



DEPARTMENT OF  
JUSTICE

DEPARTMENT OF JUSTICE ANNUAL REPORT 2004/05



# DEPARTMENT OF JUSTICE ANNUAL REPORT 2004/2005

J D'ORAZIO MLA  
Minister for Justice

J A MCGINTY BA Bjuris (Hons) LLB JP MLA  
Attorney General

In accordance with sections 62 and 66 of the *Financial Administration and Audit Act 1985*, I hereby submit for your information and presentation to the Parliament the Annual Report of the Department of Justice for the year ending 30 June 2005.

This report has been prepared in accordance with the provisions of the *Financial Administration and Audit Act 1985*.



**Colin Murphy**  
**A/Director General**

31 August 2005

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DEPARTMENT OF JUSTICE ANNUAL REPORT 2004/05

FEEDBACK FORM

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Your comments will help us to improve future reports.

How do you rate the annual report overall?

☐ Excellent

☐ Very good

☐ Good

☐ Average

☐ Poor

How do you rate the overall content of the report?

☐ Excellent

☐ Very good

☐ Good

☐ Average

☐ Poor

How do you rate the style of writing the report?

☐ Excellent

☐ Very good

☐ Good

☐ Average

☐ Poor

How do you rate the overall design of the report?

☐ Excellent

☐ Very good

☐ Good

☐ Average

☐ Poor

How do you rate the ease of navigation of the report?

☐ Excellent

☐ Very good

☐ Good

☐ Average

☐ Poor

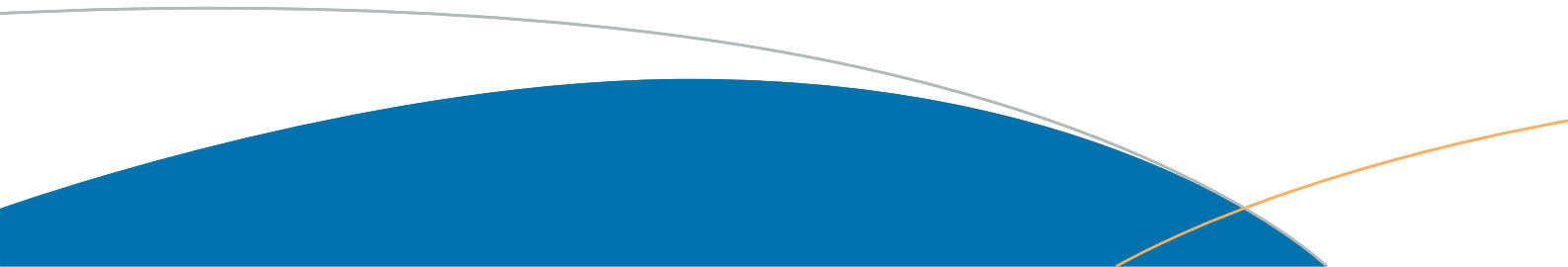
Please list any aspects of the report that you found particularly good

Please list any aspects of the report that you found particularly poor

Please list any ways that the report could be improved

Other comments

Please click here to submit your feedback or post to Public Affairs, Department of Justice, 141 St Georges Terrace, Perth 6000



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# EXECUTIVE SUMMARY



## EXECUTIVE SUMMARY

This year has been another challenging year for the Department of Justice. While the spotlight has been on safety and security, significant advances have been made in key areas of the Department's responsibility, including courts and juvenile justice.

The most extensive reform of Western Australia's lower court system in 100 years saw the amalgamation of several courts to form the new Magistrates Court. Other major developments included the creation of the Court of Appeal and State Administrative Tribunal and, just before the end of the year, work began on the CBD courts project.

The juvenile justice strategy is an ambitious program to cut re-offending by providing adequate supervision in the community and working with offenders and their families to address underlying problems that lead to illegal behaviour. Significant developments have also been made in managing adult offenders in the community.

But all these advances were overshadowed by the serious assault of an education worker at Bunbury Regional Prison in March, which reminded the Department and community once again of the fragile balance between rehabilitation and security. This incident, along with escapes by two high-profile prisoners, led the Government to establish the Inquiry into the Management of Offenders by retired NSW judge His Honour Dennis Mahoney AO QC. The inquiry was ongoing at the end of the year.

In line with the Government's goals of sustainability, the Department has produced a Sustainability Action Plan which will be reviewed in the coming year. It has also made significant improvements in all strategic areas identified by the Government: people and communities, economy, environment, regions and governance. These are highlighted in this annual report.

Following the State Government election in February, the Honourable John D'Orazio replaced the Honourable Michelle Roberts as Justice Minister on 4 March 2005. Attorney General Jim McGinty retained this responsibility.

### **Leadership changes**

The security issues in Prisons highlighted the difficulties the Department faces in attracting and retaining top executives. Following the resignation of the Executive Director of Prisons, Terry Simpson, in October 2004, the Department embarked on a world-wide, and ultimately unsuccessful, search for a replacement. The permanent position was still unfilled at the end of this year. However, after the Bunbury incident, Ian Johnson, an assistant commissioner with Western Australia Police, was appointed to act in the position.

Mr Johnson instigated immediate improvements to security while awaiting the outcomes of the inquiry into the management of prisoners. Under his guidance, the emphasis in Prisons next year will be on restoring the balance, with a focus on organisational style, standards, structure and systems. The Department is committed to assisting the inquiry and implementing its findings.

Meanwhile, the leadership of Community and Juvenile Justice has stabilised, enabling management and staff to concentrate on key reforms in this area.

The Department faces another period of leadership uncertainty with Director General Alan Piper taking leave in June after being requested by the Premier to provide a response to matters raised by the full bench of the Industrial Relations Commission. Senior public service manager, Colin Murphy, was appointed Acting Director General from 30 June 2005.

# EXECUTIVE SUMMARY

## Safety and security

Early in the year, the focus was on court security. The escape of nine prisoners from the Supreme Court in June last year brought forward a planned security upgrade to the Supreme Court. It also led to other security improvements by the Department and AIMS Corporation that manages court security and the transport of adult prisoners to court.

New security positions within the Prisons and Courts divisions are working together with other justice agencies, such as police and Community and Juvenile Justice (CJJ), to ensure greater levels of security.

The Department is also establishing mechanisms for the sharing of information on offenders between justice agencies as part of CJJ's Community Business Information System that will consolidate information on adult offenders in the community in one database.

Improvements introduced by the Department for managing adult offenders in the community, were commended by the independent Office of the Inspector of Custodial Services.

## Contracts

During the year, the Department continued to improve its daily risk-based monitoring of the contracts for Acacia Prison and Court Security and Custodial Services, giving the Department a greater ability to intervene or mitigate issues as they arose.

Over the past 12 months, AIMS Corporation has undertaken significant improvements under the Court Security and Custodial Services contract. In particular it addressed issues raised in the inquiry into the Supreme Court escape of 10 June 2004. At 30 June 2005, the Department had reviewed its options, including extending the contract with AIMS.

Meanwhile, a peer review of Acacia Prison was critical of AIMS' failure to address many of the issues raised in a previous review and it highlighted a number of concerns relating to the prison's operations and management. At the end of the year, the Department had reviewed its options, including market testing for services at Acacia Prison.

Service agreements with the non-government human services sector continued to deliver re-entry and transitional accommodation services for offenders and a number of implementation issues had been addressed throughout the year.

## Women prisoners

The Department has started to see the benefits of a new philosophy for managing women prisoners that evolved as part of the planning for Boronia Pre-release Centre for Women in 2001. After completing its first year of operation in May 2005, Boronia is on track to meet its intended outcomes. Meanwhile, the Inspector of Custodial Services noted that Bandyup Women's Prison had improved considerably since his last visit.

## Overcrowding in prisons

The State's prison system was operating at 3% above design capacity on 30 June. This was largely due to an increase in imprisonment as a result of a police crack down on burglaries and domestic violence.

The State Government has recognised that overcrowding is a problem and has committed \$29 million to establishing additional beds at several prisons.

At the same time, the Government announced plans to keep fine defaulters out of prison by increasing their payment options and improving accessibility to community service as an alternative to prison.



## EXECUTIVE SUMMARY

Earlier in the year, the Department collaborated with Centrelink to enable fines to be paid by direct debit from Centrelink accounts, where fine defaulters chose this option. This initiative was accompanied by publicity to raise awareness of options for the payment of fines.

### Courts

The new Magistrates Court began operation in May 2005, amalgamating the former Court of Petty Sessions, Local Court and Small Claims Tribunal into a single court with multiple registries around the State.

The lower court reforms, which addressed more than 200 recommendations of the Western Australian Law Reform Commission, dating back to 1990, required the Parliamentary Counsel's Office to draft major changes that included the *Magistrates Court Act 2004*, *Magistrates Court (Civil Proceedings) Act 2004*, *Courts Legislation Amendment and Repeal Act 2004*, and *Justices of the Peace Act 2004*.

The Parliamentary Counsel's Office also finalised legislative changes for the creation of the State Administrative Tribunal (SAT) that began operations in January 2005, amalgamating the functions of more than 50 boards and tribunals. The assumption of the powers of the Guardianship and Administrative Board by the SAT had considerable impact on the Public Advocate and the Public Trustee.

Other major changes in courts included the creation of a Court of Appeal as a new division of the Supreme Court of Western Australia, a \$700,000 refurbishment of Derby courthouse and the turning of the first sod on the new \$195 million CBD courts project. The Albany Justice Complex will be completed next year.

### Legislative change

The changes required for the Magistrates Court and Court of Appeal were just a small part of a very busy year for the Parliamentary Counsel's Office. Unprecedented demand from the Government for new and amending legislation saw a record number of pages passed by Parliament in 2004.

During the year Greg Calcutt, the Parliamentary Counsel, was appointed Senior Counsel (previously known as Queen's Counsel) in recognition of his seniority and standing in the legal profession and the high-level advice he had provided to the Attorney General and other Government agencies.

### Victims

The Department is very conscious of the needs of victims within the justice system. The success of the Justice Mediation Program in metropolitan and regional areas saw it extended to Joondalup, Midland and Geraldton.

A victim of crime representative was appointed to the Supervised Release Review Board in December 2004 to ensure a victim's perspective was included in decision-making. Plans are in hand for victims' representatives to be appointed to the Parole Board and the Mentally Impaired Accused Review Board as well.

More than 500 staff, police recruits, law students and Neighbourhood Watch coordinators were trained in victim awareness by the Victim Support Service over the year. The service also produced publications and radio publicity focused on Aboriginal victims.

Changes to domestic violence legislation strengthened powers to issue and enforce restraining orders and legislative reform regarding sexual assault gave victims greater protection in courts. For instance, the initial statement of children to police will be video recorded for use in court and self-represented accused will not be able to directly cross examine complainants.

## EXECUTIVE SUMMARY

### Court and legal issues

Various strategies were successful in reducing the civil backlog in the Supreme, District and Magistrates courts. Other court developments included:

- Bell Group trial, which began in the Supreme Court in July 2003, moved to London for two weeks in September 2004. It is expected to continue until mid-2006;
- Coroner's Court assisted with the identification of victims of the tsunami disaster in Asia and held inquiries into the Tenterden fire and Jandakot air crash, both from 2003;
- Family Court introduced conferences where separating couples try to resolve matters with the assistance of a counsellor; and
- fact sheets and a number of other initiatives were introduced to assist self-represented people in court.

### Online service

Developments in online facilities have seen improvements to customer service offered by courts and the Registry of Births Deaths and Marriages. The Registry is also trialling an online certificate validation service with the Department of Foreign Affairs and Trade's Passport Office to help prevent identity fraud.

The Public Trustee, this year, became the first public trustee in Australia to make electronic copies of all its clients' wills.

### Aboriginal justice issues

Five Aboriginal Justice plans were completed under the Aboriginal Justice agreement which encourages State Government agencies to work in partnership with Aboriginal people to ensure they experience the same justice outcomes as other Western Australian citizens. The plans included one regional plan for Mulga Mallee and four local plans in Kalgoorlie, Derby, Broome and Wiluna.

The creation of other plans was delayed due to the abolition of the Aboriginal and Torres Strait Islander Commission. Work will continue on these next year.

The Public Advocate conducted research to identify and develop local responses to elder abuse in Aboriginal communities and the initial findings were incorporated into a community education campaign that will continue next year.

Senior Departmental staff took part in workshops examining how the Department could better engage with Aboriginal communities, while staff at all levels attended cultural awareness training.

### Juvenile justice reforms

The Department introduced reforms to the juvenile justice system this year. The \$19 million State-wide project will enable more effective supervision of young offenders, leading to improved community safety through reduced juvenile offending.

A key element of the reforms is based on an intensive supervision program that has had considerable success overseas. The program involves working with juveniles that have extensive offending histories and their families. Other aspects of the reform strategy include curfews, community supervision agreements and community juvenile conferencing in remote communities.

## EXECUTIVE SUMMARY

### Shared service centres

The Department continued to implement Government plans to integrate some corporate service functions into four service centres for the whole of the WA public sector. In preparation for the transition in late 2006, the Department consulted staff, submitted key information to the Shared Corporate Service Program Office and implemented a communication program to inform staff of progress.

### Future

At year end, Attorney General and Minister for Health, Jim McGinty, was about to head overseas with a senior Department of Justice official to examine mental health facilities and prisons in the United Kingdom with a view to significantly improving WA mental health services to prisoners, including those with dangerous and severe personality disorder. Appropriate services for prisoners with mental health issues have been a matter of concern to the Department and finding a solution will be a priority in 2005/06.

Next year, the Department will also continue assisting the inquiry by His Honour Dennis Mahoney and will implement the reform program that emerges.

# BETTER PLANNING: BETTER SERVICES



# BETTER PLANNING: BETTER SERVICES

The Department of Justice contributes to the achievement of the State Government's five strategic goals for Government articulated in "Better Planning: Better Services" released in November 2003.

Through its agencies and in partnership with the community and industry, the Government seeks to improve the quality of life for all Western Australians. In this report, the Department's achievements, which specifically address the key integrated priority areas for Government, are indicated by the following symbols:



**People and Communities**



**Regions**



**Environment**



**Economy**



**Governance**

# PROFILE OF THE DEPARTMENT



# PROFILE OF THE DEPARTMENT

## ABOUT US

The Department of Justice was established in July 1993 to provide the framework and processes for the efficient administration of justice and legal affairs in WA.

The Department is principally responsible for assisting the Attorney General and the Minister for Justice in implementing Government policy and administering and complying with more than 200 Acts of Parliament.

The Department's core services are:

- court services that meet the needs of the judiciary and community, including victims of crime;
- protecting the community and directing offenders towards the adoption of law-abiding lifestyles;
- managing the security, integrity and preservation of birth, death and marriage records; and
- contributing to a coordinated, quality system of justice which is responsive to Government and community needs through informing, developing and evaluating justice legislation and policy.

Some services within the Department of Justice report directly to the Attorney General or the Minister for Justice on professional matters, and to the Director General on administrative matters. These are:

- Office of the Public Advocate — protects the rights of adults with decision-making disabilities and reduces their risk of neglect, exploitation and abuse;
- Public Trust Office — ensures equitable access to trustee services for all Western Australians;
- State Solicitor's Office — provides legal services to Government; and
- Parliamentary Counsel's Office — ensures Government policies are put into legislative form and the public is given access to, and information about, existing legislation.

The Department of Justice also provides corporate support services for other Government agencies such as the Office of the Director of Public Prosecutions, Equal Opportunity Commission, Office of the Information Commissioner, the State Administrative Tribunal, the Parliamentary Inspector of the Corruption and Crime Commission and the Law Reform Commission.

## NEW STRATEGIC FRAMEWORK

The Department of Justice's services, functions and ways of working have changed considerably since 1993. Its divisions and business areas grew to work more effectively as an organisation and collaboration with other Government and non-government agencies became stronger and more productive. Key social, economic and political forces also evolved to alter the Department's initial vision and role in the community.

In 2003, the Department initiated the development of an innovative strategic framework that would better reflect its roles and responsibilities and guide it into the future. Not only would the new framework outline the Department's goals, purpose and approach over the next five to ten years, it would include statements about the Department's unique value and position in the justice system.

The new framework was developed from various directional statements produced since the Department was created, and following extensive consultation across the Department. Essentially, it provides the foundation for the way the Department will operate and the services it will provide into the future.

The new strategic framework was endorsed in June 2004. Throughout the past year it has been incorporated into all of the Department's strategic, business and operational planning functions.

