount of these assets does not differ materially from their fair value at reporting date:

- land;
- buildings;
- infrastructure assets;
- heritage and cultural assets; and
- intangibles.

# FINANCIAL OVERVIEW AND STATEMENTS

For the year ended 30 June 2013

Fair value is the amount for which an asset could be exchanged, or liability settled, between knowledgeable, willing parties in an arms-length transaction.

Plant and equipment are stated at historical cost less depreciation, which is deemed to equate to fair value.

The unique nature of some of the heritage and cultural assets may preclude reliable measurement. Such assets have not been recognised in the financial statements.

## ***Impairment of Assets***

An asset is said to be impaired when the asset's carrying amount exceeds its recoverable amount.

Non-current physical and intangible agency assets are assessed for indicators of impairment on an annual basis. If an indicator of impairment exists, the agency determines the asset's recoverable amount. The asset's recoverable amount is determined as the higher of the asset's depreciated replacement cost and fair value less costs to sell. Any amount by which the asset's carrying amount exceeds the recoverable amount is recorded as an impairment loss.

Impairment losses are recognised in the Comprehensive Operating Statement. They are disclosed as an expense unless the asset is carried at a revalued amount. Where the asset is measured at a revalued amount, the impairment loss is offset against the asset revaluation surplus for that class of asset to the extent that an available balance exists in the asset revaluation surplus.

In certain situations, an impairment loss may subsequently be reversed. Where an impairment loss is subsequently reversed, the carrying amount of the asset is increased to the revised estimate of its recoverable amount. A reversal of an impairment loss is recognised in the Comprehensive Operating Statement as income, unless the asset is carried at a revalued amount, in which case the impairment reversal results in an increase in the asset revaluation surplus. Note 14 provides additional information in relation to the asset revaluation surplus.

## **p) Leased Assets**

Leases under which the agency assumes substantially all the risks and rewards of ownership of an asset are classified as finance leases. Other leases are classified as operating leases.

### ***Finance Leases***

Finance leases are capitalised. A lease asset and lease liability equal to the lower of the fair value of the leased property and present value of the minimum lease payments, each determined at the inception of the lease, are recognised.

Lease payments are allocated between the principal component of the lease liability and the interest expense.

**2. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (continued)*****Operating Leases***

Operating lease payments made at regular intervals throughout the term are expensed when the payments are due, except where an alternative basis is more representative of the pattern of benefits to be derived from the leased property. Lease incentives under an operating lease of a building or office space is recognised as an integral part of the consideration for the use of the leased asset. Lease incentives are to be recognised as a deduction of the lease expenses over the term of the lease.

**q) Payables**

Liabilities for accounts payable and other amounts payable are carried at cost, which is the fair value of the consideration to be paid in the future for goods and services received, whether or not billed to the agency. Accounts payable are normally settled within 30 days.

**r) Employee Benefits**

Provision is made for employee benefits accumulated as a result of employees rendering services up to the reporting date. These benefits include wages and salaries and recreation leave. Liabilities arising in respect of wages and salaries, recreation leave and other employee benefit liabilities that fall due within 12 months of reporting date are classified as current liabilities and are measured at amounts expected to be paid. Non-current employee benefit liabilities that fall due after 12 months of the reporting date are measured at present value, calculated using the Government long-term bond rate.

No provision is made for sick leave, which is non-vesting, as the anticipated pattern of future sick leave to be taken is less than the entitlement accruing in each reporting period.

Employee benefit expenses are recognised on a net basis in respect of the following categories:

- wages and salaries, non-monetary benefits, recreation leave, sick leave and other leave entitlements; and
- other types of employee benefits.

As part of the financial management framework, the Central Holding Authority assumes the long service leave liabilities of Government agencies, including the Department of the Attorney-General and Justice and as such no long service leave liability is recognised in agency financial statements.

**s) Superannuation**

Employees' superannuation entitlements are provided through the:

- Northern Territory Government and Public Authorities Superannuation Scheme (NTGPASS);
- Commonwealth Superannuation Scheme (CSS); or
- non-government employee-nominated schemes for those employees commencing on or after 10 August 1999.

The agency makes superannuation contributions on behalf of its employees to the Central Holding Authority or non-government employee-nominated schemes. Superannuation liabilities related to government superannuation schemes are held by the Central Holding Authority and as such are not recognised in agency financial statements.

**t) Contributions by and Distributions to Government**

The agency may receive contributions from Government where the Government is acting as owner of the agency. Conversely, the agency may make distributions to Government. In accordance with the *Financial Management Act* and Treasurer's Directions, certain types of contributions and distributions, including those relating to administrative restructures, have been designated as contributions by, and distributions to, Government. These designated contributions and distributions are treated by the agency as adjustments to equity.

The Statement of Changes in Equity provides additional information in relation to contributions by, and distributions to, Government.

**u) Commitments**

Disclosures in relation to capital and other commitments, including lease commitments are shown at Note 17.

Commitments are those contracted as at 30 June where the amount of the future commitment can be reliably measured.

## FINANCIAL OVERVIEW AND STATEMENTS

For the year ended 30 June 2013

## 3. COMPREHENSIVE OPERATING STATEMENT BY OUTPUT GROUP

	Legal Services	Court Support Services	Director of Public Prosecutions	Independent Offices	Total
	2013	2013	2013	2013	2013
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>INCOME</b>					
Grants and subsidies revenue	1 030				1 030
Current					
Appropriation					
Output	27 865	38 761	9 968	3 429	80 023
Sales of goods and services	14	2 666	5	5 870	8 555
Goods and services received free of charge	4	416	765	602	3 002
Other income	6 582	340	645	306	7 873
<b>TOTAL INCOME</b>	<b>36 710</b>	<b>42 183</b>	<b>11 383</b>	<b>10 207</b>	<b>100 483</b>
<b>EXPENSES</b>					
Employee expenses	21 171	21 803	8 414	7 916	59 304
Administrative expenses					
Purchases of goods and services	6	8 694	12 554	1 793	25 392
Repairs and maintenance		32	1 975	18	2 037
Depreciation and amortisation	9, 10	474	4 943	214	5 765
Other administrative expenses <sup>1</sup>		1 259	464	778	3 112
Grants and subsidies expenses					
Current	9 933				9 933
Loss on disposal of assets	2				6
<b>TOTAL EXPENSES</b>	<b>41 565</b>	<b>41 742</b>	<b>11 776</b>	<b>10 466</b>	<b>105 549</b>
<b>NET SURPLUS/(DEFICIT)</b>	<b>(4 855)</b>	<b>441</b>	<b>(393)</b>	<b>(259)</b>	<b>(5 066)<sup>2</sup></b>
<b>OTHER COMPREHENSIVE INCOME</b>		166 785			166 785
Items that will not be reclassified to net surplus/deficit					
Changes in asset revaluation surplus		166 785			166 785
<b>TOTAL OTHER COMPREHENSIVE INCOME</b>		<b>166 785</b>			<b>166 785</b>
<b>COMPREHENSIVE RESULT</b>	<b>(4 855)</b>	<b>167 226</b>	<b>(393)</b>	<b>(259)</b>	<b>161 719</b>

