Community and Public Sector Union
Rupert Evans – Deputy Secretary

Julie Dennett
Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

12 December 2012

Dear Ms Dennett

Inquiry into the Courts and Tribunals Legislation Amendment (Administration) Bill 2012

The PSU Group of the Community and Public Sector Union (CPSU) is an active and progressive union with approximately 60,000 members. The CPSU represents employees of the Australian Public Service (APS), including employees of federal courts and tribunals.

The CPSU notes that the Courts and Tribunals Legislation Amendment (Administration) Bill 2012 ('the Bill') is part of a consolidation process of the courts that has been underway for several years. We use this submission as an opportunity to make a number of comments about budget and workload pressure in the courts.

It is our members' experience that all staff and management of the federal courts have been under considerable financial strain for some time. Courts have faced rising costs and increasing case loads at the same time as being subject to cumulative cuts through the efficiency dividend. To meet budget over the last several years, cuts have had to be made including a number of redundancies which have put even more pressure on existing staff. The courts only narrowly avoided shedding 50 jobs this year as a result of budget constraints.

Given that the courts can not choose to hear fewer cases, accommodation costs are rising, and judicial appointments and salaries are set independently, it is the customer support services that are reduced in order to meet budget. However, the needs of the court and requirements and expectations of administrative staff remain the same as prior to any

budget cuts. In fact, the work performed by the courts is increasing and becoming more complex. This affects waiting times, processing of documents and staff wellbeing.

For example, staff reductions in the registry of the Family Court and Federal Magistrates Court have caused delays in processing court documents and meant that court appointments have to be cancelled if a registrar is sick or on leave and clients have to wait up to 90 minutes to file documents. This can lead to clients becoming angry and directing their anger towards the same staff who are struggling under the workload. To try to manage the workload, some work has been referred to other sites which has led to errors in processing, duplication, and re-work.

CPSU members were pleased that the courts were exempt from the additional efficiency dividend announced in the 2011-12 Mid-Year Economic and Fiscal Outlook. In addition to that, additional funding has been allocated to the courts though recently announced fee restructures to fund a number of measures.

Despite these small measures of relief, staff and management at the courts still are still under significant stress. These measures merely prevented further staff cuts without easing the current pressures faced by staff. The CPSU has received numerous reports from staff who are stressed and getting sick. This is compounded by the fact that work continues to pile up while staff are away on personal leave because there is nobody else to do it.

The courts remain chronically understaffed and underfunded. The streamlining of administrative functions has not changed this because it was accompanied by staff cuts. The courts still need to be better funded and staffing levels need to be increased. Further cuts and a failure to adequately fund the courts will impact on existing programs as work continues to increase.

It is worth noting that some of the new measures that have been recently announced, such as the rebadging, although they are designed to achieve long term savings, are imposing additional one off costs that are putting pressure on the courts.

CPSU members have suggested other areas where efficiencies could be made to achieve additional savings; savings which could go towards engaging more staff to keep pace with the workloads. Such measures include: rationalisation of forms, reduction in printing, centralised fee collection for all courts either online or by the Attorney General's Department, and fees for cancellation of appointments with interpreters where lawyers do not notify staff beforehand.

Implementation of such measures and additional funding is required to address the funding shortfalls and insufficient staffing levels in the federal courts.

Yours sincerely,

Rupert Evans

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