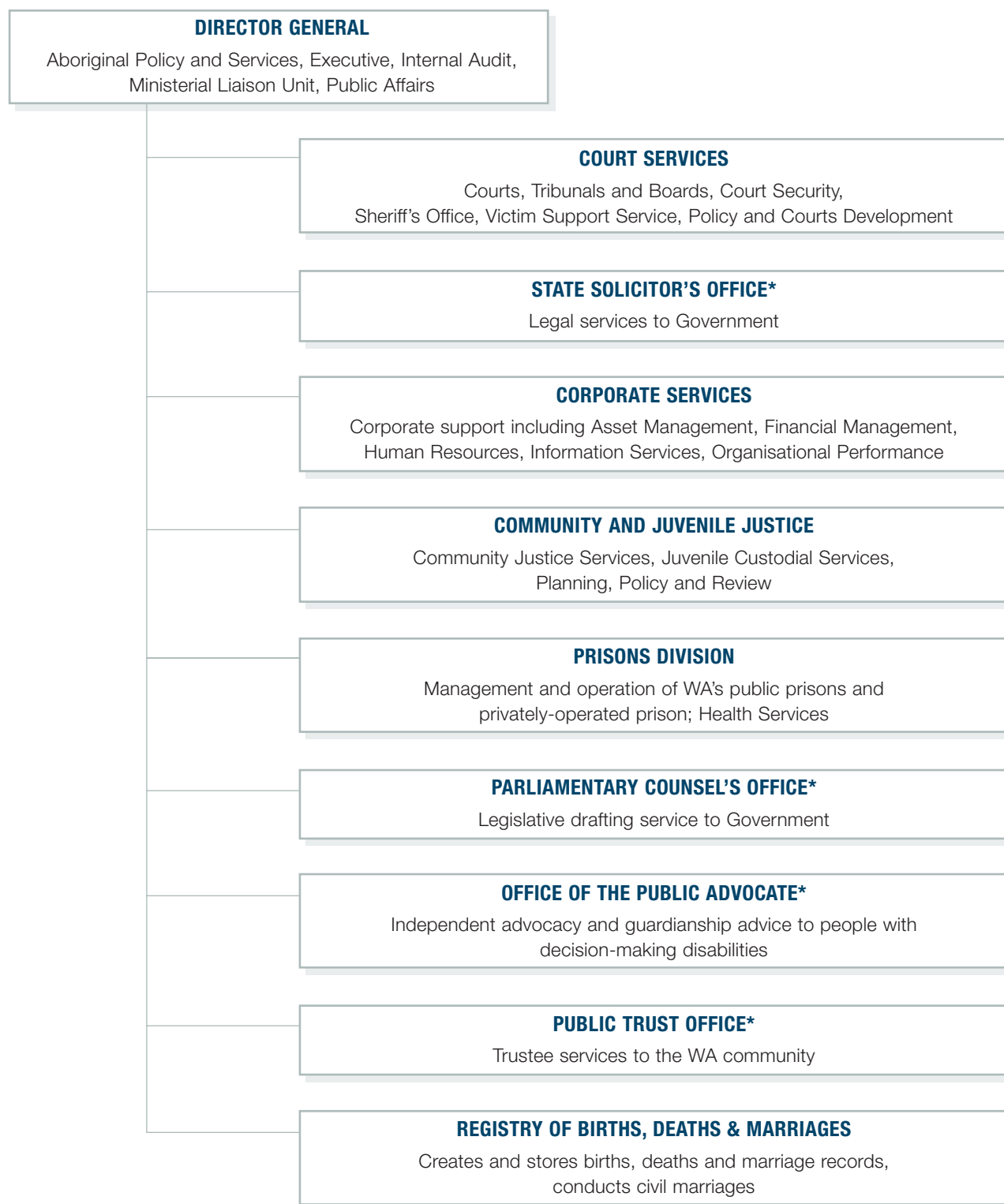
The full strategic framework is attached as Appendix I.

## WHO USES OUR SERVICES

*Services supported by the Department of Justice reach everyone in the community at some time in their lives. From being issued with a birth certificate; appearing as a child or adult witness in court; having a will drawn up; working alongside offenders in the community — or enjoying the benefits of their work; paying a court-imposed fine; getting married or divorced; preparing a will or having your affairs managed when you're unable to make your own decisions. The Department seeks to provide excellent services that meet the needs of a wide variety of customers and stakeholders.*

# PROFILE OF THE DEPARTMENT

## CORPORATE STRUCTURE



\* Reports directly to the Minister for Justice or Attorney General on professional or statutory matters, and to the Director General on administrative matters.



# PROFILE OF THE DEPARTMENT

## THE EXECUTIVE TEAM

The Department of Justice executive team, headed by the Director General, is responsible for the various divisions of the agency, which contribute to a safe and orderly Western Australian community. The executive team includes the independent positions of the Public Advocate and Public Trustee, which also prepare separate annual reports.

The executive team for the year was:



### **Colin Murphy** – *Acting Director General\**

Colin Murphy was appointed acting director general of the Department of Justice on 30 June 2005. Previously, Mr Murphy was the State's acting under treasurer and also worked as the executive director of assurance services at the Office of the Auditor-General. Mr Murphy has occupied various senior management positions within Government. He holds a Bachelor of Commerce and is a Fellow of CPA Australia.



### **Ray Warnes** – *Acting Executive Director Court Services*

Ray Warnes joined the Department of Justice as Director Organisational Performance in 1996 and was appointed Executive Director Corporate Services in July 1999. From 2003 he was Acting Executive Director Community and Juvenile Justice and became Acting Executive Director Court Services in January 2004.



### **Geoff Zimmer** – *Acting Executive Director Corporate Services*

Geoff Zimmer holds a Masters in Business Administration and Bachelor of Applied Science (Electrical Engineering). He is a member of the Institute of Engineering Australia and a Project Management Professional with the Project Management Institute (USA). Geoff worked for 26 years for the Department of Contract and Management Services (CAMS) in building services and started at the Department of Justice as Manager Buildings in 1994. He moved to Director Assets before undertaking his current role from July 2003.



### **Tim Sharp** – *State Solicitor*

Tim Sharp was appointed WA's Crown Solicitor in October 2003 (the named changed to State Solicitor in January 2004). The former Deputy Crown Solicitor joined the Office in May 1997 and was the head of the CSO's commercial and conveyancing section. He originally moved to Perth with his family from Glasgow, Scotland, in 1985, and joined the law firm now known as Mallesons Stephen Jaques, where he was a partner from 1988 to 1997.



### **Jackie Tang** – *Executive Director Community and Juvenile Justice*

Jackie Tang holds a Bachelor of Social Work from Curtin University (formerly WAIT) and completed a Graduate Management Qualification (AGSM) during 1999. She joined the Department in 1986 and held a number of operational and management positions both within the Prisons and Community and Juvenile Justice. She was appointed Executive Director Community and Juvenile Justice in January 2004.



### **Ian Johnson** – *Acting Executive Director Prisons*

Ian Johnson holds a Graduate Diploma in Business (Management) and has worked with the WA Police Service for nearly 30 years, where he is Assistant Commissioner Traffic and Operations Support. Mr Johnson draws on his vast experiences with the State justice system in taking up this acting appointment with the Department of Justice, which started in April 2005.

*\*Mr Murphy took up the position from Director General Alan Piper*

## PROFILE OF THE DEPARTMENT

**Greg Calcutt** – *Parliamentary Counsel*

Greg Calcutt graduated from the University of WA with a Bachelor of Laws in 1967 and joined the then Crown Law Department in 1971. He was appointed Deputy Parliamentary Counsel in 1985 and took up the position of Parliamentary Counsel in 1989. He was made a member of the Order of Australia in 2003.

**Michelle Scott** – *Public Advocate (Independent Statutory Officer)*

Michelle Scott holds a degree in social work and was appointed WA's Public Advocate in September 2002. She has a strong background in community and welfare issues and has held senior policy positions in Government, in community and disability services, social security and immigration. Michelle has served on the Mental Health Review Board, and as Senior Member of the Immigration Review Tribunal and the Social Security Appeals Tribunal.

**Nina McLaren** – *Public Trustee (Independent Statutory Officer)*

Nina McLaren holds a Bachelor of Arts (English) and a Masters of Business Administration. She joined the Department in 1999, having previously worked in management in the private sector. She brings to her position a proven track record in financial services and management, having held senior positions with Asgard Capital Management Ltd and UWL Ltd.

**Alan Andersson** – *Registrar of Births, Deaths and Marriages*

Alan Andersson holds a Bachelor of Business in Accounting and is a member of the Australian Society of Certified Practising Accountants. He has more than 20 years' experience in financial management, the majority in Government. He has been with the Department of Justice for five years and was previously the Manager Financial Policy and Reporting. He was appointed Registrar of Births Deaths and Marriages in June 2004.

**Kate George** – *Director Aboriginal Policy and Services*

Kate George holds a law degree from the Australian National University and was admitted to practice as a barrister and solicitor in WA and New South Wales. She has provided national consultancy services to private and Government sectors and Aboriginal communities and has been a ministerial advisor at State and Federal levels. She joined the Department in 2002 and brings considerable expertise in the area of Aboriginal policy and programs.

**Siân Martin** – *Manager Public Affairs*

Siân Martin is a former journalist with experience as a newspaper reporter, sub-editor and editor. She switched to public relations after studying marketing and public relations at the University of Colorado. Prior to moving into Government, Siân successfully managed her own communications consultancy. She joined the Department as Manager Public Affairs in 1994.

# PROFILE OF THE DEPARTMENT

## OPERATING LOCATIONS

(1 July 2004 — 30 June 2005)

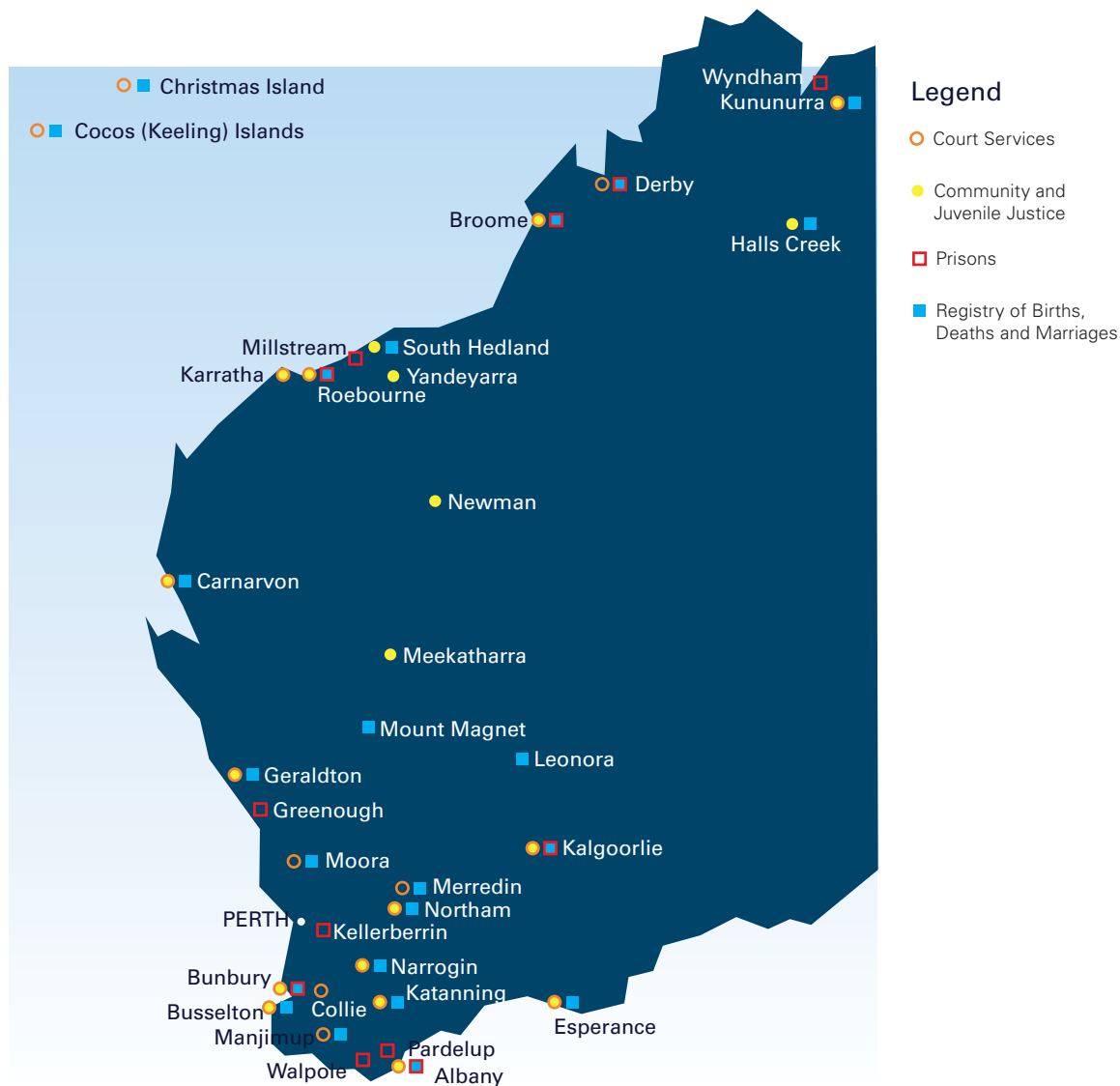
The Department of Justice head office operates from 141 St Georges Terrace, Perth. Numerous service locations are scattered throughout the Perth metropolitan area and regional Western Australia.

### Metropolitan Locations



# PROFILE OF THE DEPARTMENT

## Regional Locations



*Note: The Department has an arrangement with the Yandeyarra community, which supervises juveniles on bail.*

# THE YEAR IN BRIEF



# THE YEAR IN BRIEF

## COURT SERVICES

*Court Services provides administrative services and support for the operation of courts and tribunals. This includes provision of non-judicial staff support; registry, security and administrative support services; accommodation; technical facilities; and victim support and counselling services.*

## KEY ACHIEVEMENTS AND CHALLENGES

- Established a new Court of Appeal division at the Supreme Court in February 2005;
- Introduced new rules governing the Supreme, District and Family courts;
- Launched the new State Administrative Tribunal in January 2005;
- Established the new Magistrates Court of Western Australia;
- Completed a \$700,000 refurbishment of Derby courthouse;
- Worked with the Department of Housing and Works to resolve contractor issue on the new \$12.4 million Albany Justice Complex and Great Southern District Police Complex;
- Began work on the \$195 million CBD courts project;
- Strengthened security across all courts and established discrete Court Security directorate to improve and risk manage court security;
- Developed the counselling component of a disaster victim identification model and trained a pool of counsellors as part of disaster victim identification teams;
- Significantly increased annual fines revenue and announced revised fines enforcement strategy to tackle the growing number of fine defaulters being imprisoned;
- Introduced new fine payment options including time-to-pay and online payment;
- Achieved record revenue recovery in Office of Criminal Injuries Compensation Recoveries branch for second consecutive year;
- Introduced various new legislation to streamline justice services and better support victims of domestic violence and sexual assault; and
- Significantly reduced the Supreme, District and Magistrates Courts civil backlogs.

## FUTURE DIRECTIONS

- Open the Albany justice complex;
- Complete the refurbishment of the central law courts;
- Finalise the proposal to redevelop Kalgoorlie Courthouse;
- Continue to monitor and strengthen security across all courts;
- Implement further strategies to reduce the District Court criminal backlogs;
- Implement the new fines enforcement strategy;
- Continue development of the cross border justice project;
- Implement the Aboriginal plan to address indigenous issues of courts staff and users;
- Implement the WA Law Reform Commission recommendations on self-represented people;
- Review new courts reform legislation and amend where necessary;
- Expand the e-lodgment system; and
- Conduct final evaluation of the Columbus Project.

# THE YEAR IN BRIEF

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

*Community and Juvenile Justice and Prisons manage adult and juvenile offenders in custody and in the community. They aim to reduce re-offending, contribute to the protection of the community and direct offenders towards law-abiding lifestyles.*

### KEY ACHIEVEMENTS AND CHALLENGES

- The prison system was operating above design capacity in 2004/05, with a daily average of 3,528 prisoners held in 13 prisons and seven work camps across WA;
- A serious assault on an education officer and several escapes by high-profile prisoners raised concerns about staff and community safety;
- The Department established a new branch to oversee a \$35 million capital works program to improve security, health facilities and accommodation in prisons;
- The Department supported a Government-appointed inquiry into the management of offenders by retired NSW judge, His Honour Dennis Mahoney AO QC, which began in April;
- Major reforms to the juvenile justice system included the introduction of an innovative intensive supervision program for juveniles, curfews and community supervision;
- More than 200 new prison officers were trained following an unprecedented recruitment drive;
- The Education and Vocational Training unit won a number of State and national training awards;
- The Department rolled out the Community Re-entry Coordination Service across the State and started the Community Transitional Accommodation and Support Services program;
- Boronia Pre-release Centre for Women completed a successful first year of operations;
- Expansion of the regional supervised bail program;
- Reviews of psychological programs and education at Banksia Hill Detention Centre;
- Improvements to case management of adult offenders recognised by Auditor General; and
- Co-ordinated 250,000 hours of community-based work carried out by offenders.