<sup>1</sup> Includes DCIS service charges.<sup>2</sup> Estimated deficit for the period is \$5.109 million

This Comprehensive Operating Statement by output group is to be read in conjunction with the notes to the financial statements.

# FINANCIAL OVERVIEW AND STATEMENTS

For the year ended 30 June 2013

	2013 \$000
<b>4. GOODS AND SERVICES RECEIVED FREE OF CHARGE</b>	
Corporate and information services	3 002
	<b>3 002</b>
<b>5. LOSS ON DISPOSAL OF ASSETS</b>	
Net proceeds from the disposal of non-current assets	
Less: Carrying value of non-current assets disposed	6
Gain/(loss) on the disposal of non-current assets	<b>(6)</b>
<b>6. PURCHASES OF GOODS AND SERVICES</b>	
The net surplus/(deficit) has been arrived at after charging the following expenses:	
<b>Goods and services expenses:</b>	
Consultants <sup>(1)</sup>	1 041
Advertising <sup>(2)</sup>	29
Marketing and promotion <sup>(3)</sup>	1 139
Document production	107
Legal expenses <sup>(4)</sup>	7 804
Recruitment <sup>(5)</sup>	198
Property Management	3 134
Training and study	513
Information technology	4 011
Official duty fares	760
Motor vehicle expenses	1 271
Travel expenses	806
Library Services	781
Other goods and services	3 798
	<b>25 392</b>

(1) Includes marketing, promotion and IT consultants.

(2) Does not include recruitment advertising or marketing and promotion advertising.

(3) Includes advertising for marketing and promotion but excludes marketing and promotion consultants' expenses, which are incorporated in the consultants category.

(4) Includes legal fees, claims and settlement costs.

(5) Includes recruitment-related advertising costs.

**FINANCIAL OVERVIEW AND STATEMENTS**

For the year ended 30 June 2013

	2013 \$000
<b>7. CASH AND DEPOSITS</b>	
Cash on hand	9
Cash at bank	2 732
	<u>2 741</u>
<b>8. RECEIVABLES</b>	
<b>Current</b>	
Accounts receivable	508
Less: Allowance for impairment losses	(110)
	398
GST receivables	232
<b>Total Receivables</b>	<u>630</u>
<b>9. PROPERTY, PLANT AND EQUIPMENT</b>	
<b>Land</b>	
At fair value	50 170
<b>Buildings</b>	
At fair value	175 397
Less: Accumulated depreciation	(3 798)
	<u>171 599</u>
<b>Plant and Equipment</b>	
At fair value	8 810
Less: Accumulated depreciation	(1 952)
	<u>6 858</u>

## FINANCIAL OVERVIEW AND STATEMENTS

For the year ended 30 June 2013

	2013
	\$000

**9. PROPERTY, PLANT AND EQUIPMENT (Continued)****Computer Hardware**

At capitalised cost	14
Less: Accumulated depreciation	(6)
	<u>8</u>
<b>Total Property, Plant and Equipment</b>	<b><u>228 635</u></b>

**Property, Plant and Equipment Valuations**

The latest revaluations as at 30 June 2011 were independently conducted. The valuer was *Australian Valuation Office*. The revaluation was based on value in use.

**2013 Property, Plant and Equipment Reconciliations**

A reconciliation of the carrying amount of property, plant and equipment at the beginning and end of 2012-13 is set out below:

	Land	Buildings	Plant and Equipment	Computer Hardware	Total
	\$000	\$000	\$000	\$000	\$000
Carrying Amount as at 1 July 2012					
Additions		675	538		1 213
Disposals			(6)		(6)
Depreciation		(3 798)	(1 952)	(6)	(5 756)
Additions/(Disposals) from administrative restructuring					
Additions/(Disposals) from asset transfers	50 170	174 722	8 278	14	233 184
<b>Carrying Amount as at 30 June 2013</b>	<b>50 170</b>	<b>171 599</b>	<b>6 858</b>	<b>8</b>	<b>228 635</b>

# FINANCIAL OVERVIEW AND STATEMENTS

For the year ended 30 June 2013

	2013 \$000
<b>10. HERITAGE AND CULTURAL ASSETS</b>	
<b>Carrying amount</b>	
At valuation	659
Less: Accumulated depreciation	(8)
Written down value – 30 June	<u>651</u>
<b>Reconciliation of movements</b>	
Carrying amount as at 1 July	
Additions	
Depreciation	(8)
Additions/(Disposals) from asset transfers	659
<b>Carrying amount as at 30 June</b>	<u>651</u>
<b>11. DEPOSITS HELD</b>	
AOTA	823
<b>Total Deposits Held</b>	<u>823</u>
<i>Note 19 provides further details of the AOTA funds held</i>	
<b>12. PAYABLES</b>	
Accounts payable	709
Accrued expenses	3 101
<b>Total Payables</b>	<u>3 810</u>

## FINANCIAL OVERVIEW AND STATEMENTS

For the year ended 30 June 2013

	2013 \$000
<b>13. PROVISIONS</b>	
<b>Current</b>	
<i>Employee benefits</i>	
Recreation leave	3 724
Leave loading	567
Recreation leave fares	2
<i>Other current provisions</i>	
Fringe benefit tax	182
Payroll tax and oncosts	537
Superannuation	505
	<u>5 517</u>
<b>Non-Current</b>	
<i>Employee benefits</i>	
Recreation leave	1 859
	<u>1 859</u>
<b>Total Provisions</b>	<u><b>7 376</b></u>
<b>Reconciliations of Provisions</b>	
Balance as at 1 July	
Provisions transferred in from other agencies	7 438
Additional provisions recognised	4 759
Reductions arising from payments	4 821
<b>Balance as at 30 June</b>	<u><b>7 376</b></u>