### FUTURE DIRECTIONS

- Embrace and implement the reform program that emerges from the independent inquiries;
- Implement a range of safety and security initiatives to improve the safety of the community, staff and offenders;
- Continue construction of fences and facilities in prisons to improve security and meet need for more beds;
- Progress the planning phase for the replacement of the Broome and Eastern Goldfields regional prisons;
- Establish a set of minimum operational standards for community corrections and juvenile justice staff to improve consistency in offender case management;
- Continue working with South Australia and Northern Territory on the cross border justice project;
- Complete implementation of the electronic Community-Business Information System (C-BIS) database to help manage adult offenders in the community;
- Establish and implement a protocol with other key statutory agencies to exchange information for the management of high- risk offenders in the community;
- Finalise planning for regional remand centres in Geraldton and Kalgoorlie;
- Introduce changes that improve service delivery to girls and young women;
- Expand the intensive supervision program for juveniles to Kalgoorlie; and
- Continue expansions of the justice mediation program.



# THE YEAR IN BRIEF

## CORPORATE SUPPORT AREAS

### ABORIGINAL POLICY AND SERVICES

*Aboriginal Policy and Services provides strategic policy analysis and advice, as well as coordinating and facilitating consultation with the Aboriginal community for the Department.*

*The directorate also works with other divisions to develop culturally relevant policy, programs and services for Aboriginal people. It is also responsible for administering the Aboriginal Alternative Dispute Resolution Service and the Aboriginal Visitors' Scheme.*

### KEY ACHIEVEMENTS AND CHALLENGES

- Completed an independent review on the directorate's progress in transitioning from a partnership and advisory role to a high-level strategic role;
- Completed five justice plans, and have a further seven near completion;
- Overcame challenges in appointing suitable consultants to work with local communities to develop regional and local plans within short time frames in remote locations, and the abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC) and subsequent wind-up of its regional councils;
- Began community information, education and training programs in alternative dispute resolution processes across the State;
- Installed new technology and an Aboriginal visitors scheme client database into regional offices;
- Developed guidelines for consistency in protocols regarding Aboriginal participation in Departmental events;
- Began work on a review of the Department's customer service to Aboriginal people; and
- Promoted a greater understanding of Aboriginal and Torres Strait Islander people and their culture by assisting the Department to raise the profile and relevance of the activities and achievements celebrated during NAIDOC Week.

### FUTURE DIRECTIONS

- Lead and coordinate the Western Australian Aboriginal Justice Agreement implementation plan;
- Support Prisons, Court Services and Community and Juvenile Justice in implementing and reviewing their Aboriginal Service Plans;
- Provide advice on policy, program development and service delivery to address Aboriginal over-representation in the justice system, both as offenders and victims of crime;
- Work in partnership across the Department to enhance its capacity to engage the Aboriginal community in policy, program development and service delivery;
- Provide information, educational and training programs in alternative dispute resolution processes to Aboriginal communities, Government agencies and key stakeholders across the State;
- Monitor the impact of the multi-functional policing facilities on the communities and the justice system within the context of the Western Australian Aboriginal Justice Agreement;
- Assist in the development of performance indicators for a Departmental Aboriginal scorecard to measure progress towards specific outcomes; and
- Introduce guidelines to promote consistency in protocols regarding external Aboriginal participation in Departmental events.



# THE YEAR IN BRIEF

## CORPORATE SERVICES

*Corporate Services assists the Department in developing its overall strategic direction and manages the Department's human, financial, information and physical resources.*

*The division also provides a corporate service to associated independent offices such as the Office of the Director of Public Prosecutions, Equal Opportunity Commission, Law Reform Commission, the Office of the Information Commissioner and the Parliamentary Inspector of the Corruption and Crime Commission.*

## KEY ACHIEVEMENTS AND CHALLENGES

- Progressed with transition planning towards the shared service environment;
- Deployed the Department's new strategic framework;
- Introduced a new contract management framework;
- Recognised by State Supply Commission for full compliance on a range of contracts
- Launched the J-Staff portal as the Department's single entry point for e-services for staff, customers and the Department's partners in April 2005;
- Introduced various new Departmental human resource policies, procedures and guidelines and a new code of conduct;
- Introduced a new departmental business travel policy;
- Implemented a compliance management system across the Department after a successful pilot in 2002/03;
- Implemented a cadetship program to attract and retain Aboriginal staff;
- Coordinated new library and information services for the State Administrative Tribunal;
- Implemented new range of online HR services through the Department's HR kiosk;
- Connected Aboriginal visitor scheme regional offices to the Department network;
- Conducted Aboriginal cultural awareness training for Department staff;
- Won 'outstanding achievement award' for development of HR information system; and
- Reduced the delay experienced in the prompt payment of accounts for part of the year. Accounts are now processed in less than ten days from time of receipt.

## FUTURE DIRECTIONS

- Implement a new Department-wide complaints management system;
- Continue preparations for the transition to a shared corporate services environment;
- Review equal opportunity and diversity policy and operational plan;
- Implement Aboriginal Employment Strategy and Implementation Plan to increase the number of Aboriginal people employed by the Department over the next 5 years;
- Analyse the Department's workforce profile to develop workforce/age management plans;
- Conduct ethical awareness training;
- Implement a new information technology standard operating environment across the Department;
- Review library and information services model to include new arrangements for the Law Library at the Supreme Court and the new accommodation planned for CBD Courts;
- Implement electronic document and records management system;
- Reduce risk and cost of prisoner transport through greater use of video conferencing and other technological solutions;
- Improve technology for better identity and access management and tracked workflow systems; and
- Implement a new on-line strategic risk management system.

# THE YEAR IN BRIEF

## PUBLIC AFFAIRS

*The Public Affairs branch reports directly to the Director General and supports the Department's business areas with strategic communications advice and a broad range of services to help develop community, stakeholder and staff awareness of the Department's operations and achievements. The branch plays an important role, both within the Department and externally, ensuring communication about the Department's plans and programs is an inherent part of operations.*

### KEY ACHIEVEMENTS AND CHALLENGES

- Prepared and/or implemented more than 30 communication strategies for major projects across the Department;
- Coordinated community consultation and stakeholder briefings on a range of Departmental initiatives;
- Coordinated Statewide advertising campaigns for various Departmental initiatives;
- Managed more than 1800 media queries and prepared some 120 media releases;
- Coordinated the production of around 50 publications and posters;
- Coordinated the development of the J-Staff portal and the redevelopment of the Justnet intranet content;
- Coordinated the development of the new State Administrative Tribunal website; and
- Produced more than 48 issues of staff publications including two special editions of JustUs.

### FUTURE DIRECTIONS

- Continue to provide quality communication-based services across the Department;
- Coordinate stakeholders and community consultation for two juvenile remand centres being planned for Geraldton and Kalgoorlie;
- Implement a Statewide communications program to encourage fine defaulters to pay up;
- Facilitate communication and consultation strategies to support major Prisons' capital works programs; and
- Continue to coordinate communications for the CBD Courts project.

## INTERNAL AUDIT

*Internal Audit provides advice and conducts audits as outlined in the annual audit plan. The branch works in cooperation with the Risk Management and Audit Committee, made up of senior Departmental management and a representative from the Office of the Auditor General. The Internal Audit branch reports directly to the Director General.*

*The branch conducts comprehensive reviews that assist in maintaining effective corporate governance within the Department. Services provided by the branch help improve business practices within the organisation, including management accountability, compliance management, and effectiveness of internal control processes.*

### KEY ACHIEVEMENTS AND CHALLENGES

- Undertook 25 audits across the spectrum of the Department's business areas;
- Awarded a new service contract to KPMG for the provision of audit and assurance services;
- Conducted a review of Community Justice Services travel advances and travel claims;
- Tested and customised the Department's new JustRisk system to manage strategic risks and assist in the deployment of the Enterprise Wide Risk Management Framework to meet its progress reporting and monitoring of recommendations requirements;

## THE YEAR IN BRIEF

- Developed and implemented a governance framework for managing reports from the Office of the Inspector of Custodial Services;
- Assisted the Department in analysing key prisoner classification and placement-related processes and in developing a comprehensive implementation plan to address the current risks; and
- Received a 4/5 customer satisfaction rating from 91% of respondents in a survey undertaken during the year.

### FUTURE DIRECTIONS

- Partner with Prisons division to enhance and deploy the new prisons self assessment package, designed to provide management with assurance that operational policies and procedures are being complied with;
- Partner with the Organisational Performance directorate to raise awareness of risk management within the Department and support the deployment of the enterprise-wide risk management framework and system;
- Facilitate the annual risk identification process with senior management to help prioritise audit resources and prepare a risk-based annual audit plan for 2005/2006;
- Help develop, implement and monitor governance frameworks for managing recommendations from external reviews on the Department's performance; and
- Fully implement a new progress reporting and monitoring system (JustRisk) to assist in the follow up of audit recommendations.

### MINISTERIAL LIAISON UNIT

*The Ministerial Liaison Unit manages correspondence between the Department and the offices of the Attorney General and Minister for Justice. The unit ensures the timely and accurate response to ministerial enquiries and is responsible for tracking the progress of these responses.*

*The unit comprises three full-time staff and manages about 4,000 ministerial requests each year.*

### KEY ACHIEVEMENTS AND CHALLENGES

- Managed 3,905 ministerial requests this year;
- Provided induction to incoming administrative staff, coordinated preparation of new ministerial stationery and introduced new practices to the Department's internal ministerial liaison network, following the appointment of a new Minister in February;
- Made significant progress on phase two of the ministerial tracking system; Implementation was delayed by changes to the technical capabilities of the system; and
- Delivered computer-based training for phase two of the ministerial tracking system to approximately 130 users.

### FUTURE DIRECTIONS

- Implement phase two of the ministerial tracking system across the Department in July 2005; and
- Continue to scope improvements to the ministerial tracking system and portal technology.

# THE YEAR IN BRIEF

## PARLIAMENTARY COUNSEL

*The Parliamentary Counsel's Office ensures policies are put into legislative form and the public is given access to, and information about, existing legislation. It provides comprehensive drafting and related services to Government, its departments and agencies.*

### KEY ACHIEVEMENTS AND CHALLENGES

- Drafted major pieces of legislation including changes to the criminal law relating to appeals, simple offences and procedures; and major reforms to occupational health laws, particularly relating to the mining industry; and
- Reviewed existing legislation and identified almost 100 Acts that were no longer in force or in practice.

### FUTURE DIRECTIONS

- Continue to meet the drafting requirements of the Government; and
- Continue a project to improve the office's legislation production services. This will improve the maintenance and online accessibility of WA legislation and bring WA into line with other jurisdictions around Australia.

## PUBLIC ADVOCATE

*The Public Advocate is the independent statutory officer appointed under the Guardianship and Administration Act 1990 to protect and promote the rights, dignity and autonomy of adults with decision-making disabilities and to reduce their risk of neglect, exploitation and abuse.*

### KEY ACHIEVEMENTS AND CHALLENGES

- Appointed two new guardians, taking the number of full-time guardians to seven;
- Reviewed the *Guardianship and Administration Act 1990* and circulated a report to key stakeholders for comment;
- Increased the number of training sessions for regional providers servicing Aboriginal communities;
- Conducted research to identify and develop local responses to elder abuse in Aboriginal communities;
- Appointed a coordinator to establish a Community Guardianship Program which will recruit volunteers to act as guardians for people with a decision-making disability across Western Australia; and
- Implemented policies and procedures in conjunction with the newly created State Administrative Tribunal to improve the quality of services to clients.

### FUTURE DIRECTIONS

- Work with Government agencies to develop local responses to the abuse of older people from culturally and linguistically diverse backgrounds;
- Optimise the use of video-conferencing technology to expand community education, investigation and guardianship services to regional Western Australia;
- Draft amendments to the *Guardianship and Administration Act 1990* to further protect Western Australians with a decision-making disability;
- Develop, in conjunction with other Government agencies, innovative mechanisms for addressing the complex needs of people with decision-making disabilities; and
- Develop a case management system to enhance service provision to clients.

# THE YEAR IN BRIEF

## PUBLIC TRUST OFFICE

*The Public Trust Office provides trustee services for WA, delivering professional and independent trustee and asset management services.*

### KEY ACHIEVEMENTS AND CHALLENGES

- Took electronic images of all wills held by the Public Trustee;
- Developed and implemented a management reporting system; and
- Implemented a new client feedback system.

### FUTURE DIRECTIONS

- Amend the *Public Trustee Act 1941*, in consultation with stakeholders, to implement a business framework ensuring the future viability of the Public Trustee and continued trustee services to all Western Australians;
- Focus resources, including specialist forensic accounting staff, on accommodating and meeting the increased demand for trustee services; and
- Undertake strategic and operational planning for the upgrade of the trust accounting system software and platform, to maintain customer standards.

## REGISTRY OF BIRTHS, DEATHS AND MARRIAGES

*The Registry of Births, Deaths and Marriages manages the security, integrity and preservation of birth, death and marriage records and provides a civil marriage service.*

### KEY ACHIEVEMENTS

- Began a trial with the Department of Foreign Affairs and Trade of the online validation of birth, death, marriage and change of name certificates held on the registry's computer database;
- Published on the internet indexes to all birth, death and marriage certificates 1841-1905;
- Progressed its project to convert paper-based historical records to electronic format by calling for tenders;
- Extended to Albany Court the ability to issue birth, death and marriage certificates through an online service; and
- Continued to manage increased demand for certificates arising from new security requirements.

### FUTURE DIRECTIONS

- Commence conversion of historic paper-based records to an electronic format;
- Begin detailed planning for an online service for funeral directors to lodge death registration information; and
- Analyse results from online validation trial with the Department of Foreign Affairs and Trade.

# THE YEAR IN BRIEF

## STATE SOLICITOR'S OFFICE

*The State Solicitor's Office provides a broad-based legal service to the Government, its departments, instrumentalities and agencies. This includes conducting litigation, providing legal advice, preparing legal documents and providing representation as counsel in courts and tribunals.*

## KEY ACHIEVEMENTS AND CHALLENGES

- Provided quality legal services to the Government and over 110 departments and instrumentalities;
- Dealt with a number of significant legal matters including Tipperary Developments Pty Ltd, the Iron Ore Processing (Mineralogy) State Agreement, the *Railway and Port* (The Pilbara Infrastructure Pty Ltd) *Agreement Act 2004* and Temwood Holdings Pty Ltd; and
- Represented the State Government in 123 Native Title claims in the Federal Court.

## FUTURE DIRECTIONS

- Continue to provide legal services to the Government and agencies and manage a wide range of legal matters.

# THE YEAR IN BRIEF

## FINANCIAL HIGHLIGHTS

The Department's primary source of funds to meet the cost of services is via parliamentary appropriations. In 2004/05, \$575 million was provided from this source towards the costs of services that amounted to \$687.5 million. Appropriation sources also contributed \$28.6 million towards asset purchases of \$30.4 million in the Department's capital works program.

The cost of services in 2004/05 was \$67.7 million higher than 2003/04. The majority of this increase related to adult offenders managed (\$37 million) as a consequence of the higher prisoner population. Case processing (\$14.7 million) and judiciary and judicial support (\$11.4 million) operating costs were also higher in 2004/05, the latter mainly due to revision to the provision for judicial pensions.

Major spending on capital works in 2004/05 included prisons infrastructure (\$8.6 million), the Albany Justice Complex (\$5.3 million), planning and management for the new CBD Courts project (\$3.3 million) and upgrading the Supreme Court (\$3.1 million).

### Sources of Funding

	2002/2003	2003/2004	2004/2005
Government appropriation	504	526	575
Other Government revenues	19	21	28
User charges and fees	38	40	44
Commonwealth grants and contributions	11	12	13
Other revenue	15	18	20
<b>Total (millions \$)</b>	<b>587</b>	<b>617</b>	<b>680</b>

### Activity Costs

	2002/2003	2003/2004	2004/2005
Courts Services	183	193	217
Community & Juvenile Justice	45	47	48
Adult Offenders	299	317	353
State Solicitor	20	20	23
Parliamentary Counsel	4	4	5
Public Advocate	2	2	2
Public Trust Office	11	11	12
Registry of Births, Deaths and Marriages	4	4	5
State Funding Legal Aid Commission	13	15	18
Support services to other Government agencies	4	5	6
<b>Total (millions \$)</b>	<b>585</b>	<b>619</b>	<b>688</b>

### Expenditure

	2002/2003	2003/2004	2004/2005
Employee	287	300	346
Supplies and services	122	124	132
Other expenses	50	58	68
Capital user charge	47	53	52
Grant subsidies	38	41	45
Depreciation	24	24	26
Accommodation	17	19	19
<b>Total (millions \$)</b>	<b>585</b>	<b>619</b>	<b>688</b>

# CORPORATE GOVERNANCE





# CORPORATE GOVERNANCE

## COMPLIANCE REPORTS

### Enabling legislation

The Department of Justice was established on 1 July 1993 in accordance with the *Acts Amendment (Ministry of Justice) Act 1993*. Other enabling legislation for statutory offices of the Department include sections of the *Public Trustee Act 1941*, the *Births, Deaths and Marriages Registrations Act 1998* and the *Guardianship and Administration Act 1990*.

The Department is a public organisation, responsible to both the Attorney General and the Minister for Justice for the provision of a wide range of justice services throughout the State.

### Compliance with legislation

The Department of Justice administers and complies with a broad range of legislation. A complete list of legislation is included in Appendix II.

### Compliance with Public Sector Standards

During 2004/05, the Department used several strategies to monitor and assess its compliance with the nine Public Sector Standards in Human Resource Management. These included:

- appointing an external auditor to audit all high-risk recruitment processes (all positions with a salary equivalent to level seven and above; all appointment pools; and where more than one like position is advertised as part of the same recruitment process) that are subject to the recruitment, selection and appointment standard;
- appointing internal HR staff to audit all recruitment processes that are subject to the Temporary Deployment (Acting), Secondment and Transfer Standards;
- examining issues raised by claimants and, where relevant, developing and implementing corrective procedures; and
- recording the number of claims received and at which stage of the claims management process they are resolved.

### Extent of compliance with the nine Public Sector Standards

#### *Recruitment, Selection and Appointment Standard*

In 2004/05, the Department advertised 520 permanent and fixed-term vacancies of more than six months, including 23 appointment pools, which were covered by the Recruitment, Selection and Appointment Standard.

The Department maintained its excellent record in limiting breaches against the Recruitment, Selection and Appointment Standard, with none recorded this year. Of 29 claims lodged with the Department during the year, 14 (48%) were withdrawn or resolved at the internal resolution stage and not referred for examination. Of the 15 breach claims referred to the Office of Public Sector Standards Commission, none were upheld.

### Other Standards

The Department received:

- two claims against the Temporary Deployment (Acting) Standard — one was resolved within the agency and the other was referred to the Office of Public Sector Standards Commission;
- one claim against the Redeployment Standard — returned a no breach finding;
- one claim against the Transfer Standard — resolved internally; and
- two claims against the Grievance Resolution Standard — one is still pending within the Department and the other was referred to the Office of Public Sector Standards Commission.

# CORPORATE GOVERNANCE

No claims or breaches were recorded against the discipline, secondment, performance management or termination standards.

In March 2004, the Commissioner for Public Sector Standards appointed an inquirer, under the provisions of Section 24 of the *Public Sector Management Act 1994*, to assess action the Department had taken in relation to the recommendation in the Commissioner's annual compliance report 2000/01, concerning disciplinary procedures and policy review guidelines. At 30 June 2005, this inquiry was not finalised.

## Summary of breach of standard claims

**(a) Total claims** (includes all claims lodged whether resolved internally or referred to the Office of Public Sector Standards Commission)

	Recruitment, Selection & Appointment	Discipline	Transfer	Secondment	Performance Management	Redeployment	Termination	Temporary Deployment (Acting)	Grievance Resolution	All
Claims lodged 2004/05	29	0	1	0	0	1	0	2	0	33
Claims carried over from previous financial year	2	0	0	0	0	0	0	0	2	4
<b>Total claims handled in 2004/05</b>	<b>31</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>37</b>

## (b) Outcome of claims handled

Withdrawn in agency	12	0	0	0	0	0	0	0	0	12
Resolved in agency	2	0	1	0	0	0	0	1	0	4
Still pending in agency	2	0	0	0	0	0	0	0	1	3
Referred to OPSSC	15	0	0	0	0	1	0	1	1	18
<b>Total claims handled in 2004/05</b>	<b>31</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>37</b>

(Note: There were no breach claims upheld)

## Compliance with Public Sector Code of Ethics

The public sector code of ethics can be accessed by all staff through various mediums, including but not limited to, the intranet, notice boards and reference in relevant policies and procedures.

## Compliance with Public Sector Code of Conduct

The Department's code of conduct was made accessible to employees through the Department's intranet. The website provides a range of information, resources and examples of acceptable behaviour standards in the workplace. Training on the code of conduct is incorporated into the induction process and entry-level training programs.



Colin Murphy

**A/DIRECTOR GENERAL  
DEPARTMENT OF JUSTICE**

31 August 2005

# CORPORATE GOVERNANCE

## ADVERTISING AND MARKETING EXPENDITURE

Recruitment advertising and advertising for tenders accounted for most of the Department's advertising expenditure for 2004/05. Total expenditure for the year was \$78,990 less than the previous year.

<b>Advertising agencies</b>	Marketforce Productions	566
<b>Market research organisations</b>		
<b>Polling organisations</b>		
<b>Direct mail organisations</b>		
<b>Media advertising organisations</b>	Albany Advertiser	1,368
	Annual JP Journal	5,000
	Aust Financial Review	158
	Avon Advocate	704
	Baby WA	1,364
	Broome Advertiser	828
	Bunbury SW Times	285
	Central Mid & Coast Adv	414
	Community Newspapers	3,261
	Geraldton Guardian	1,577
	Government Gazette	20,703
	GWN News	33
	Harvey Reporter	136
	Have a Go News	468
	Herald Sun	422
	Hills Gazette	526
	In Brief Journal	2,333
	Kalgoorlie Miner	928
	Kimberley Echo	806
	Koori Mail	7,433
	Mandurah Mail	242
	Melville Times	472
	Midland Kalamunda Rep	714
	Northwest Telegraph	803
	NZ Herald	2,227
	Pilbara News	292
	Rural Press	170
	Seek.com	743
	Sensis	2,395
	Southwest Times	360
	The Australian	14,506
	WA on Show	2,553
	WAC Publication	685
	Wanneroo News	481
	The West Australian	415,053
	Wheatbelt Mercury	241
	White Pages	137,266
	Yamaji News	323
<b>TOTAL</b>		<b>\$628,839</b>

# CORPORATE GOVERNANCE

## AN OPEN AND TRANSPARENT DEPARTMENT

The Department of Justice is committed to open and transparent management. As well as engaging the community and other stakeholders in decision-making, the Department seeks to provide as much information as possible on individual initiatives through its website, the media and myriad other communications methods. The Department's work is also subject to a high level of formal scrutiny from external agencies and, in addition, it has a series of internal checks and balances in place to ensure compliance with Government legislation and standards.

### Corporate governance review

The practices and guidelines of several areas identified in a 2004 corporate governance review were strengthened this year. The areas included resource management (particularly contract and asset management), executive committee structures and operations and internal reporting requirements and mechanisms.

### Internal audit

Comprehensive reviews by the Internal Audit branch helped maintain effective corporate governance within the Department. Services provided contributed towards improved business practices within the organisation, including management accountability, risk management, compliance management and effectiveness of internal controls.

The Internal Audit branch developed and implemented a governance framework for managing reports from the Office of the Inspector of Custodial Services. A new position was created to provide assurance and monitor compliance with the framework. It is intended to extend the governance framework to include all external reports on the Department's performance, including Coroner's reports, Ombudsman reports and reports from the Office of the Auditor General.

### Public Trust Office

The Public Trust Office created a fraud control plan to manage potential fraudulent behaviour by staff, clients, suppliers, contractors and other stakeholders. The plan incorporates prevention, detection, resolution and reporting strategies.

### Compliance management

The Department introduced a new single on-line compliance system in November 2004. JustComply sends email-based questionnaires to legislative compliance staff. The responses are audited quarterly and used to manage the corporate risk of potential non compliance with legislative requirements, compliance with annual reporting requirements and executive performance agreements. The system was further developed for use by the Magistrates Court and Prisons Contracted Services branch to monitor specific operational requirements.

### Information and computer security

The Department's information and computer security management framework was strengthened, with improved management and compliance protocols. These included instilling security awareness within the Department's corporate culture and establishing sustainable defences against viruses and other intrusion threats to the computer network environment.

### Public interest disclosure

To comply with the *Public Interest Disclosure Act 2003*, the Department has a dedicated officer to deal with its public interest disclosure enquiries and a formal claims handling system in place.

## CORPORATE GOVERNANCE

A designated confidential telephone line is set up and detailed information, including lodgement forms is published on the Department's internet and intranet sites. Information brochures were distributed to community justice services offices, prisons, courts and other public areas around the State. Systems are also in place to ensure prisoners and detainees are informed about, and easily able to make public interest disclosures.

Twelve public interest disclosures were lodged with the Department in 2004/2005. Investigations conducted showed no evidence of improper conduct.

### CUSTOMER FEEDBACK AND COMPLAINTS

In November 2004, the Department endorsed a new customer feedback management policy and guidelines. The new policy will be introduced in the coming year. In addition, a new complaints management system, CoMBIT (Complaints Management Business Improvement Tool), is being installed to record, monitor and allocate all customer feedback received by the Department. The new system reflects the whole-of Government complaints management strategy and will be operational in late 2005.

#### Juvenile Custodial Services

Group workers at Banksia Hill Detention Centre dealt with numerous minor complaints from detainees about lost property, food and compulsory school attendance, among others. More serious complaints, including bullying or peer conflict, were dealt with by the unit or shift manager. No complaints were received from visitors.

#### Court Services

Some 40 complaints were received by Courts via the Department's website. Just under half were about court facilities, poor customer service and website information, and the serving of a warrant and a violence restraining order. Another 14 complaints related to the Fines Enforcement Registry, seven to the Family Court and two to the Victim Support Service. Most complaints were dealt with by personal or written contact within a few days. More complicated matters took up to a week or longer to resolve.

#### Aboriginal Policy and Services

Three complaints were received regarding Aboriginal Policy and Services directorate. Upon investigation, one complaint could not be substantiated, one was dealt with through mediation and one was referred to the Department's Internal Investigations Unit.

#### Registry of Births, Deaths and Marriages

The Registry of Births Deaths and Marriages received four formal complaints during the year, the same as 2003/04. These related to a birth certificate application, fees charged, a document search and switchboard service. All complaints were resolved within policy timelines. In contrast, the registry received 13 formal compliments, two more than last year. Eight of these related to certificate services and one each related to a death registration, a name change, the family history service, a document search and the finance service.

#### Public Trust Office

The Public Trust Office implemented a new client feedback policy this year, which included encouraging complaints to be made in writing. This year, the office had a significant reduction in complaints due to more efficient systems, faster payment of bills and tighter management controls and operating procedures.

#### Prisoner grievance process

The prisoner grievance process focuses on mediation, restoration and negotiation rather than arbitration and adjudication. Grievances were down significantly this year to 361, from 548 in 2003/04. The prisoner grievance review panel adjudicated grievances that could not be resolved at prison level.

*"The staff I deal with at the registry are excellent and phenomenal. They always follow up on issues and get back with timely responses." (Customer feedback to Registry of Births, Deaths and Marriages)*

*"When I applied for my certificate I had concerns about delays. Your staff quickly and effectively dispelled any fears I had by providing the most friendly, considerate and helpful service I have received in a long, long time." (Customer feedback to Registry of Births, Deaths and Marriages)*

# CORPORATE GOVERNANCE

## Ombudsman's Office

There were 490 prisoner allegations to the Ombudsman's Office in 2004/05. It was decided that an opinion was not necessary for 54% of these.

In addition to the 361 complaints handled through the prisoner grievance process, and 490 allegations to the Ombudsman's Office, the Prison's administrative team responded to complaints received via the Minister's office, Equal Opportunity Commission, Office of Health Review, and directly from prisoners and the public.

## Internal Investigations Unit

The Internal Investigations Unit (IIU) conducts investigations into matters regarding Community and Juvenile Justice and Prisons, and in other cases as directed by the Director General. It also provides services to AIMS Corporation in relation to Acacia Prison and Court Security and Custodial Services, where issues concern the management of prisoners. In addition, the unit works with the Corruption and Crime Commission and WA Police Prisons Unit.

### Complaints investigated by Internal Investigations Unit

Complaint	01/07/03-30/06/04	Substantiated	01/07/04-30/06/05	Substantiated	Completed 04/05
Assault	34	2	34	1	30
Attempted escape	1	N/A	1	N/A	1
Breach code of conduct	-	-	5	2	4
Breach of confidentiality — TOMS	10	5	15	6	13
Breach of confidentiality	10	2	11	5	11
Breach of corporate card policy	1	0	0	0	1
Breach of DoJ computer facilities policy	2	3	14	5	8
Breach of DoJ resources policy	7	4	0	0	1
Breach of policy directive *	-	-	1	-	1
Conflict of interest	0	0	3	1	2
Copyright infringement *	-	-	1	-	1
Corrupt conduct *	3	1	-	-	4
Criminal injuries compensation claim	-	N/A	21	N/A	19
Critical incident review — attempted suicide	7	N/A	2	N/A	6
Critical incident review — death in custody	7	N/A	7	N/A	8
Critical incident review — escape lawful custody	12	N/A	3	N/A	5
Critical incident review — fire	4	N/A	2	N/A	3
Critical incident review — other	1	N/A	4	N/A	4
Critical incident review — serious misconduct	0	0	2	0	1
Critical incident review — sexual assault	3	0	11	1	12
Critical incident review — unlawful detention	1	N/A	1	N/A	1
False report	0	0	4	0	0
Falsify document	11	8	4	2	3

## CORPORATE GOVERNANCE

## Complaints investigated by Internal Investigations Unit (continued)

Complaint	01/07/03- 30/06/04	Substantiated	01/07/04- 30/06/05	Substantiated	Completed 04/05
Falsify evidence	1	1	0	0	1
Fraud	1	0	1	0	1
Hinder investigation	-	-	0	0	0
Impersonating a public officer *	-	-	1	-	1
Improper association	10	8	13	1	11
Inappropriate management of a prisoner *	3	3	-	-	1
Management review *	1	1	-	-	1
Misconduct *	8	3	-	-	9
Missing files *	-	-	1	-	1
Neglect of duty	3	1	11	4	10
Risk assessment *	2	1	-	-	1
Sexual harrassment	1	0	6	2	5
Sexual misconduct *	1	0	-	-	-
Stealing	8	2	5	1	3
Threatening behaviour	10	3	7	2	8
Trafficking - contraband	1	4	5	2	3
Trafficking - drugs	3	0	2	0	3
Unapproved secondary employment	7	5	0	0	5
Unapproved section 94 activity *	1	1	-	-	-
Unauthorised use of medication	0	0	1	0	1
Unlawful release	1	0	2	1	3
Use of force *	1	0	-	-	-
Use of unauthorised restraint	1	0	0	0	0
<b>Total investigations</b>	<b>178</b>	<b>58</b>	<b>201</b>	<b>36</b>	<b>207</b>

\* These complaint types were redefined in 2004/05 and are no longer recorded under these titles.

In accordance with section 28 of the *Corruption and Crime Commission Act 2003*, 137 of the total cases for 2004/05 were reported to the Corruption and Crime Commission (CCC) and in accordance with section 33 of the Act, the CCC referred 30 complaints against the Department to the IIU.

**NB:** a) The total number of investigations for 2003/04 reflect the flow-on of cases from previous and/or subsequent years.  
b) Data excludes ongoing intelligence files marked as RESTRICTED.

## CORPORATE GOVERNANCE

This year, the Office of Criminal Injuries Compensation was added to IIU's scope of responsibility. This, and a greater awareness of the requirements of the *Corruption and Crime Commission Act 2003* within the Department, contributed to an increase in reporting and more complex cases for the unit.

Of the cases investigated by the IIU, 41 were referred to the Department's Labour Relations unit for further inquiry and potential action. Twenty-four of these involved prisons staff, 12 were from Community and Juvenile Justice, three were from the Public Trust Office and two from courts. Of these, three cases resulted in no further action being taken and 38 resulted in formal disciplinary action. One employee was dismissed and 11 resigned. Ten of the 41 cases were ongoing at 30 June 2005.

### Matters referred on to the Labour Relations Unit

Type of matter	No. of matters
Misconduct (Public Sector Management Act 1994)	17
Contravention of Code of Ethics	1
Contravention of Public Sector Management Act 1994	1
Disobeying / disregarding order	2
Misconduct (common law)	2
Misconduct (criminal)	1
Misconduct (fitness to hold office as prison officer)	9
Misconduct (performance of duties as a prison officer)	4
Negligence / carelessness in performance of duties	4
<b>TOTAL</b>	<b>41</b>

### Office of the Inspector of Custodial Services

The Inspector of Custodial Services (OICS) brings independent external scrutiny to the standards and operations of custodial services. The Inspector falls within the general portfolio responsibility of the Minister for Justice and answers directly to Parliament.

The Inspector must inspect each of the Department's prisons, detention centres and court custody centres at least once every three years. The Inspector also performs thematic reviews and provides reports with recommendations to the Minister, Parliament and the Department of Justice.

During 2004/05, inspections were conducted of Casuarina Prison, metropolitan court custody centres, Eastern Goldfields Regional Prison, Banksia Hill Detention Centre and Bandyup Women's Prison. A review of the Department's health services, which commenced in 2003/04, remained ongoing.