The agency employed 560 employees (432 FTE) as at 30 June 2013

	2013 \$000
<b>14. RESERVES</b>	
<b>Asset Revaluation Surplus</b>	
<i>(i) Nature and purpose of the asset revaluation surplus</i>	
The asset revaluation surplus includes the net revaluation increments and decrements arising from the revaluation of non-current assets. Impairment adjustments may also be recognised in the asset revaluation surplus.	
<i>(ii) Movements in the asset revaluation surplus</i>	
Balance as at 1 July	
Transferred in from other agencies	166 785
<b>Balance as at 30 June</b>	<b>166 785</b>
<b>15. NOTES TO THE CASH FLOW STATEMENT</b>	
<b>Reconciliation of Cash</b>	
The total of agency 'Cash and deposits' of \$2.741 million recorded in the Balance Sheet is consistent with that recorded as 'Cash' in the Cash Flow Statement.	
<b>Net Surplus/(Deficit)</b>	(5 066)
<i>Non-cash items:</i>	
Depreciation and amortisation	5 765
(Gain)/Loss on disposal of assets	6
<i>Changes in assets and liabilities:</i>	
Decrease/(Increase) in receivables	(630)
Decrease/(Increase) in prepayments	(476)
Decrease/(Increase) in other assets	
(Decrease)/Increase in payables	3 810
(Decrease)/Increase in provision for employee benefits	6 152
(Decrease)/Increase in other provisions	1 224
(Decrease)/Increase in other liabilities	
<b>Net Cash from Operating Activities</b>	<b>10 785</b>
<b>Non-Cash Financing and Investing Activities</b>	
The agency has no finance lease commitments.	

# FINANCIAL OVERVIEW AND STATEMENTS

For the year ended 30 June 2013

## 16. FINANCIAL INSTRUMENTS

A financial instrument is a contract that gives rise to a financial asset of one entity and a financial liability or equity instrument of another entity. Financial instruments held by the Department of the Attorney-General and Justice include cash and deposits, receivables, payables and finance leases. The Department of the Attorney-General and Justice has limited exposure to financial risks as discussed below.

### a) Categorisation of Financial Instruments

The carrying amounts of the Department of the Attorney-General and Justice's financial assets and liabilities by category are disclosed in the table below.

	2013 \$000
<b>Financial Assets</b>	
Cash and deposits	2 741
Loans and receivables	629
	<u>3 370</u>

### b) Credit Risk

The agency has limited credit risk exposure (risk of default). In respect of any dealings with organisations external to Government, the agency has adopted a policy of only dealing with credit worthy organisations and obtaining sufficient collateral or other security where appropriate, as a means of mitigating the risk of financial loss from defaults.

The carrying amount of financial assets recorded in the financial statements, net of any allowances for losses, represents the agency's maximum exposure to credit risk without taking account of the value of any collateral or other security obtained.

#### *Receivables*

Receivable balances are monitored on an ongoing basis to ensure that exposure to bad debts is not significant. A reconciliation and aging analysis of receivables is presented below.

Internal Receivables	Aging of Receivables	Aging of Impaired Receivables	Net Receivables
	\$000	\$000	\$000
<b>2012-13</b>			
Not overdue	87		87
<b>Total</b>	<u>87</u>		<u>87</u>

**FINANCIAL OVERVIEW AND STATEMENTS**

For the year ended 30 June 2013

**16. FINANCIAL INSTRUMENTS (Continued)**

External Receivables	Aging of Receivables \$000	Aging of Impaired Receivables \$000	Net Receivables \$000
<b>2012-13</b>			
Not overdue	457		457
Overdue for less than 30 days	55		55
Overdue for 30 to 60 days	28	4	24
Overdue for more than 60 days	112	106	6
<b>Total</b>	<b>652</b>	<b>110</b>	<b>542</b>

**Reconciliation of the Allowance for  
Impairment Losses**

Opening

Written off during the year

Recovered during the year

Increase/(Decrease) in allowance  
recognised in profit or loss**Total**

110

**110**

**16. FINANCIAL INSTRUMENTS (Continued)****c) Liquidity Risk**

Liquidity risk is the risk that the agency will not be able to meet its financial obligations as they fall due. The agency's approach to managing liquidity is to ensure that it will always have sufficient liquidity to meet its liabilities when they fall due.

**d) Market Risk**

Market risk is the risk that the fair value of future cash flows of a financial instrument will fluctuate because of changes in market prices. It comprises interest rate risk, price risk and currency risk.

**e) Interest Rate Risk**

The Department of the Attorney-General and Justice is not exposed to interest rate risk as agency financial assets and financial liabilities are non-interest bearing.

**f) Price Risk**

The Department of the Attorney-General and Justice is not exposed to price risk as it does not hold units in unit trusts.

**g) Currency Risk**

The Department of the Attorney-General and Justice is not exposed to currency risk as it does not hold borrowings denominated in foreign currencies or transactional currency exposures arising from purchases in a foreign currency.

**Net Fair Value**

The fair value of financial instruments is estimated using various methods. These methods are classified into the following levels:

Level 1 – derived from quoted prices in active markets for identical assets or liabilities.

Level 2 – derived from inputs other than quoted prices that are observable directly or indirectly.

Level 3 – derived from inputs not based on observable market data.

# FINANCIAL OVERVIEW AND STATEMENTS

For the year ended 30 June 2013

## 16. FINANCIAL INSTRUMENTS (Continued)

2013	Total Carrying Amount	Net Fair Value Level 1	Net Fair Value Level 2	Net Fair Value Level 3	Net Fair Value Total
	\$000	\$000	\$000	\$000	\$000
<b>Financial Assets</b>					
Cash and deposits	2 741	2 741			2 741
Receivables	629	629			629
Advances and investments					
<b>Total Financial Assets</b>	<b>3 370</b>	<b>3 370</b>			<b>3 370</b>
<b>Financial Liabilities</b>					
Deposits held	823	823			823
Payables	709	709			709
Borrowings and advances					
Finance lease liabilities					
<b>Total Financial Liabilities</b>	<b>1 532</b>	<b>1 532</b>			<b>1 532</b>

## 17. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

### (a) Contingent Liabilities

The Department of the Attorney-General and Justice has entered into a number of contracts or agreements with private organizations. Included in these contracts and agreements are terms and conditions requiring the agency to provide either a guarantee or indemnity to the beneficiaries.