In 2004/05 the Inspector tabled reports in Parliament on cognitive skills training, Roebourne Regional Prison, interim security arrangements at the Supreme Court, Karnet Prison Farm and Broome Regional Prison.

The Department has agreed to implement 94 of the 115 recommendations in these reports. At 30 June 2005, 49 of those recommendations had been implemented and most of those remaining were nearing completion. Significant infrastructure improvements and replacement of facilities recommenced in some reports will take longer to implement.

The Department developed and implemented a framework this year to analyse, monitor and report on the Inspector's recommendations. This will provide an objective review of the Department's implementation and ensure the recommendations are integrated into risk management, business planning and budgeting processes.



# CORPORATE GOVERNANCE

## INFORMATION MANAGEMENT

### Information statement

The *Freedom of Information Act 1992* requires the Department of Justice to publish an information statement. The Department's information statement is published separately in the Department of Justice Handbook. The handbook is produced annually and is also available online at [www.justice.wa.gov.au](http://www.justice.wa.gov.au).

### Freedom of Information

The Department received 402 Freedom of Information applications during 2004/05, including five for the State Solicitor's Officer. This represents a 19% increase over 2003/04 and a 49% increase over 2002/03. Some 395 applications were finalised during the year, including 27 that were withdrawn.

Of the applications received, 355 were personal information requests, 21 were non personal information requests and 26 were applications transferred in full. Of the 14 internal reviews completed, all original decisions were confirmed. Two new external reviews were lodged with the Information Commissioner and one external review was finalised during the year after being withdrawn by the complainant.

### Freedom of Information applications

	2001/02	2002/03	2003/04	2004/05
Total applications received	229	270	338	402
Personal information requests	189	235	305	355
Non-personal information requests	22	15	17	21
Amendment for personal information	2	1	1	0
Applications transferred in full	16	19	15	26
Applications completed	237 (inc. 13 withdrawn)	273 (inc. 13 withdrawn)	327 (inc. 37 withdrawn)	395 (inc. 27 withdrawn)
Internal reviews completed	8	5	9	14
External reviews completed	4	3	3	1
Applications outstanding	11	5	15	21

### Record keeping plans

A record keeping plan developed for the Department in accordance with the *State Records Act 2000*, led to the progressive implementation of new electronic document and records management and the drafting of a new record keeping metadata standard, this year.

### Other corporate governance reports

The Department reports on a range of other matters, which are contained in the section following the Report on Operations. These include:

- Disability services plan;
- Equal opportunity and diversity;
- Cultural diversity and language services;
- Young people;
- Regional development policy; and
- Environmental programs, including sustainability.

# CORPORATE GOVERNANCE

## WORKING WITH AN INTEGRATED APPROACH

The efficiency and success of the justice system rely on the collaboration of a large network of people, organisations and communities.

To meet the needs of the community and to address the very complex and often systemic issues inherent to the justice system, the various business areas and divisions of the Department work in a coordinated way. In order to provide cohesive, efficient and effective services, they also frequently cooperate with other agencies with an interest in the delivery of justice services.

In taking the lead in this integrated approach to justice, the Department is committed to strengthening the collaboration between Government and non-government agencies, the judiciary, and the community to deliver relevant and quality justice services — particularly in the regions.

## PEOPLE AND COMMUNITIES

Community consultation underpins justice services and processes and so is critical to successful justice delivery. The establishment of community advisory groups ensures 'grass roots' input to Departmental projects. Advisory groups are generally made up of local residents, local business people and representatives from agencies that bring a cross-section of community views to a project.

### Department of Justice Advisory Council

The Justice Advisory Council, formed in 1998, continues to play a valuable role in initiating policy direction, fostering a better understanding of justice matters and responding proactively to emerging issues. It is an important forum for dialogue with key stakeholders and offers community representatives an opportunity to voice concerns and observations, and contribute to the development of justice policy.

The external members this year included senior representatives from Outcare, the Crime Research Centre at UWA; WA Police; Conference of Churches of WA; the Law Society of WA; Department for Community Development; Aboriginal Legal Service; and local government. The Council is chaired by the Department of Justice Director General who is joined by senior members of the Department's executive.

Issues discussed during the year included support for prisoners re-entering the community, trends and initiatives concerning juvenile offenders, prison populations, regional prisons project, the Hooker inquiry, allegations of sexual assault at Casuarina, pilot outcomes of Kimberley local justice planning, internal searches for women prisoners and the treatment of long-term prisoners.

### Boronia Pre-release Centre for Women

A community advisory group for the Boronia Pre-release Centre for Women was established in March 2002 as a link between the Department and the local community. The group of local residents and business people continues to meet monthly with Department staff to provide input into the new centre's operations and community networks.

The community advisory group actively maintains strong links with the local community and supports Boronia's ongoing participation in the community. This year, the group helped with the preparations for Boronia's first birthday celebration in May and the upcoming community gala day. It also supported prisoner work placements in the local community and the centre's successful community volunteer program.

Boronia's community engagement and volunteer program builds mutually-beneficial links with the community and local organisations and provides opportunities for direct participation by volunteers in prison activities. It is the first program of its kind in WA and not only helps prisoners to rebuild their lives but contributes to the wellbeing of the neighbourhood and wider community.

## CORPORATE GOVERNANCE

### Albany Justice Complex and Great Southern District Police Complex

A local member of Parliament and several local residents and business people represent the Albany community in a reference group which first met in July 2002. In 2004/05, the group continued to meet regularly to raise issues and keep informed on the progress of the justice and police complexes. The City of Albany, WA Police and the Department are also represented on the committee.

### Prisoner work camps / community work

Community consultative committees worked with the Department on six prisoner work camps around the State. A seventh was being formed for the Mt Morgans work camp and is expected to start meeting in early 2005/06. The committees, made up of local community members and relevant Government representatives such as environment officers from the Department of Conservation and Land Management help identify and prioritise the work program for the prisoners. There are currently seven work camps around the State at Wyndham, Derby, Millstream, Kellerberrin, Pardelup, Walpole and Mt Morgans near Laverton.

The Department also works with thousands of non-profit organisations and community groups that supervise offenders on community work projects as part of the Repay WA program. People from these groups often share their skills and technical knowledge with offenders on community-based orders. At any one time, some 1268 community work projects are underway in WA — including 323 metropolitan and 945 regional.

The Department's program of community, charitable and voluntary work from minimum-security prisons and work camps is worth about \$4 million per year. In partnership with CALM, community groups and local TAFE colleges, prisoners from minimum-security prisons undertook a variety of projects involving the maintenance and upgrade of tourist facilities and rehabilitation and care of national parks and beaches.

### Caversham Training and Enterprise Centre

The Caversham Training and Enterprise Centre is a local community partnership with agencies including the Department of Indigenous Affairs, Aboriginal Lands Trust, Central Area Regional Training Service, Swan TAFE, Swan Alliance Inc., Silver Trowel/Comet Training, Corridors College, Town of Bassendean, and other community groups such as Bassendean Job Placement Education and Training and the Employment Directions Network. It aims to re-engage unemployed, uneducated and untrained young people at risk of offending.

### Criminal property confiscation grants

In June 2004, some 19 not-for-profit organisations and local government authorities received grants totalling \$755,048 — the second round of grants to be made available under the *Criminal Property Confiscation Act 2000* (\$1.2 million was distributed in 2003 under the first round).

Under the Act, money and property used for criminal activity is confiscated and funds made available for community-based initiatives aimed at preventing crime and enhancing community safety. Applications can be made for up to \$100,000 over two years. Six projects were completed from the second round of grants to 30 June 2005. The third round of funding will be announced in the coming year.

# CORPORATE GOVERNANCE

## WORKING IN COLLABORATION WITH GOVERNMENT

Close working relationships with State agencies including WA Police and the Departments of Health, Housing, Education and Training, Indigenous Affairs and Community Development continue to be fostered through various programs, committees and community networks. The Department also works with the judiciary to make the justice system more effective and efficient, as it does with justice agencies in other jurisdictions and various Commonwealth agencies.

### Cross-border justice initiative

The Department continues WA's cooperation with WA Police as well as justice and police counterparts in South Australia and the Northern Territory to address the lack of justice services in their common-border central desert lands. Known as the cross-border justice initiative, the three States are developing common justice services for the people of these lands.

In preparation for the introduction of the cross border services in 2006, the Department held workshops in Perth and Kalgoorlie this year to identify service requirements under the initiative. It also began discussions with the SA Court Administration Authority and the NT Department of Justice on how best to deliver court services in the cross border region.

Work also continued on legislation to combat criminal behaviour in the cross-border regions. Under the initiative, WA magistrates will be able to deal with matters from other participating State jurisdictions. In anticipation of its implementation, the *Magistrates Court Act 2004* (WA) includes provisions for:

- SA / NT magistrates to be appointed acting magistrates of WA;
- WA magistrates to accept appointments as judicial officers in SA and the NT and hold both appointments simultaneously; and
- WA court registries to be located outside WA.

### Revised Standard Guidelines for Corrections

The Department coordinated the revision of the *Standard Guidelines for Corrections in Australia*, which was published in April. For two years, the Department worked with representatives from the other States and Territories to produce the revised document which was approved by the Corrective Services Ministers Conference. A copy is available on the Department's website.

### Reducing repeat offending

The Department continued to work with the departments of Housing, Education and Training, Health and the Drug and Alcohol Office to reduce re-offending by focusing on mental and physical health, drug and alcohol use, education and skills and accommodation issues.

### Managing high risk offenders

Community Justice Services established a multi agency collaborative committee this year, to secure the cooperation of statutory agencies in managing high-risk offenders in the community. The departments of Health, Community Development, Education & Training, Premier and Cabinet and WA Police are currently represented on the committee. Memorandums of understanding between the different agencies are being considered for collaboration in the management of high-risk offenders.

# CORPORATE GOVERNANCE

## Prisons National Standards Working Group

A working group of representatives from all States and Territories was formed to progress the accreditation of offence-related programs. The group met in NSW in November 2004 and developed the Australian Offender National Program Standards that were endorsed by the Corrective Services Administrators Conference. The standards will promote consistency across correctional programs with each State and Territory developing local indicators to meet them.

## Intellectual impairment

The intellectual disability diversion program, adopted in 2004, fostered cooperation between the Department and Disability Services Commission, enabling better use of existing services and resources and delivering improved social welfare outcomes for participants.

## Legal and social awareness program

The legal and social awareness program is a cognitive skills program designed to target offenders with an intellectual disability. The program focuses primarily on perspective taking, moral reasoning and increasing participants' understanding of rules and laws. The NSW Department of Corrective Services has expressed an interest in the program and a licence agreement is about to be introduced.

## Improving human services

The Human Services Directors General Group was formed in October 2003 and was chaired by the Department of Justice's Director General until June 2005. This senior Government forum works collaboratively to implement and monitor whole-of-Government social policy initiatives and provides expert advice to the Cabinet Standing Committee on Social Policy. Achievements for the year included continuing to implement a more coordinated approach to improvements in services to Aboriginal people, through the development of an Indigenous Services Strategy, implementing and monitoring the recommendations of the Gordon Inquiry and the strong families program; and establishing Human Services regional managers forums to provide simpler arrangements for regional interaction.

## Standing Committee of Attorneys General (SCAG)

The Department provides support to the Standing Committee of Attorneys General — a committee comprised of the Attorneys General of all States and Territories and the Commonwealth. It met three times during the year to deal with legal matters that have implications across jurisdictions and coordinate national approaches to dealing with justice-related matters. Key issues discussed this year included defamation, criminal law reforms, advocate's immunity, legal profession reforms and unauthorised use of photographs.

## Corrective Services Ministers Conference

The Department supports the work of the Corrective Services Administrators Conference and the Corrective Services Ministers Conference. Meeting annually, the conferences provide a forum to deal with matters of national and international significance for corrections. Key issues in 2004/05 included concerns with security, custody of terrorists and international prisoner transfer.

# CORPORATE GOVERNANCE

## Parliamentary Counsels' Committee

The Parliamentary Counsels' Committee comprises the heads of the drafting offices of the Commonwealth, the Australian States and Territories and New Zealand. The committee is responsible for the drafting of uniform and complementary legislation for the Standing Committee of Attorney's General, the Council of Australian Governments and other national Ministerial Councils. It has been closely involved in a number of significant legislative schemes involving the Commonwealth in which the interest of the States generally, and WA in particular, have been at stake. An example of this was in the drafting of uniform defamation legislation to be passed by all States and Territories by 1 January 2006.

## Research advice

The Department has a significant role in providing comment and advice on research being progressed by other State agencies. It supports a whole-of Government approach to justice-related research by contributing to the Social Policy Research Reference Group, the Crime Prevention Research and Development Group, the Data Management Exchange and Advisory Group, the Social Statistics Consultative Group, the Burglary Research Reference Committee, the Australian Bureau of Statistics User Advisory Group — State supplementary survey, and the Domestic Violence Prevalence Reference Group.

## SUSTAINABILITY

### Sustainability Action Plan

The Department introduced the Sustainability Action Plan in January 2005 to support the Government's Sustainability Code of Practice. An update on the implementation of the plan was submitted to the Department of the Premier and Cabinet on 30 June 2005.

The Department of Justice has a long-term commitment to deliver quality, coordinated and accessible justice services. As such, it is aligned to the principles of sustainability, designed to generate working solutions that will deliver the best social, economic and environmental outcomes.

The Sustainability Action Plan supports these principals by providing practical guidelines on how the Department can continue to apply sustainability principles in its operation. The plan sets out actions and timeframes that ensure the Department considers future demands and has strategies in place to meet those challenges.

# OUR PEOPLE





## OUR PEOPLE

The Department of Justice offers a wide range of interesting and challenging employment opportunities for people of all levels of skill and experience. At 30 June 2005, the Department employed more than 4,800 people in roles spanning ten divisions and business areas.

Throughout the year, the Department worked to ensure the consistent application of employment conditions and the effective resolution of workplace issues at the local level.

A key focus was supporting the growth of the organisation's ethical culture, in addition to maintaining a safe, flexible and rewarding work environment through various codes, policies and procedures.

### EMPLOYEE PROFILE

The Department's employee profile at 30 June 2005 is provided below.

Employees by award/occupational grouping	*2003/04					†2004/05				
	Nos			%		Nos			%	
	F	M	TOTAL	F	M	F	M	TOTAL	F	M
Aboriginal Visitors Scheme	20	14	34	59%	41%	21	12	33	64%	36%
Catering Employees & Tea Attendants	6	0	6	100%	0%	6	0	6	100%	0%
Child Care Workers	1	0	1	100%	0%	1	0	1	100%	0%
Cleaners & Caretakers	15	5	20	75%	25%	42	8	50	84%	16%
Government Officers	45	71	116	39%	61%	52	71	123	42%	58%
Teachers	15	9	24	63%	38%	13	7	20	65%	35%
Juvenile Custodial Officers	50	121	171	29%	71%	57	121	178	32%	68%
Miscellaneous Employees	8	4	12	67%	33%	9	3	12	75%	25%
Medical Officers	0	1	1	0%	100%	2	3	5	40%	60%
Nurses	99	18	117	85%	15%	98	16	114	86%	14%
Prison Officers	201	1030	1231	16%	84%	254	1157	1411	18%	82%
Public Service Employees^	1609	1000	2609	62%	38%	1798	1046	2844	63%	37%
Salaries & Allowances Tribunal	3	13	16	19%	81%	3	14	17	18%	82%
State Administrative Tribunal	0	0	0	0%	0%	4	9	13	31%	69%
<b>TOTAL</b>	<b>2072</b>	<b>2286</b>	<b>4358</b>	<b>48%</b>	<b>52%</b>	<b>2360</b>	<b>2467</b>	<b>4827</b>	<b>49%</b>	<b>51%</b>

\* Excludes 104 sessional workers (72 female and 32 male) and trainees.

† Excludes 83 sessional workers (63 female, 20 male) and trainees.

^ Previously reported 2003/04 figures excluded Public Service Statutory Contracts



## OUR PEOPLE

Of particular note in the Department's employee profile this year are:

### Prison officers

The Department continued a recruitment campaign to increase the number of prison officers, in particular, Aboriginal and female officers.

### Public servants

There was an increase in the number of public servants appointed.

### Senior employees

The total number of Department employees at level seven and above increased slightly this year. The Department continued to address the under-representation of women in senior management by monitoring the profile of staff employed at level seven and above.

There was a marked increase in women employed at level seven, with 54 this year compared to 38 in 2003/04. Some 84 women are now employed at level seven and above across the Department — a substantial improvement since 1998/1999 when the Department began to report such data, and when only 19 women were represented at level seven and above.