The Department of the Attorney-General and Justice maintains a register of contingent liabilities. Contingent liabilities are not accounted for on the agency's financial statement as they are difficult to quantify and the likelihood of occurrence is uncertain.

The contingent liability resulting from these undertakings is unquantified and no claims have arisen to date. The Northern Territory Government cannot avoid involvement in litigation that may potentially result in exposure to liability. Each indemnity provided has been assessed and approved by either the Accountable Officer or the Treasurer, with Ministerial endorsement, to pose a significant risk to the Territory.

### (b) Contingent Assets

Under the *Crimes (Victims Assistance) Act*, the Territory is entitled to recover from an offender monies equal to the amount of assistance, costs and disbursements paid to the victim under the Act. However, due to the offenders being imprisoned for lengthy terms, offenders being declared bankrupt or unable to be located, it is probable that significant proportions of the amounts owed are uncollectible. Therefore any contingent assets cannot be reliably quantified.

# FINANCIAL OVERVIEW AND STATEMENTS

For the year ended 30 June 2013

## 18. EVENTS SUBSEQUENT TO BALANCE DATE

No events have arisen between the end of the financial year and the date of this report that require adjustment to or disclosure in these financial statements.

## 19. ACCOUNTABLE OFFICER'S TRUST ACCOUNT

In accordance with section 7 of the *Financial Management Act* an Accountable Officer's Trust Account has been established for the receipt of money to be held in trust. A summary of activity is shown below:

Nature of Trust Money	Opening Balance 1 July 2012 \$000	Receipts \$000	Payments \$000	Closing Balance 30 June 2013 \$000
Finance		437	212	225
Cash bail		456	276	180
Civil Court matters		255	226	29
Criminal Court matters		445	399	46
Professional Standards		28	4	24
Security deposits		292		292
Unclaimed money		37	27	10
		<b>1 950</b>	<b>1 144</b>	<b>806</b>

**FINANCIAL OVERVIEW AND STATEMENTS**

For the year ended 30 June 2013

**20. WRITE-OFFS, POSTPONEMENTS, WAIVERS, GIFTS AND EX GRATIA PAYMENTS**

There were no write-offs, postponements, wavers, gifts and ex gratia payments during 2012-13.

**21. SCHEDULE OF TERRITORY ITEMS**

The following Territory items are managed by the Department of the Attorney-General and Justice on behalf of the Government and are recorded in the Central Holding Authority (refer Note 2(c)).

	<b>2013</b>
	<b>\$000</b>
<b>TERRITORY INCOME AND EXPENSES</b>	
<b>Income</b>	
Other income	12 513
<b>Total Income</b>	<b>12 513</b>
<b>Expenses</b>	
Other administrative expenses	12 513
<b>Total Expenses</b>	<b>12 513</b>
<b>Territory Income less Expenses</b>	<b>12 513</b>

**TERRITORY ASSETS AND LIABILITIES**

# SUPPLEMENTARY INFORMATION

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## APPENDIX 1

### ACTS ADMINISTERED BY THE DEPARTMENT OF THE ATTORNEY-GENERAL AND JUSTICE – 2012-2013

(using Administrative Arrangements Order 20 March 2013)

#### Act/Regulations

##### Health

*Health and Community Services Complaints Act*  
*Health and Community Services Complaints Regulations*

##### Child Protection

*Care and Protection of Children Act (Parts 3.3 and 5.1)*

##### Justice and Attorney-General

*Absconding Debtors Act*

*Absconding Debtors Regulations*

*Accommodation Providers Act*

*Administration and Probate Act*

*Administration and Probate Regulations*

*Age of Majority Act*

*Aged and Infirm Persons' Property Act*

*Alcohol Reform (Prevention of Alcohol-related Crime and Substance Misuse) Act*  
(repealed by the *Alcohol Mandatory Treatment Act 2013*, No. 17 which commenced on 01/07/2013)

*Alcohol Reform (Substance Misuse Assessment and Referral for Treatment Court) Act*  
(repealed by the *Alcohol Mandatory Treatment Act 2013*, No. 17 which commenced on 01/07/2013)

*Alcohol Reform (Substance Misuse Assessment and Referral for Treatment Court) Regulations*

*Amendments Incorporation Act*

*Anglican Church of Australia Act*

*Anti-Discrimination Act*

*Anti-Discrimination Regulations*

*Australian Crime Commission (Northern Territory) Act*

*Australian Crime Commission (Northern Territory) Regulations*

*Bail Act*

*Bail Regulations*

*Births, Deaths and Marriages Registration Act*  
*Births, Deaths and Marriages Registration Regulations*

*Business Tenancies (Fair Dealings) Act*  
*Business Tenancies (Fair Dealings) Regulations*

*Caravan Parks Act*  
*Caravan Parks Regulations*

*Catholic Church in the Northern Territory Act*

*Choice of Law (Limitation Periods) Act*

*Classification of Publications, Films and Computer Games Act*  
*Classification of Publications, Films and Computer Games Regulations*

*Commercial Arbitration (National Uniform Legislation) Act*

*Commission of Inquiry (Deaths in Custody) Act*

*Community Justice Centre Act*

*Companies (Trustees and Personal Representatives) Act*

*Companies (Unclaimed Assets and Moneys) Act*

*Compensation (Fatal Injuries) Act*

*Construction Contracts (Security of Payments) Act*  
*Construction Contracts (Security of Payments) Regulations*

*Consumer Affairs and Fair Trading Act*  
*Consumer Affairs and Fair Trading (Infringement Notice Offences) Regulations*  
*Consumer Affairs and Fair Trading (Motor Vehicle Dealers) Regulations*  
*Consumer Affairs and Fair Trading (Pawnbrokers and Second-hand Dealers) Regulations*  
*Consumer Affairs and Fair Trading (Tow Truck Operators Code of Practice) Regulations*  
*Consumer Affairs and Fair Trading (Trading Stamps) Regulations*  
*Consumer Affairs and Fair Trading (Travel Agents) Regulations*

*Consumer Credit (National Uniform Legislation) Implementation Act*

*Contracts Act*

*Coroners Act*  
*Coroners Regulations*

*Corporations (Financial Services Reform Amendments) Act*

*Corporations (Northern Territory Request) Act*

*Corporations Reform (Northern Territory) Act*  
*Corporations Law Rules*

*Court Security Act*  
*Court Security Regulations*

*Courts and Administrative Tribunals (Immunities) Act*

*Crimes at Sea Act*

*Criminal Code Act*

*Criminal Investigation (Extra-territorial Offences) Act*  
*Criminal Investigation (Extra-territorial Offences) Regulations*

*Criminal Property Forfeiture Act*  
*Criminal Property Forfeiture Regulations*

*Criminal Records (Spent Convictions) Act*  
*Criminal Records (Spent Convictions) Regulations*

*Cross-border Justice Act*  
*Cross-border Justice Regulations*

*Crown Proceedings Act*  
*Crown Proceedings Regulations*

*Cullen Bay Marina Act*  
*Cullen Bay Marina Regulations*

*De Facto Relationships Act*

*De Facto Relationships (Northern Territory Request) Act*

*Defamation Act 2006*

*Director of Public Prosecutions Act*

*Domestic and Family Violence Act*  
*Domestic and Family Violence Regulations*

*Domicile Act*

*Electronic Transactions (Northern Territory) Act*  
*Electronic Transactions (Northern Territory) Regulations*

*Encroachment of Buildings Act*

*Evidence Act*  
*Evidence Regulations*  
*Evidence (Order for Taking of Evidence) Regulations*

*Evidence (Business Records) Interim Arrangements Act*  
- repealed 1 January 2013

*Evidence (National Uniform Legislation) Act*  
*Evidence (National Uniform Legislation) Regulations*

*Family Provision Act*

*Fences Act*

*Financial Sector Reform (Northern Territory) Act*

*Financial Transaction Reports Act 1992*

*Fines and Penalties (Recovery) Act*  
*Fines and Penalties (Recovery) Regulations*

*Health Practitioners Act (Part 3)*

*Information Act (except Part 9)*  
*Information Regulations*

*Interpretation Act*

*Juries Act*  
*Juries Regulations*

*Jurisdiction of Courts (Cross-Vesting) Act*

*Justices Act*  
*Justices Regulations*  
*Justices Rules*

*Justices of the Peace Act*

*Lake Bennett (Land Title) Act*

*Land Title Act*  
*Land Title Regulations*

*Lands, Planning and Mining Tribunal Act*  
*Lands and Mining Tribunal Rules*

*Law Officers Act*

*Law of Property Act*

*Law Reform (Miscellaneous Provisions) Act*

*Legal Profession Act*  
*Legal Profession Regulations*  
*Legal Profession Admission Rules*  
*Rules of Professional Conduct and Practice*

*Limitation Act*

*Local Court Act*  
*Crimes (Victims Assistance) Rules*  
*Local Court Regulations*  
*Local Court Rules*  
*Local Court (Adoption of Children) Rules*

*Magistrates Act*

*Married Persons (Equality of Status) Act*

*Mental Health and Related Services Act (Part 15)*

*Misuse of Drugs Act*  
*Misuse of Drugs Regulations*

*Oaths, Affidavits and Declarations Act*

*Observance of Law Act*

*Off-shore Waters (Application of Territory Laws) Act*

*Partnership Act*

*Penalty Units Act 2009*  
*Penalty Units Regulations*

*Personal Injuries (Civil Claims) Act*

*Personal Injuries (Liabilities and Damages) Act*  
*Personal Injuries (Liabilities and Damages) Regulations*  
*Personal Property Securities (National Uniform Legislation) Implementation Act*  
*Powers of Attorney Act*  
*Powers of Attorney Regulations*  
*Presbyterian Church (Northern Territory) Property Trust Act*  
*Price Exploitation Prevention Act*  
*Printers and Newspapers Act 1984*  
*Professional Standards Act*  
*Professional Standards Regulations*  
*Proportionate Liability Act 2005*  
*Public Interest Disclosure Act*  
*Public Interest Disclosure Regulations*  
*Public Notaries Act*  
*Public Seal Act 1954*  
*Public Trustee Act*  
*Public Trustee Regulations*  
*Real Property (Unit Titles) Act*  
*Real Property (Unit Titles) Regulations*  
*Records of Depositions Act*  
*Records of Depositions Regulations*  
*Registration Act*  
*Registration Regulations*  
*Residential Tenancies Act*  
*Residential Tenancies Regulations*  
*Retirement Villages Act*  
*Retirement Villages Regulations*  
*Rights of the Terminally Ill Act*  
*Rights of the Terminally Ill Regulations*  
*Sale of Goods Act*  
*Sale of Goods (Vienna Convention) Act*  
*Sale of Land (Rights and Duties of Parties) Act*  
*Sale of Land (Rights and Duties of Parties) Regulations*  
*Salvation Army (Northern Territory) Property Trust Act*  
*Sea-Carriage Documents Act 1998*  
*Sentencing Act*  
*Sentencing Regulations*  
*Sentencing (Crime of Murder) and Parole Reform Act*

*Sentencing of Juveniles (Miscellaneous Provisions) Act*  
*Serious Crime Control Act*  
    *Serious Crime Control Regulations*  
*Sexual Offences (Evidence and Procedure) Act*  
*Sheriff Act*  
    *Sheriff Regulations*  
*Small Claims Act*  
    *Small Claims Regulations*  
    *Small Claims Rules*  
*Sources of the Law Act 1985*  
*Standard Time Act 2005*  
*Status of Children Act*  
    *Status of Children Regulations*  
*Statute Law Revision (Registration of Instruments) Act*  
*Summary Offences Act*  
    *Summary Offences Regulations*  
*Supreme Court Act*  
    *Supreme Court Regulations*  
    *Supreme Court Rules*  
    *Supreme Court (Absconding Debtors) Rules*  
    *Supreme Court (Senior Counsel) Rules 2007*  
*Supreme Court (Judges Long Leave Payments) Act*  
*Supreme Court (Judges Pensions) Act*  
*Supreme Court (Rules of Procedure) Act*  
*Surveillance Devices Act*  
    *Surveillance Devices Regulations*  
*Terrorism (Northern Territory) Request Act 2003*  
*The Commercial Banking Company of Sydney Limited (Merger) Act*  
*The Commercial Bank of Australia Limited (Merger) Act*  
*Trespass Act*  
*Trustee Act*  
*Unauthorised Documents Act*  
*Uncollected Goods Act*  
    *Uncollected Goods Regulations*  
*Unit Titles Act*  
    *Unit Titles Regulations*  
    *Unit Titles (Management Modules) Regulations*