### Senior employees (Level 7 and above – head count)

Classification	*2003/04					†2004/05				
	Nos			%		Nos			%	
	F	M	TOTAL	F	M	F	M	TOTAL	F	M
SAT Group 3	0	1	1	0%	100%	0	1	1	0%	100%
Class 3	1	2	3	33%	67%	1	2	3	33%	67%
Class 2	0	1	1	0%	100%	0	1	1	0%	100%
Class 1	3	2	5	60%	40%	2	3	5	40%	60%
Level 9	7	13	20	35%	65%	9	12	21	43%	57%
Level 8	15	42	57	26%	74%	18	56	74	24%	76%
Level 7	38	103	141	27%	73%	54	95	149	36%	64%
<b>TOTAL</b>	<b>64</b>	<b>164</b>	<b>228</b>	<b>28%</b>	<b>72%</b>	<b>84</b>	<b>170</b>	<b>254</b>	<b>33%</b>	<b>67%</b>

(excludes legal officers and medical officers)

# OUR PEOPLE

## Appointment pools

The Department continued to use appointment pools to fill vacant positions throughout the year. Appointment pools benefit both the Department and applicants and are a suitable means of recruiting for positions with a high turnover. This year, 23 appointment pools were advertised and used to fill permanent or fixed-term positions.

### Appointment pools advertised between 1 July 2004 and 30 June 2005

Division and Position	Level	Date advertised	Total number of suitable applicants
<b>Corporate Services</b>			
Employment officers	2	November 2004	10
Assistant HR systems analysts	3	November 2004	6
Cadets (Aboriginal cadetship)	1	November 2004	4
Personnel services officers	2	April 2005	5
HR Officers	3	April 2005	Process not completed
<b>Community &amp; Juvenile Justice</b>			
Senior programs officers	5	December 2004	11
Community corrections officers	3/4	October 2004	Process not completed
Community corrections officers	3/4	June 2005	Position withdrawn
Clerical officers	1	December 2004	2
Clerical officers	1	December 2004	4
Group workers	2	April 2005	Process not completed
<b>Prison Services</b>			
Clinical nurse	2	July 2004	3
Clinical nurse	2	January 2005	4
Clinical nurse	2	January 2005	0
Clinical nurse	2	April 2005	Process not completed
Prison counsellor senior programs officer	6	January 2005	0
Prison counsellor senior programs officer	5	January 2005	0
Prison officers	Entry	April 2005	Process not completed
Prison officers	Entry	November 2004	56
Prison officers	Re-engagement of ex-officers	October 2004	39
<b>Courts Division</b>			
Courts technology officer	3	September 2004	3
Administration officer	2	April 2005	14
Courts executive team leader	4	May 2005	7

## OUR PEOPLE

### VOLUNTEERS

The Department has one of the largest volunteer workforces in the public sector, with approximately 4,000 people helping in a wide range of day-to-day activities.

The Department's Policy and Guidelines for the Engagement and Management of Volunteers was launched in May 2004 and covers recruiting and managing volunteers throughout the Department. It was developed in line with the State Government's 'shared vision' for volunteers, which recognises and promotes the valuable contributions made by volunteers across the State.

The guidelines have led to greater clarity and management of volunteering issues including the impact of insurance, public interest disclosure, occupational health and safety, and protection of liability. The Department was able to provide better volunteering services and outcomes for thousands of people throughout the year.

### Volunteer services

Throughout the year, the Department's volunteers were involved in providing a range of services to the community, including:

- supporting victims of crime and their families and helping people become familiar with the court process. Some 64 volunteers with the Victim Support Services (VSS) contributed 6,500 hours helping 1,700 victims of crime in the metropolitan area alone;
- delivering educational and recreational programs in prisons;
- working with offenders in the community; and
- Justice of the peace services. Approximately 3,500 justices of the peace spent some 5,000 hours sitting in courts, 12,500 hours in signing centres and another 5,000 hours at the Family Court, Perth Watch House and other custody centres.

Volunteer services were expanded to the Office of the Public Advocate's new community guardianship program this year, in preparation for the recruitment and training of suitable people to act as guardians for people with decision-making disabilities, in 2005/06.

### Improvements in volunteer management and coordination

Significant achievements were made in volunteer services and management during the year, as well as planning for future initiatives. These include:

- Boronia's new volunteer program — builds mutually beneficial links with the community and local organisations and provides opportunities for direct volunteer participation in Boronia's activities. In recognition of the role volunteers play in the successful re-entry of women to the community, a volunteer coordinator role was established at Boronia.
- the introduction of a volunteer information records administrator — a volunteer database that collects information used to evaluate the value of the Department's investment in volunteers and to ensure consistency and accuracy in volunteer reporting across the Department; and
- training for volunteers — to maximise their contribution to each business area's objectives.

### Graduates

*At 30 June 2005, 14 graduates were engaged in the Department's third, two-year graduate program. The program gives graduates structured induction, training, mentoring and support in various divisions across the Department. The remaining graduates from the second intake in April 2003 completed the program in May 2005 and were placed in permanent positions across the Department. This year's intake included the first Aboriginal person to be appointed to the program.*

# OUR PEOPLE

## AWARDS AND AGREEMENTS

### Prison officers

The Department of Justice *Prison Officers' Enterprise Agreement* expired on 10 June 2005. Discussions for a new agreement began in November 2004 and are still underway at 30 June 2005. (See Prisons for more information.)

### Nurses

The Department of Justice Nurses' Agreement 2002 expired in May 2004. Pay and conditions for Department nurses are traditionally aligned with those of the WA public health sector. Department nurses received a 3.4% administrative pay increase in October 2004. In August 2005, the Department will begin negotiations with the Australian Nurses Federation to realign the pay and conditions of its nurses with those recently agreed for nurses in the WA public health sector.

### Aboriginal visitors

Following the expiry of their workplace agreements, negotiations continued with the Civil Service Association (CSA) for the first enterprise bargaining agreement for Aboriginal visitors who are not on an award or are on statutory contracts of employment.

## POLICIES AND GUIDELINES

### Flexible working arrangements

The Department demonstrated its commitment to providing a productive and flexible work environment when it introduced a flexible working arrangements policy in December. The new policy followed the registration of the *Public Service General Agreement 2004* and the *Government Officers Salaries, Allowances and Conditions General Agreement 2004*, which gave the Department more scope in to provide flexible working arrangements.

In addition, an electronic time-recording system was implemented for use by staff and to ensure Departmental compliance with legislative requirements for time recording.

### Personal leave guidelines

During the year, five new industrial agreements containing new provisions for personal leave in lieu of sick leave, came into affect for a variety of Department employees. The Department proactively developed personal leave guidelines to assist with the introduction of the new entitlement, particularly its discretionary elements.

### Criminal records screening policy

The Department implemented a criminal screening policy and procedure this year and signed a memorandum of understanding with CrimTrac — a multi jurisdictional agency providing national police record checking services — enabling the Department to submit requests for national criminal records checks. The policy requires all prospective employees, volunteers and contractors/consultants to be screened prior to appointment.

# OUR PEOPLE

## INDUSTRIAL ISSUES

### Industrial action

The Department was not subject to direct industrial action by unions this year.

### Relationship with unions

Department employees are supported by a range of unions, including the Civil Service Association (CSA/CSPU); Western Australian Prison Officers Union; Australian Liquor, Hospitality and Miscellaneous Workers Union; and the Australian Nurses' Federation. The Department has formal consultative committees at executive and workplace levels across each of its four major divisions to manage various industrial issues.

### Workplace change and mobility

The Department's Workplace Change and Mobility branch provides corporate redeployment, change management and career transition support services. The Department saved \$629,082 this year by case-managing redeployees and placing them temporarily into funded positions across the Department and other Government agencies.

Throughout the year, the branch case-managed 18 redeployees, five of whom were newly registered. Thirteen of these gained a permanent position and two of the remaining five will receive severance payouts on 1 July 2005.

## EMPLOYEE WELFARE

### Occupational safety and health

Occupational safety and health (OSH) continued to be a priority for the Department this year. Some 85 OSH audits and eight six-monthly reviews were conducted at Department workplaces across the State, including courthouses, community justice services offices, juvenile justice teams work areas, prisons (including two work camps), juvenile detention centres and head office.

OSH education is critical in preventing workplace injuries and hazards. The Department conducted 114 employee awareness sessions on various topics including changes to legislation, bullying in the workplace, supervisors' responsibilities and manual handling. In addition, managers and supervisors received specific training in managing OSH issues.

### Bullying in the workplace policy and procedure

In April 2005, a workplace bullying policy and procedure was established to meet the Department's duty of care requirements under the *Occupational Safety and Health Act 1984* and to show its commitment to providing a healthy and safe work environment free from bullying and intimidation. The new policy will be adopted in July 2005 and all staff will be advised of their role and responsibilities in identifying and dealing with bullying in the workplace.

### Staff support (Prisons)

Staff support teams are located at each prison and juvenile detention facility, providing support and assistance to staff, in conjunction with the Department's staff psychologist. Since the early 1990s, they have proven to be a positive influence on employee wellbeing and a frontline support in stressful situations. Support officers are recruited from internal employees to be available at any time while they are on duty to provide confidential support for any issue. At 30 June 2005, the staff support program had 69 internal volunteer staff supporters.

## OUR PEOPLE

### Employee assistance

The Department continued to make employee assistance program provider, PrimePsych, available to all Department employees and their immediate families. In 2004/05, 297 (5.8%) employees accessed the service, for an average of 2.4 confidential counselling sessions. The referral rate for employee assistance program counselling was consistent with that of previous years and of national rates.

During the year, the Department referred 12 critical incidents involving employees, to PrimePsych for individual and/or group support. In addition, PrimePsych provided specific coaching and support services to various Departmental jurisdictions undergoing significant workplace change.

### WORKERS' COMPENSATION

2004/05 recorded a decrease in workers' compensation claims and lost-time claims, compared to previous years. At 30 June 2005, the Department had 48 outstanding stress claims, the same as the previous year. Thirty-one of these were lodged during this year.

The first phase of changes to the State's workers' compensation legislation was introduced this year, providing injured employees with more benefits, better injury management and greater legal protection. Further changes will become effective in November 2005.

#### Workers' compensation claims

	2003/04	2004/05
Workers' compensation claims	313	303
Stress claims	48	48
Lost time claims	208	190
Lost time frequency rate	23.81	23.30
Liability assessed	\$2.92m	\$3.57m
Employee assistance program (% of workforce)	5.1%	5.8%

### EQUAL OPPORTUNITY AND DIVERSITY

At year end, the Department was developing its Equal Opportunity and Diversity Plan 2005-2008. The new plan will link its equity targets to the Government's Equity and Diversity Plan for 2002-2005 and will encompass the broad view of diversity rather than focusing only on the groups nominated in the *Equal Opportunity Act 1984*. This demonstrates the Department's commitment to the principles of equal employment opportunity and diversity, rather than minimum compliance.

Achievements in 2005 included:

- finalising the workplace bullying policy and procedure;
- reviewing and rewriting the grievance policy and procedure;
- facilitating workshops for senior management on the use of sections 50D and 51 of the *Equal Opportunity Act (WA) 1984* that relate to Aboriginal employment;
- developing a position paper on the use of Sections 50D and 51 of the *Equal Opportunity Act*; and
- facilitating a pilot workshop for managers on managing Aboriginal staff.

In August 2004, Court Services received a certificate of appreciation from Commonwealth Rehabilitation Service Australia for providing training and employment opportunities to people with an injury, disability or a health-related condition.

In 2004, the Department of Justice was a pilot agency in the Public Sector Anti-Racism and Equality Program. The Department coordinated a cross-sector working group, finalised the workgroup report and piloted the program in a metropolitan office of Community Juvenile Justice.

# REPORT ON OPERATIONS





# REPORT ON OPERATIONS

## COURT SERVICES

### THE SERVICE

*Court Services provides administrative services and support for the operation of courts and tribunals. This includes provision of non-judicial staff support; registry, security and administrative support services; accommodation; technical facilities; and victim support and counselling services; policy and courts development.*

### KEY ACHIEVEMENTS AND CHALLENGES

#### LEGISLATIVE AND OTHER REFORMS

Court Services' contribution to the Government's law reform agenda continued this year, with the enactment of legislation addressing hundreds of recommendations from the Law Reform Commission's Review of the Criminal and Civil Justice System 1999 and other Law Reform Commission reports.

Legislative and administrative changes to improve the management of specialist courts; and legislation that, among other things, gives victims of domestic violence and sexual assault greater protection, were effected during the year. These include:

#### State Administrative Tribunal

The State Administrative Tribunal (SAT) opened for business in January 2005. The single, independent body replaced nearly 50 separate industry and public tribunals and boards and is the most comprehensive administrative review system of any State jurisdiction in Australia. (See Boards and Tribunals for more information.)

#### Court of Appeal

The Court of Appeal was established as a division of the Supreme Court on 1 February 2005 to provide an independent review of all criminal and civil appeals and deal with more complex matters. New rules governing the jurisdiction were introduced in May 2005 to finalise appeals faster and help reduce backlog appeals. (See Supreme Court for more information.)

#### Legislative Reform Package

The Legislative Reform Package contained nine items of legislation with amendments to more than 200 Acts. It was enacted on 2 May 2005, apart from the *Criminal Law Amendment (Simple Offences) Act 2004*, which became effective on 31 May 2005. (See Magistrates Court for more information.)

#### Domestic violence

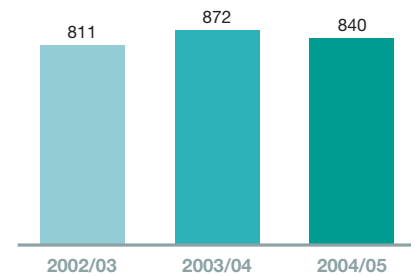
New legislation to strengthen powers to issue and enforce restraining orders was introduced on 1 December 2004. Under the *Acts Amendment (Family and Domestic Violence) Act 2004*, domestic violence in the presence of children and assaults in the domestic arena are now considered more serious and could attract harsher penalties.

#### Sexual assault

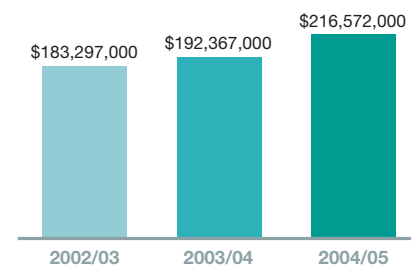
Working with the Director of Public Prosecutions, legislation was amended to give greater protection to victims of sexual assault during the court process. The reforms give automatic 'special witness' status to the victims, greater protection of confidential counselling records, video recording of children's initial statement to police and a ban on self-represented accused directly cross-examining the complainant. The amendments came into effect on 1 January 2005.

## Court Services

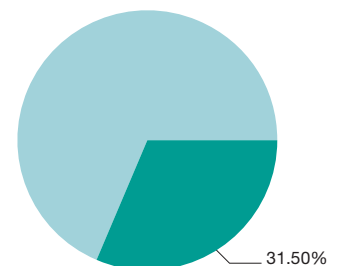
### NUMBER OF FULL-TIME EMPLOYEES



### OPERATING COSTS



### OPERATING COSTS AS A PERCENTAGE OF TOTAL DEPARTMENTAL OPERATING COSTS





# REPORT ON OPERATIONS

## COURT SERVICES

The Department's work with WA Police, led to the enactment of the *Community Protection (Offender Reporting) Act 2004* on 1 December 2004. Under the Act, a reportable offender must contact the WA Police Australian National Child (Sex) Offender Register Unit upon conviction and sentence relating to specified crimes against or involving children.

### Release boards

In April 2005, the Minister for Justice proposed a bill to amend the *Sentence Administration Act 2003*, the *Criminal Law (Mentally Impaired Accused) Act 1996* and the *Young Offenders Act 1994* to have uniform requirements across the three release Boards (Parole Board, Mentally Impaired Defendants Review Board and Supervised Release Review Board), including the provision for a victim's representative.

### Self represented persons

A management plan was produced to implement 19 recommendations of the WA Law Reform Commission review to assist self-represented people in the civil, criminal and administrative jurisdictions.

Additional support for self-represented people developed this year, includes:

- 45 fact sheets available through the Department's website, to assist self-represented people in the civil and criminal jurisdictions of the Magistrates Court;
- The Supreme Court's Unrepresented Civil Litigants Committee, which has been operating for several years. The Committee is developing a Civil Litigants in Person Plan for the Supreme Court, based on work done by the Department and Federal Court of Australia.
- A duty lawyer scheme, introduced by the Family Court in March 2005, through Legal Aid to assist its many self-represented clients with legal advice. Under a nationwide plan, the Family Court has also produced a booklet for self-represented people, and is developing an interactive program.

## COURT SECURITY

The focus on court security continued this year following the escape of nine prisoners from the custody area at the Supreme Court in June 2004.

Recommendations from an independent inquiry conducted by senior barrister Richard Hooker, which concluded in July 2004, resulted in substantial improvements being made to court security throughout the State. Significantly, the establishment of a discrete Court Security Directorate, responsible for delivering security services in the courts was a major development.

### Enhanced security and risk management

During the year, an enhanced security model to respond to security risk assessments was completed. The model includes new strategic and operational risk management processes that use threat assessments to inform risk management decision-making. Other achievements include the introduction of specialist security teams including several based at the Central Law Courts and Supreme Court to detect and deter the entry of weapons and other unauthorised items.