*Unit Title Schemes Act*

*Unit Title Schemes (General Provisions and Transitional Matters) Regulations*

*Unit Title Schemes (Management Modules) Regulations*

*Uniting Church in Australia Act*

*Validation (Native Title) Act*

*Vexatious Proceedings Act*

*Victims of Crime Assistance Act*

*Victims of Crime Assistance Regulations*

*Victims of Crime Rights and Services Act*

*Victims of Crime Rights and Services Regulations*

*Warehousemen's Liens Act*

*Wills Act*

*Witness Protection (Northern Territory) Act*

*Youth Justice Act (Part 4)*

## APPENDIX 2

### DEPARTMENT OF THE ATTORNEY-GENERAL AND JUSTICE STATUTORY BODIES AND BOARDS

#### ***Classification of Publications, Films and Computer Games Act***

Publications and Films Review Board

This Board is established pursuant to section 7 of the *Classification of Publications, Films and Computer Games Act*. The purpose of the Board is to report on the administration of the legislation, provide advice and to act as censor if required.

#### ***Community Justice Centre Act***

Northern Territory Community Justice Centre

The Centre is established pursuant to section 7 of the *Community Justice Centre Act*. The purpose of the Centre is to provide mediation services to the community, provide training and as a Recognised Mediation Accreditation Body and adjudicate construction contract payment disputes.

Community Justice Consultative Council

The Council is established pursuant to section 24 of the *Community Justice Centre Act*. The purpose of the Council is to make guidelines, deal with complaints and to make reports and recommendations to the Minister in relation to the operations of the Community Justice Centre

#### ***Consumer Affairs and Fair Trading Act***

Tow Truck Operators Code of Practice Administering Authority

This Authority is established pursuant to section 5 of the Schedule to the *Consumer Affairs and Fair Trading (Tow Truck Operators Code of Practice) Regulations*. The Authority is responsible for monitoring compliance with the Code, declaring areas where rosters of tow truck operators may operate and establishing rosters for those areas and determining disputes about fees for services.

#### ***Fines and Penalties (Recovery) Act***

Fines Recovery Unit

This Unit is established as a registry of the Local Court pursuant to section 27 of the *Fines and Penalties (Recovery) Act*. The Unit is to collect fines and penalties, make time-to-pay, instalment or enforcement orders, take enforcement action against unpaid fines and write off penalties as appropriate.

### ***Lands, Planning and Mining Tribunal Act***

Lands, Planning and Mining Tribunal

This Tribunal is established pursuant to section 4 of the *Lands, Planning and Mining Tribunal Act*. The Tribunal is to hear and make recommendations about objections to the acquisition of land under the *Lands Acquisition Act*, assess compensation for compulsorily acquired land and consider planning appeals in relation to the *Planning Act*.

### ***Legal Aid Act***

Northern Territory Legal Aid Commission

This Commission is established pursuant to section 5 of the *Legal Aid Act*. The purpose of the Commission is to provide legal assistance in accordance with the legislation.

### ***Legal Profession Act***

Council of the Law Society Northern Territory

This Council is established pursuant to section 638 of the *Legal Profession Act*. The Council's purpose is to manage the functions of the Law Society Northern Territory.

Law Society Northern Territory

This Society is a body corporate established pursuant to section 635 of the *Legal Profession Act*. The Society's purpose is to control the affairs of the legal profession in the Northern Territory.

Legal Practitioners Admission Board of the Northern Territory

This Board is established pursuant to section 650 of the *Legal Profession Act*. The purpose of the Board is to report on applications for admission to practice as a legal practitioner.

Legal Practitioners Disciplinary Tribunal

This Tribunal is established pursuant to section 669 of the *Legal Profession Act*. The Tribunal hears complaints against legal practitioners in the Northern Territory.

Legal Practitioners Funds Management Committee

This Committee is a body corporate established by section 659 of the *Legal Profession Act*. The Committee administers the financial aspects of the legislations including management of the Legal Practitioners Fidelity Fund.

### ***Mental Health and Related Services Act***

Mental Health Review Tribunal

This Tribunal is established pursuant to section 118 of the *Mental Health and Related Services Act*. The purpose of the Tribunal is to review the involuntary admission and treatment of persons under the legislation.

## ***Northern Territory Law Reform Commission***

Northern Territory Law Reform Commission

This Commission is established by constitution (a non-statutory committee). Its purpose is to recommend law reform measures to the Attorney-General.

## ***Professional Standards Act***

Professional Standards Council

This Council is established pursuant to section 41 of the *Professional Standards Act*. The purpose of the Council is to provide advice on the legislation to the Minister and occupational associations, encourage and assist in the improvement of occupational standards and development of self-regulation, and monitor the compliance of occupational associations to the standards and their risk management strategies.

## ***Public Trustee Act***

Public Trustee Investment Board

This Board is established and constituted pursuant to section 12 of the *Public Trustee Act*. The purpose of the Board is to control and authorise investment of money in the Common Fund of the Public Trustee.

## ***Registration Act***

Lands Titles Registration and General Registry Office

This Office is established pursuant to section 4 of the *Registration Act*. It is the Office of the Registrar-General and Deputy Registrar-General.

## ***Victims of Crime Assistance Act***

Victims Assistance Fund

This Fund is established pursuant to section 60 of the *Victims of Crime Assistance Act*. The Fund consists of money levied under the legislation.

## ***Victims of Crime Rights and Services Act***

Crime Victims Services Unit

This Unit is established pursuant to section 5 of the *Victims of Crime Rights and Services Act*. The purpose of the Unit is to administer the financial assistance and counselling schemes, establish and operate the victims register, and provide information and services to the community.

## APPENDIX 3

### AUDITS AND REVIEWS

The following are samples of audits conducted by the Auditor General's Office and the Department of the Attorney-General and Justice Audit Services.