A consultation and liaison framework was established with WA Police units such as the State Security Unit, to cater for the management of higher risk security operations, emergency management and contingency arrangements.

# REPORT ON OPERATIONS

## COURT SERVICES

### Court Services

#### Improved court security and custody program

Increased inspections and operational reviews of courts led to improvements to courts and court custody facilities throughout the State. Improvements include upgrading locks and doors, and hardening physical security within control rooms and sallyports — the secure docks for prisoner transport vehicles; and installing or upgrading closed circuit television (CCTV) in custody areas at all major courts.

At 30 June 2005, \$2.6 million had been spent on hardening the security of courts facilities around the State.

#### Supreme Court refurbishment

Security at the 100-year old Supreme Court was significantly hardened this year through the \$1.6 million refurbishment of the Supreme Court custody centre, to be completed in August 2005. Work included modernising the cells, upgrading access between the custody area and the courts and developing a secure sallyport for the safe management of people in custody during transfer from secure vehicles to court custody.

#### Mandurah and Bunbury courts

A further \$1.3 million is earmarked in 2005/06 to further harden security arrangements in the Mandurah and Bunbury courts facilities. Work will begin on a new custody centre at Mandurah Court and the refurbishment of the custody centre at Bunbury Court in late 2005. Both centres will have a new staff custody control room, new amenities and ablution facilities and holding cells that incorporate minimum custody care and well-being standards and cater for the appropriate segregation of persons in custody.

### SUPREME COURT

*The Supreme Court is the highest court in the State, with responsibility for both criminal and civil matters. It is also the main appeal court of the State. The Supreme Court now comprises two divisions — General and the Court of Appeal.*

*The general division deals with very serious criminal charges, such as wilful murder, murder, armed robbery and serious breaches of Commonwealth drug enforcement laws. Generally, it hears civil cases where the amount involved in the dispute is more than \$500,000.*

*The new Court of Appeal division hears appeals from a single judge of the Supreme Court and from lower courts and tribunals. These include criminal appeals against sentence and conviction.*

#### Court of Appeal

The Court of Appeal was established on 1 February 2005 to provide an independent review of all appeals and the capability to deal with more complex matters. New rules governing the jurisdiction were introduced in May 2005 to make appeal finalisations faster, and reduce the number of current and backlog appeals. In its first five months, the Court of Appeal received 87 criminal appeals and 57 civil appeals — an increase on the previous year under the old system. The court achieved an 8% increase in the number of criminal appeals finalised within the time standard of 32 weeks and 6.5% for civil appeals finalised within the time standard of 78 weeks.

#### Backlog

A data clean-up before the introduction of the integrated courts management system saw the Supreme Court civil backlog reduce from 1,155 cases to 772 cases. It increased slightly to 784 by year end. However, with the Supreme Court hearing a number of longer criminal trials and appeals during the year, the criminal backlog increased from 42 cases to 75 cases during the year. This year's figures have remained consistent, with the court backlog on 777 and the criminal backlog on 74.

# REPORT ON OPERATIONS

## COURT SERVICES

### Court Services

#### FAMILY COURT

*The Family Court of Western Australia has State and Federal jurisdiction in matters of family law. It deals with divorce, property, residence, and contact and other matters relating to children, maintenance and adoptions.*

This year, the Family Court completed a business plan for the Family Court Mediation and Counselling Service. In March 2005 it introduced new Family Court rules, which were adopted from the Family Court of Australia rules that reduce the number of forms and simplify terminology.

#### Family Court registry

The Family Court registry underwent a \$500,000 remodel this year to streamline customer service processes and standards. The new registry provides court users with faster service and access to five purpose-built interview rooms for greater privacy.

#### Columbus project evaluation

Stage four of the evaluation of the Columbus project was completed in May 2005 and reported to the Chief Judge in June. The project is an innovative multi-disciplinary approach to managing complex children's cases involving child abuse and family violence. The evaluation showed good results for the collaborative approach. The final stage of the evaluation is underway and due to be completed in late 2006.

#### Family Court counselling and mediation

The Family Court provides a conciliation, counselling, mediation and assessment service to families who have separated or are in the process of separation.

#### Case assessment conferences

In July 2004, the court introduced case assessment conferences, where separating couples see a counsellor rather than appearing in court, to help resolve matters more quickly and effectively. Approximately one third of cases listed for a case assessment conference reached either full or partial settlement without the need for further court action.

Applications relating to residence and/or contact with children are automatically listed for a case assessment conference. This allows cases to be more thoroughly assessed and many issues resolved in the first instance.

#### Child initiative evaluation funding

The Department secured funding of \$58,000 under the Edith Cowan University Industry Collaborative Grant Scheme to evaluate a case assessment conference initiative focusing on children. The evaluation is being conducted by ECU and should be completed in March 2006.

#### Child inclusive family reports evaluation

A small-scale innovative pilot is being conducted to seek alternative options for including the 'child's voice' in the Family Court decision-making process, without resorting to formal written reports. Initial data suggests that this process can reduce parental conflict in some cases and achieve better outcomes for the children. The evaluation will be completed in September 2005.

# REPORT ON OPERATIONS

## COURT SERVICES

### Court Services

#### DISTRICT COURT

*The District Court deals with serious criminal offences for which the maximum penalty is up to 20 years' imprisonment, such as serious assaults, breaking and entering and stealing and receiving. In civil law, the court deals with matters generally involving claims of up to \$500,000 but has unlimited jurisdiction in claims for damages for personal injuries and exclusive jurisdiction in claims for damages for injuries sustained in motor vehicle accidents.*

#### Backlog

The District Court continued to tackle the backlog of criminal and civil cases this year. While some reduction in the number of cases was made, the backlog remains.

The backlog of criminal cases reduced from 603 cases in January 2005 to 527 cases at 30 June 2005. The average delay to trial is 61 weeks, down from 70 weeks in January 2005.

In the civil jurisdiction in 2004/05, the District Court introduced:

- new Rules of Court and a new civil caseload management process to finalise cases more quickly, reduce costs to litigants, and focus on more targeted case management to provide more effective trial listings;
- service improvements including email communication with the court, and pilot projects to deal with certain applications on the papers rather than requiring parties to attend court hearings; and
- a pilot of e-lodgement system where court users lodge documents electronically at the court registry. Court clients can lodge and pay for writs and receive sealed copies from the court without leaving their desks. The system was developed in consultation with a group of legal firms and will be widely available in 2005/06.

New strategies to improve the management of criminal cases included:

- the appointment of two full-time equivalent (FTE) commissioners in February 2005;
- new practice directions to achieve better trial listing outcomes;
- the introduction of flexi lists at major circuit towns; and
- the establishment of a Trial Listings Unit to enhance case intelligence and monitoring.

#### MAGISTRATES COURT

*The new Magistrates Court of Western Australia began operating on 2 May 2005, amalgamating the former Court of Petty Sessions, Local Court and Small Claims Tribunal into a single court. This significant change addressed more than 200 recommendations of the Law Reform Commission dating back to 1990 and marked the most extensive legislative reform of Western Australia's lower court system in more than 100 years.*

The Magistrates Court of Western Australia now has multiple registries located around the State to deal with criminal and civil matters. It is the State's busiest court, registering 102,000 new cases involving more than 167,000 criminal, traffic and other charges in 2004/05. Since the introduction of new legislation falling from the courts reform package, 21,695 new cases were lodged with the court, comprising 34,168 new charges. In addition, Magistrates Court registries accepted more than 40,000 new civil actions for claims for debt damages or the resolution of tenancy disputes, this year.

# REPORT ON OPERATIONS

## COURT SERVICES

### Backlog

The backlog in civil cases in the Magistrates Court was 5,700, some 2,600 fewer than at the same time last year. The reduction is partly attributed to the implementation of the integrated court management system and the finalising of matters through mediation.

### Drug Court

Some 87 people were referred to the Drug Court in 2004/05, compared to 99 people in 2003/04.

### Family Violence Court

A set of minimum practice standards, including skills and competency requirements, was developed for the Joondalup Family Violence Court to support the planned expansion of the model across the State.

The number of offenders being case managed by the Joondalup Family Violence Court team doubled during the year. In 2003/04, the court made 26 requests for pre-sentence reports and 18 offenders were accepted into the court's criminal case management program. In the first nine months of 2004/05, the court requested 51 pre-sentence reports and 38 offenders were accepted onto the program.

### Gordon Inquiry recommendations

An additional magistrate in the Goldfields was appointed in July 2004 to help with the heavy workload and to expedite the Gordon Inquiry recommendations, including the introduction of multi-functional police facilities for Aboriginal communities in remote locations such as Warburton and Warakurna/Docker River communities.

## CHILDREN'S COURT

*The Children's Court of WA deals with juvenile offenders aged between 10 and 17 years. The jurisdiction is able to deal with all criminal matters including indictable offences as well as issues of care and protection of all children under the age of 18 years.*

New protocols established in June 2004 with the Department for Community Development significantly improved the efficiency of the Children's Court this year by providing better information on which to decide appropriate sentences. The new protocols require a separate report, detailing the accommodation and education arrangements for wards of the State (and in some instances, non-wards) appearing before the court.

### CORONER'S COURT

*The Coroner's Court of WA investigates cases where the death of a person arises from apparent non-natural causes or when the cause of death is unknown.*

This year, the State and Deputy State Coroners presided over 56 inquests, including the Tenterden fire (2003) and the Jandakot air crash (2003). These high profile inquests required teams of investigators, expert witnesses and a large contingent of counsel representing the interested parties. The Tenterden inquest required four weeks' deliberation in Albany. The Jandakot inquest required seven weeks and is still to be completed.

Registry staff managed a notable increase in inquiries, witness travel and accommodation needs and support services for the families of the deceased.

# REPORT ON OPERATIONS

## COURT SERVICES

In March 2005 a new procedure for reporting deaths in hospital to the Coroner was piloted at Sir Charles Gairdner Hospital. Under the pilot, treating doctors were required to complete a checklist to determine if a patient's death was reportable. A review of the trial is now underway. Once complete, the new procedure will be considered for use in all metropolitan hospitals.

The Coroner's Court Counselling Service, which provides a link between the family and friends of a deceased person and the coronial inquiry process, reported 3,048 contacts for counselling information and support during the year.

The service developed the counselling component for a multi-jurisdictional disaster victim identification (DVI) model to help identify victims in a disaster or multiple fatality incident. A pool of 30 counsellors from across the Department will be trained by December 2005 to be part of DVI teams. While the State Coroner is ultimately responsible for the DVI process, the WA Police will command operational aspects, when required.

## TRIBUNALS AND BOARDS

*Tribunals allow parties to settle disputes in a less formal and expensive way than court and generally relate to a specific jurisdiction. Boards have a broader role including industry representation, training and advisory functions.*

With the implementation of the *Magistrates Court Act 2004 (WA)*, the Small Claims Tribunal ceased to exist at the end of April 2005. The functions previously performed by the tribunal are now incorporated into the operations of the Magistrates Court.

## State Administrative Tribunal

The Department provides administrative support and technical facilities and services to the State Administrative Tribunal (SAT) which was officially opened in January 2005.

At 30 June 2005, the SAT had received over 2,700 new applications, in addition to managing over 850 applications transferred from former adjudicators. The SAT achieved its aim to finalise matters within 90 days of final hearing and/or receipt of submissions. To date, only three matters have taken more than 60 days to finalise.

A separate annual report is being prepared for the SAT.

## Chief Assessor Criminal Injuries Compensation

*The Chief Assessor settles eligibility and amounts of compensation for victims of crime who suffer bodily harm, mental or nervous shock or pregnancy resulting from an offence, whether or not the offender has been identified, charged or convicted of the crime.*

This year, 2,072 applications were lodged with the Chief Assessor. The total compensation awarded in 2004/05 was \$19,387,363, compared to \$14,880,030 in 2003/2004. Assessor decisions are available on the Australasian Legal Information Institute's website at [www.austlii.edu.au](http://www.austlii.edu.au).

Better collection processes resulted in a record recovery by the Office of Criminal Injuries Compensation Recoveries branch for the second consecutive year. In 2004/2005 1,040,000 and 2003/04, \$1,166,000 was recovered, up from \$998,000, in 2002/03 and \$585,898 in 2001/02.

## Court Services

*The disaster victim identification process was used in the wake of the December 2004 tsunami disaster to assist families who had lost loved ones. A team of counsellors from WA aided in the formal identification of victims and the return of their bodies to Australia for burial.*

*The SAT website was a finalist in this year's WA Information Technology and Telecommunications Awards (WAITTA).*



# REPORT ON OPERATIONS

## COURT SERVICES

### Court Services

#### Gender Reassignment Board

*The Gender Reassignment Board considers applications from people who have undergone gender change procedures and want to have their new gender legally recognised.*

This year, two applications were received and eight gender reassignment certificates were issued.

#### Parole Board

*Except for prisoners with 'automatic' parole and certain classes of indefinite sentences, the Parole Board decides when a prisoner serving a sentence with a parole term is released. The Board also reports to the Attorney General on prisoners who are serving life or indefinite sentences and makes recommendations concerning pre-release programs.*

At 30 June 2005, the Parole Board had held 102 meetings, 79 of which were scheduled and 23 of which were special meetings called for urgent issues. At these, 3,821 decisions were made including 1,531 parole orders, 245 denials and 1,119 deferrals of release on parole. This represents a decision-making increase of 18% over the same period last year.

#### Mentally Impaired Defendants Review Board

*The Mentally Impaired Defendants Review Board was renamed the Mentally Impaired Accused Review Board on 2 May 2005. The Board reports and makes recommendations to the Minister on matters relating to people who are either unfit to stand trial or are acquitted on account of unsoundness of mind and who are detained under custody orders issued under the Act.*

At 30 June 2005, the board had held 26 meetings to review 35 accused people. It made 180 decisions, representing a 4% increase for the same period the previous year.

#### Supervised Release Review Board

*The Supervised Release Review Board determines the suitability of young offenders under detention to be released on a supervised release order; establishes conditions of release; and looks into any breaches of conditions.*

A victim of crime representative was appointed to the Supervised Release Review Board in December 2004 to ensure a victim's perspective is included in decision-making. This reform is in response to community concerns about the lack of involvement of victims of crime in decisions affecting the early release of persons convicted of offences.

At 30 June 2005, the board had held 45 meetings resulting in 636 decisions — 23% more than last year.

#### SHERIFF'S OFFICE

*The Sheriff's Office delivers a range of services to the courts and the community, including: civil enforcements; Fines Enforcement Registry; and jury services. Recently, it assumed responsibility for the branch managing the appointment of justices of the peace.*

#### Civil enforcement

*The Civil Enforcement section of the Sheriff's Office enforces civil judgments of the Supreme, District, Magistrates and federal courts, and serves documents for civil proceedings, subpoenas for criminal trials on behalf of the Director of Public Prosecutions and the Chief Assessor of Criminal Injuries Compensation.*

When the *Civil Judgments Enforcement Act 2004* came into effect on 1 May 2005, the Sheriff became responsible for the execution of all civil orders throughout the State. (Previously, the Sheriff was not responsible for orders issued out of Magistrates Courts.) This is expected to increase the number of matters dealt annually by the Sheriff from 400 to 10,000.

# REPORT ON OPERATIONS

## COURT SERVICES

### Court Services

#### Fines Enforcement Registry

*The Fines Enforcement Registry (FER) coordinates the collection of outstanding court fines and infringements on behalf of State agencies.*

This year the FER handled an average of 13,500 calls a month, mostly from people wanting to make arrangements to pay outstanding fines. At year end, fines revenue totalled \$38.5 million, some 10% more than 2003/04.

At 30 June 2005, the FER had:

- collected \$4.7 million through its automated internet and telephone payment system — up \$1.1 million from the previous year;
- registered 258,000 matters with a value of \$53.5 million for collection. This represented a drop of 4.5% on 2003/04 which can be attributed to less referrals from the Department for Planning and Infrastructure;
- registered 11% more court matters compared with 2003/04; and
- had time-to-pay arrangements in place to the value of \$11.9 million.

In February 2005, the Department worked with Centrelink to introduce new payment options, including the Centrepay scheme, whereby offenders can have fines payments debited from their fortnightly Centrelink entitlement.

Since early February 2005, 1,000 offenders have opted for time-to-pay arrangements through Centrepay, with up to 60-70 people taking it up each week. The scheme reduces the likelihood of offenders defaulting on time-to-pay arrangements and therefore being subject to further sanctions.

The Department ran several campaigns to promote awareness of new payment options for offenders — including payment over the internet and telephone and Centrepay.