#### Agency Compliance Audit

Conducted by: NT Auditor General's Office

#### Purpose

The audit was conducted in accordance with the Auditor General's requirement under the *Audit Act* to audit the Public Account and other accounts. Selected aspects of the internal control systems in the agency were examined as part of this audit to confirm that they include certain necessary features. The audit provides an opportunity to identify shortcomings in the internal control systems prior to the Chief Executive forming an opinion on the agency's systems at the end of the financial year.

#### Audit Opinion

Subject to the exceptions listed in the schedules copied below, the accounting and control procedures examined provide reasonable assurance that the responsibilities of the Accountable Officer as set out in the Treasurer's Directions and Procurement Directions will be met if those systems continue to operate in the manner noted in the audit.

#### Key Findings

- Payments to the Power and Water Corporation should be made through credit card in line with the Treasurer's Direction (TD) C3.2. It was noted that payments using credit cards could not be made as the Power and Water Corporation was not able to process credit card transactions for multiple services from a single customer. A separate schedule was not raised to address this issue.
- The fixed assets register may be mis-stated, as a periodic stocktake was carried out, and the fixed assets movements were not updated in a timely manner.
- Expenses were authorised by staff without appropriate delegation and NT Treasury was not notified for expenditure in excess of \$100,000.

#### Matters Arising

##### Issue 1 - Inaccurate and incomplete fixed assets listing

From the review of the procedures relating to fixed assets additions and disposals, the following were noted:

- a) there were significant delays in transferring the fixed assets into the agency's fixed asset register; and
- b) discussions with management revealed that the asset register had not been assured by a stocktake.

## Agency Response

The last agency stocktake for the former Department of Justice was conducted in March 2011. Machinery of Government changes resulted in the creation of the new Department of the Attorney-General and Justice (AGD) in September 2012. The department has invested time in divesting the fixed assets that belonged to other parts of the former Department of Justice, such as Licensing and Alcohol Regulation, WorkSafe and Corrections (transferred to the Department of Health, the Department of Business, and the new Department of Correctional Services respectively), but recognises that more needs to be done.

The Department of the Attorney-General and Justice acknowledges that due to the Machinery of Government changes and subsequent agency restructure it would be appropriate to review the scheduled stocktake date. AGD will liaise with the Department of Corporate and Information Services (DCIS) to ensure the next stocktake is undertaken prior to January 2014 (which is the timeframe currently proposed by DCIS in accordance with Treasurer's Direction (TD) A2.2.9).

## Audit Conclusion

**Noted.**

### Issue 2 - Control lapses in the Agency's Accounts Payable process

From samples selected from 1 July 2012 to 28 February 2013, the following were noted:

- a) 17% (5 out of 30 samples) of the samples indicated that payments were authorised by an officer who was not delegated to authorise payment.
- b) 7% (2 out of 30 samples) of the samples indicated payments were not made within 30 days of receiving a valid invoice.
- c) 17% (5 out of 30 samples) of the samples indicated the agency did not notify NT Treasury for payments above \$100,000.

## Agency Response

The Department of the Attorney-General and Justice has noted that the findings and Corporate and Strategic Services Finance unit will send out a blanket advice to all divisions regarding accounts payable procedures with reference to Delegations and Treasurer's Directions. The department's delegations have recently been revised and all authorised staff have been reminded of their appropriate authorisation.

It is noted that one of the payments related to a bulk account for travel expenses. The department sees this as an administrative process rather than the exercising of a delegation, as the exercising of delegation occurred when the purchasing of travel was originally approved. This is consistent with the Department of the Attorney-General and Justice Financial Delegations (section 2.3), whereby staff are authorised to make payment against an invoice for goods and services subject to confirmation that the payment is in accordance with the supporting requisition/approved variation/s and after verification that the goods and services have been provided.

## Audit Conclusion

Noted.

### **Issue 3 - Entertainment and hospitality expenses were authorised after the event and paid after (30) thirty days**

The following exceptions were noted with regard to entertainment and hospitality expenses:

- a) 20% (2 out of 10 samples) of the samples indicated approval was obtained after the event took place.
- b) 20% (2 out of 10 samples) of the samples indicated delays for up to 211 days in paying the invoices were noted.

## Agency Response

Both of the instances referred to above relate to expenses incurred by the Australian Classification Education (ACE) program, which ceased operations shortly after the new Department of the Attorney-General and Justice was established. The expenses related to two of many regular stakeholder consultations in regional centres.

The outstanding invoices were brought to the attention of the Finance and Administration unit after the program was disbanded. Once identified, the invoices were processed as a matter of priority.

The Department of the Attorney-General and Justice has noted the findings and the Corporate and Strategic Services Finance unit has already issued blanket advice to all divisions advising the correct procedures. The department does not believe this situation is a systemic issue across the agency but rather an anomaly in a small working group; however, tightened invoicing controls are now in place. Advice will be re-circulated to all staff to emphasize the necessity for prior approval and the 30 day payment policy.

## Audit Conclusion

Noted.

### **Issue 4 - Internal audit reviews were not evenly distributed throughout the financial year and/or mapped to a risk register.**

Review of the internal audit plan identified that a large amount of the internal audits were scheduled to occur in the last quarter of the financial year. A risk register was not available to map the audit risks to the internal audit reviews.

However, the Auditor General acknowledged these shortcomings were caused by events not totally within the control of the agency:

- staff constraints faced by the internal audit department; and
- restructuring of the Northern Territory Government agencies in early September 2012.

## Agency Response

The Department of the Attorney-General and Justice identifies strategic business risks during development and review of the Business Plans for each division. Strategic business risks are identified during, and are integral to, the consideration and development of the annual business plan for each division. The Business Planning for 2013-14 is currently underway and includes a risk assessment for Divisions which will create the risk register. This will then inform the agency audit program for 2013-14.

The agency acknowledges the delays in the internal audit program for 2012-13, however the program was delayed as a result of the Machinery of Government changes and agency restructures as well as unanticipated staff absences in the period. This said, the risk profile for AGD is now somewhat different to the former Department of Justice so there are expected changes to the audit program.

## Audit Conclusion

Noted.

### Issue 5 - Misalignment of the Accounting and Property Manual to the Treasurer's Direction and/or the Financial Management Act.

As the Accounting and Property Manual (APM) was not aligned to the Treasurer's Direction (TD) and/or the *Financial Management Act*, the following gaps were identified

- a) One reference for the contingencies, guarantees and indemnities in the APM was incorrectly referenced to TD's Part I section 2, rather than TD A3.7.1;
- b) The APM for Accounts Payable still makes reference to Department of Business and Employment (DBE) and Department of Justice (DoJ), which needs to be updated;
- c) The APM for procurement was brief compared to the TD;
- d) The capitalisation threshold for fixed assets in the APM was not updated from \$5,000 to \$10,000 in line with the TD. References to Department of Business and Employment were still made, which needs to be updated.

The APM has not incorporated the controls under section 4.12 of the *Financial Management Act* in respect of budget management controls.

## Agency Response

The Department of the Attorney-General and Justice has noted the findings and the Corporate and Strategic Services Division will commission a special project to update the APM with the necessary changes.

## Audit Conclusion

Noted.

### Audit of ePass Access

Conducted by: AGD Internal Audit

#### Purpose

The audit was undertaken to verify ePass access to ensure that all access corresponded to current employees.

## Findings

At the time of audit the agency had 682 separate ePass accounts. These were reviewed and classified as follows:

Generic	165
External Contractor	14
Other	503

The External Contractor accounts were identified by the email address or, where provided, by a relevant comment in one of the name fields.

The balance of the accounts were cross checked to AGD employees as recorded in the Personnel and Payroll Information System (PIPS). Any unmatched names were then individually checked in PIPS and some were subsequently matched off after identifying valid name differences (e.g. different preferred first names).

At the completion of this process 43 accounts remained that did not correspond to an employee name on PIPS.

Possible reasons for non-matching accounts are varied: they include timing of employee commencements on PIPS, timing of account inactivation's after departures, lack of removal of obsolete accounts, or further name differences that were not identified in this audit. It is possible also that there may be further accounts for external contractors that are not clearly identifiable.

There is potential risk to the agency in not revoking access once individuals have left the agency, including the possibility for individuals to misrepresent themselves as employees by accessing NTG email accounts remotely (i.e. Web mail). Additionally, if VPN access has not been revoked, access to secure networks could be compromised.

It is understood that a Security Review of Local Area Network (LAN) accounts is currently in progress and any LAN accounts which have been inactive for a 3 month period will be disabled.

## Recommendations

It is recommended:

1. That AGD ICT Services follow up all non-matching accounts with Divisions to ensure the validity of the accounts;
2. That all existing external contractor access is reviewed to ensure it remains appropriate;
3. That access held by external contractors is clearly identified by use of a standard description in an agreed field of the ePass database (preferably the Middle Name field); and
4. That any existing external accounts are updated to include the above description.

## Action Taken

The recommendations were accepted.

## APPENDIX 4

### DEPARTMENT OF THE ATTORNEY-GENERAL AND JUSTICE LEGISLATION PRESENTED AND PASSED IN 2012-13

Legislation	Date of Assent
<i>Sale of Land (Rights and Duties of Parties) Act Repeal Act 2013</i>	06/06/2013
<i>Electronic Conveyancing (National Uniform Legislation) Act 2013</i>	06/06/2013
<i>Penalty Units Amendment Act 2013</i>	29/05/2013
<i>Supreme Court Amendment Act 2013</i>	03/05/2013
<i>Serious Sex Offenders Act 2013</i>	03/05/2013
<i>Domestic and Family Violence Amendment Act 2013</i>	15/03/2013
<i>Victims of Crime Assistance Amendment Act 2013</i>	14/03/2013
<i>Justice Legislation Amendment (Age of Retirement) Act 2013</i>	14/03/2013
<i>Evidence (National Uniform Legislation) Amendment Act 2013</i>	14/03/2013
<i>Criminal Code Amendment (Assaults on Workers) Act 2013</i>	14/03/2013
<i>Bail Amendment Act 2013</i>	14/03/2013
<i>Sentencing Amendment (Mandatory Minimum Sentences) Act 2013</i>	13/03/2013
<i>Classification of Publications, Films and Computer Games Amendment Act 2012</i>	11/12/2012
<i>Criminal Code Amendment (Violent Act Causing Death) Act 2012</i>	06/12/2012
<i>Evidence (National Uniform Legislation) (Consequential Amendments) Act 2012</i>	21/11/2012
<i>Sentencing Amendment Act 2013*</i>	
<i>Penalties Amendments Miscellaneous Act 2013*</i>	

\* As at 30 June, this Act had not commenced

## APPENDIX 5

### DEPARTMENT OF THE ATTORNEY-GENERAL AND JUSTICE REGULATIONS MADE IN 2012-13

Regulations	Date of Commencement
<i>Legal Profession Amendment Regulations 2013</i>	26/06/2013
<i>Supreme Court Amendment (Interest Rate) Rules 2013</i>	05/06/2013
<i>Supreme Court Amendment (Evidence) Rules 2013</i>	08/05/2013
<i>Motor Accidents (Compensation) Appeal Tribunal Amendment (Evidence) Rules 2013</i>	01/05/2013
<i>Fines and Penalties (Recovery) Amendment (Firearms) Regulations 2013</i>	20/03/2013
<i>Work Health Court Amendment (Evidence) Rules 2012</i>	01/01/2013
<i>Local Court Amendment (Evidence) Rules 2012</i>	01/01/2013
<i>Land Title Amendment Regulations 2012</i>	14/12/2012
<i>Cross-border Justice Amendment Regulations 2012</i>	01/01/2013
<i>Evidence Regulations</i>	01/01/2013
<i>Evidence (National Uniform Legislation) Regulations</i>	01/01/2013
<i>Corporations Law Amendment Rules 2012</i>	20/11/2012
<i>Supreme Court Amendment (Breach of Bail) Rules 2012</i>	07/11/2012
<i>Misuse of Drugs Amendment Regulations 2012</i>	03/08/2012
<i>Criminal Property Forfeiture Amendment Regulations 2012</i>	03/08/2012
<i>Legal Profession Amendment Regulations 2012</i>	01/08/2012
<i>Fines and Penalties (Recovery) Amendment (Caravan Parks) Regulations 2012</i>	03/08/2012
<i>Sale of Land (Rights and Duties of Parties) Amendment Regulations 2012</i>	03/08/2012
<i>Dangerous Goods Amendment (Fireworks) Regulations 2012</i>	02/07/2012
<i>Penalty Units Amendment Regulations 2012</i>	01/07/2012

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