In June 2005, the Minister for Justice announced a revised fines enforcement strategy to tackle the growing number of fine defaulters being imprisoned. The new strategy, which began in June, will continue into the next financial year. It includes:

- a rigorous six-month review of all outstanding warrants, with a special project team contacting defaulters and offering alternatives to imprisonment;
- improving access to, and promotion of, time-to-pay arrangements for paying fines;
- making community service more attractive and accessible as a means of paying back fines; and
- increasing awareness of the risks of driver's licence suspension and publishing suspended licence numbers.

#### Warrants enforcement contract

Repol (WA) Pty Ltd completed the first year of a two-year contract to execute fines warrants of execution against goods on behalf of the Sheriff, in March 2005. At 30 June 2005, a total of 75,178 warrants worth \$32.2 million had been issued to Repcol.

This year, the company collected \$4.4 million in outstanding revenue compared to \$4.031 million in 2003/04. Currently, Repcol holds 50,094 active warrants, of which 25,696 worth \$11.6 million are subject to time-to-pay arrangements with fine defaulters.



# REPORT ON OPERATIONS

## COURT SERVICES

### Jury services

Almost 46,000 juror summons were issued this year, up 18.55% from 2003/04. The rise is attributed to an increase in listings as part of the strategy to reduce the criminal trial backlog.

The relocation of criminal trials to the Fremantle and Rockingham courts, due to the refurbishment of the Supreme Court custody area, created some logistical challenges to manage jurors and courts staff.

### Child witness services

*The Child Witness Service provides non-evidentiary court preparation for children and includes practical and emotional support for child victims and witnesses (and their parents) required to give evidence leading up to and through trial.*

The Child Witness Service launched two new activity booklets this year to help children understand the court process and their role as a witness.

Child witness services in regional areas are now delivered by local victim support workers, who can provide additional support before and after the trial, rather than Perth-based officers. Extra funding through the Gordon Inquiry was used to provide child witness services to some remote Aboriginal communities.

### Victim Support Service

*The Victim Support Service (VSS) offers a confidential service for victims of crime through which they can have access to professional counsellors, trained volunteers and a network of service providers across the State.*

Professional counsellors and trained volunteers continued to provide support to victims of crime through the VSS. During the year, the VSS delivered victim awareness training to 302 Department employees, some 100 police recruits, 60 AIMS staff, 30 UWA law students, 30 Neighbourhood Watch coordinators and 40 people from various community groups.

The VSS overcame some service delivery challenges this year following increased demand from more witnesses in sexual assault cases being granted special witness status in the courts. These included lack of closed circuit television facilities and staff to provide support.

The VSS also focused on Aboriginal victims, with projects including:

- production of culturally appropriate brochures and posters on victim impact statements, victim support and child witness services for Aboriginal victims;
- production of specific Aboriginal language publications with input from local language centres from the Goldfields, Pilbara and Kimberley regions; and
- running of local community radio campaigns during June 2005 to coincide with NAIDOC Week.

### Justices of the Peace

*Justices of the peace (JPs) are voluntary and statutory positions that involve various judicial and administrative functions in the justice system. JPs also act as 'visiting justices' in WA prisons.*

There are currently some 3,500 JPs in WA who, over the year, presided 4025 days in courts across the State. JPs also spent about 17,500 hours this year at signing centres in the metropolitan area. This service was also provided in regional areas, however, there are no statistics available.

At a ceremony on 16 June 2005, 65 new JPs were appointed and 202 currently serving officers received certificates of appreciation for 25 years of service to the justice system.

## Court Services

*Two bills currently before Parliament are set to abolish the Office of Commissioner of Declarations and extend the current list of authorised people who can witness in the same capacity as a commissioner of declarations. In addition, anyone who can witness for the Commonwealth will be able to witness for the State.*

# REPORT ON OPERATIONS

## COURT SERVICES

### Court Services

#### ACCOMMODATION

Modern court buildings and infrastructure are key to secure and efficient integrated justice services that meet community expectations. The Department's long-term program to improve and replace ageing and inadequate facilities in regional and metropolitan WA made significant progress during 2004/05.

#### CBD courts project

Construction of the \$195 million Central Business District (CBD) courts project is underway. Work started on the new District Court building in June 2005 and will be completed in late 2007.

The project was initiated in late in 2002 and has progressed under the Government's "Partnerships for Growth" policy procuring the new building and related services under a public-private partnership (PPP).

Two consortia – Amicur (including Leighton Contractors and Broad Construction Services and the Macquarie Bank) and the Western Liberty Group (including Multiplex and John Holland and ABN Amro as the proposed financier) were selected in October 2003 to bid for the development of the project. In December 2004, the Departments of Justice and Housing and Works entered into contracts with the Western Liberty Group (led by ABN Amro with Multiplex as the builder).

A consultant was appointed in May 2004 to assess the demand and service provisions needed for an on-site child-minding facility. A recommendation is expected by end of September 2005.

*The CBD courts project addresses the need for new criminal courts and sets new standards of court security. The project includes a contemporary, purpose-built court complex on the corner of Hay and Irwin Streets and the refurbishment of the existing Central Law Courts.*

*The new development will be one of Australia's most modern court facilities. It will consolidate the location of courts and related services and feature the latest technology and improved security to better protect court users.*

*The new complex will cater for District Court and Supreme Court criminal jury trials, and will include the State's first high-security courtroom as well as improved facilities for vulnerable witnesses and victims of crime. It will house various justice-related services and over 130 staff and judiciary.*

*The new District Court building will support the overlap of services between courts and metropolitan prisons by including space in the main custody centre for prison officers to carry out pre-prison inductions and various other duties to streamline the transfer to prison.*

*The development will restore and preserve the St Georges Arch located on Hay Street, in line with conditions attached to the WA Planning Commission approvals and advice from the Heritage Council of WA.*

The contract for the refurbishment of the 25-year-old Central Law Courts was signed in June 2005. The works include an exterior and interior 'facelift' and the installation of modern lift services. Western Liberty Group will carry out the works, with John Holland Pty Ltd as the builder. The refurbishment is not part of the public-private sector partnership, but will complete the CBD courts project.

# REPORT ON OPERATIONS

## COURT SERVICES

### Court Services

#### **Albany Justice Complex and Great Southern District Police Complex**

Work continued on the new \$12.4 million Albany Justice Complex and Great Southern District Police Complex until the contractor for the construction of the joint complex, Devaugh Pty Ltd, appointed administrators on 31 December 2004. The administrators suspended work on the site to investigate the financial situation of the company.

The administrators, creditors, contractors, the Department of Housing and Works and the Department of Justice worked to resolve how best to continue work on the project and work recommenced on site on 21 February 2005. As at 30 June, it is progressing to schedule.

The revised completion dates are:

Stage 1 – new justice complex building including custody – late July 2005;

Stage 2 – new police complex – late August 2005; and

Stage 3 – refurbishment of existing courthouse – December 2005.

The project incurred some additional costs as a result of Devaugh Pty Ltd going into administration. These were associated with the delayed works program; provision of new contracts to recommence the works; closing down of the site; securing the site; reopening the site; and managing the construction works on site.

The new complex will include a state-of-the-art police forensic laboratory, two new courtrooms, shared custodial areas, court administration offices, victim support offices and judicial offices. New remote witness facilities, separate interview rooms and discreet waiting areas will guarantee increased privacy for witnesses and victims of crime.

#### **Derby upgrade**

The \$700,000 refurbishment of the Derby courthouse was completed in August 2004. It includes improved victim support facilities, security and access and facilities for people with disabilities.

#### **Supreme Court accommodation master plan**

An accommodation master plan for the Supreme Court was completed this year under the interim capital works program. It included a complete review of the court's security and accommodation options and led to the construction of a temporary custody facility and the start of major renovation work on the current custody centre.

Work on accommodation for the new division of the Supreme Court began in June 2004. It included refurbishment of the judicial support areas, Court three and the Court of Appeal office. Work was completed in June 2005.

The cost of the master planning and works is almost \$4.3 million. The last part the current capital works program is due to be completed in early 2006. The work has included a major renovation of the Supreme Court custody centre as well as security and accommodation improvements.

# REPORT ON OPERATIONS

## COURT SERVICES

### COURT TECHNOLOGY

The 2004/05 year heralded the application of several new technology systems across Courts.

#### Integrated Courts Management System (ICMS)

*The Integrated Courts Management System (ICMS) is a single information technology system to support court operations throughout WA, enabling quicker and more efficient business processes across the justice system. Features of the ICMS include web access, e-commerce functions and secure access across jurisdictions throughout the State.*

*Eventually, the ICMS will replace 14 old systems with one that is more cost effective to maintain. Since early 2001, the ICMS has replaced systems in the civil jurisdictions of the Supreme, District and Magistrates Courts and the State Administrative Tribunal.*

In January 2005, the Department and Unisys West began development of phase three of the ICMS. Phase three will provide new criminal case management systems and finance and enforcement functions for the Supreme, District and Magistrates Courts. These are scheduled to be switched on between October 2005 and March 2007.

#### Electronic briefs

The secure electronic transfer of information between the WA Police and the Magistrates Court and Children's Court continued this year. Electronic briefs make the police and court administration service faster and more efficient and automatically flag the parole status of a person charged with an offence, for immediate follow-up by the Department's Community Justice Services directorate.

More than 95% of charges made by police this year entered the court's case management system through electronic briefs. More than 250,000 have been entered since July 2003.

A pilot transmission of Magistrates Court outcomes to the WA Police began in January 2005. With the exception of care and protection orders for juveniles, the WA Police will receive all court outcomes from Magistrates Court from August 2005.

#### Video links

Protocols for assessing accused people by video were developed between the Mental Health Service and regional courts with video link facilities (Albany, Geraldton, Kalgoorlie, Bunbury, Broome, South Hedland and Carnarvon). They have been in place for six months at all regional locations.

## Court Services

### Bell Group Trial

*The Bell Group trial, the largest civil and electronic trial in Western Australian legal history, continued this year.*

*As the largest document-driven civil trial in Western Australian legal history, it is being conducted entirely electronically using sophisticated in-house management software and databases.*

*The trial commenced in July 2003 in a state-of-the-art electronic courtroom and is expected to go through to mid-2006. A judgement is expected at the end of 2006.*

*In a first for Western Australia, the entire trial was moved to London for two weeks in September 2004 and will likely return in 2006, to enable extensive evidence to be taken from overseas-based witnesses. His Honour Justice Owen ordered that all costs associated with relocating the court, including infrastructure, equipment purchase, travel and incidental costs be borne by the parties.*

# REPORT ON OPERATIONS

## COURT SERVICES

### Court Services

#### COURTS PEOPLE

##### Centralised training program

To provide broader and more cost-effective training opportunities, Court Services training was centralised this year with Court Services Human Resources branch coordinating the training.

##### Staff development

Some 27 women from Courts Services participated in the ADVANCE program this year, two less than 2003/04. The ADVANCE program is designed to develop the skills of women in level one to five positions. The program includes mentoring, career planning and personal skills development.

A Court Services Scholarship Program is available to assist staff with fees for relevant tertiary courses. In 2004/05, six recipients received a total of \$10,101 in scholarship funds.

##### Opportunities for people with disabilities

In August 2004, the Court Services Human Resources directorate received a certificate of appreciation from the Commonwealth Rehabilitation Service Australia for providing training and employment opportunities to people with an injury, disability or a health-related condition.

# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

### THE SERVICE

Community and Juvenile Justice and Prisons manage adult and juvenile offenders in custody and in the community. They aim to reduce re-offending, contribute to the protection of the community and direct offenders toward law-abiding lifestyles, while taking into account victims' needs and issues.

Currently, some two-thirds of offenders are serving their sentences in the community, while the remainder is detained in prisons or juvenile detention centres. Prisons and Community and Juvenile Justice work together to facilitate a smooth transition for offenders re-entering the community.

### KEY ACHIEVEMENTS AND CHALLENGES

#### MANAGING ADULT OFFENDERS IN CUSTODY

In 2004/05, the Department of Justice operated 13 prisons designed to accommodate 3,258 prisoners and seven work camps that accommodated 122 prisoners. There were six regional and seven metropolitan prisons classed as maximum, medium or minimum security. Health, rehabilitation, education and sentence management services operated across all prisons. A Prisoner Assessment Centre, for male metropolitan prisoners entering the system, is located at Hakea Prison.

During 2004/05, the prisoner population rose by 10% following a similar increase the year before. At 30 June, there were 3,482 prisoners compared to 3,164 in 2004. The prison system was operating at 3% above design capacity, with six prisons accommodating more prisoners than they were designed to hold. The pressure on the prison system is most extreme in the Kimberley, Pilbara and Goldfields and accommodation for women prisoners is also at a premium.

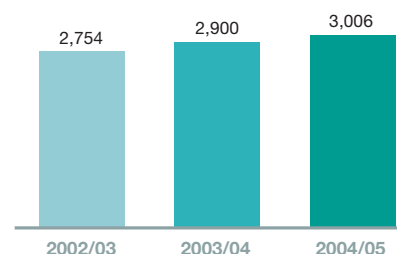
Bed shortages compound problems created by the enormous distances between prisons in Western Australia, making it difficult for prisoners to maintain contact with their families and communities.

#### Design Bed Capacities and Usage by Prison — 30 June 2005

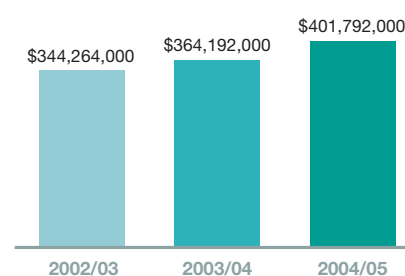
Prison	"In-Facility" Design Capacity	Work Camp Capacity	Total Design Capacity Inc. W/camps	Prisoner Numbers	% Total Design Capacity Used
Acacia	785	-	785	728	92.7%
Albany	186	32	218	201	92.2%
Bandyup	147	-	147	161	<b>109.5%</b>
Boronia	70	-	70	48	68.6%
Broome	66	46	112	99	88.4%
Bunbury	189	-	189	197	<b>104.2%</b>
Casuarina	397	-	397	547	<b>137.8%</b>
Eastern Goldfields	96	24	120	94	78.3%
Greenough	206	-	206	236	<b>114.6%</b>
Hakea	617	-	617	640	<b>103.7%</b>
Karnet	170	-	170	161	94.7%
Roebourne	116	8	124	171	<b>137.9%</b>
Wooroloo	213	12	225	199	88.4%
<b>Total</b>	<b>3258</b>	<b>122</b>	<b>3380</b>	<b>3482</b>	<b>103.0%</b>

### Community and Juvenile Justice and Prisons

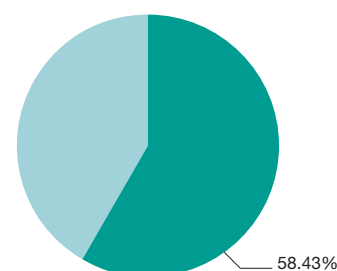
#### NUMBER OF FULL-TIME EMPLOYEES



#### OPERATING COSTS



#### OPERATING COSTS AS A PERCENTAGE OF TOTAL DEPARTMENTAL OPERATING COSTS



# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

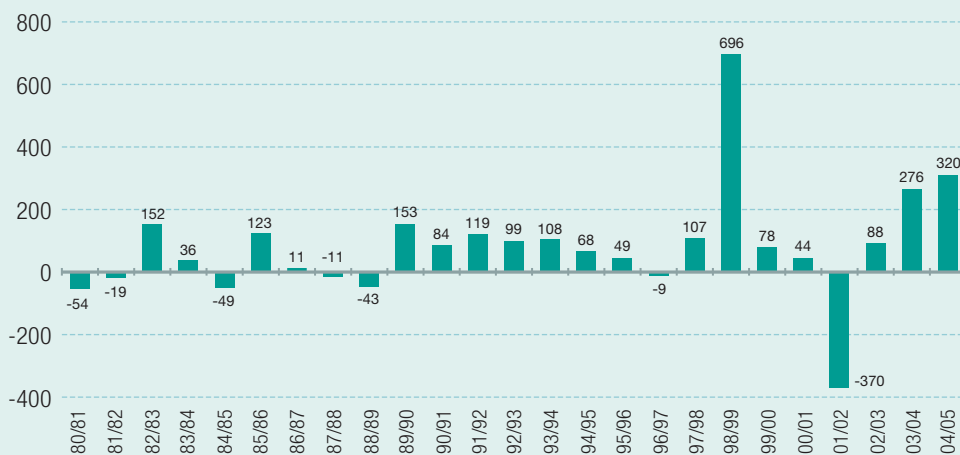
The Department responded to the rapid growth in prisoner population by reopening closed accommodation and establishing a seventh work camp that will be fully operational in 2005/06. The Government has committed \$29 million to expand the prison system, with plans announced in December for more beds.

Western Australia's imprisonment rate increased — largely due to several police initiatives that focussed attention on burglary offences and domestic violence.

Other factors included:

- increase in fine defaulters;
- tougher breaching practices;
- increases in Aboriginal, female and regional prisoners;
- processing of arrest warrant backlog by police; and
- impact of DNA legislation on police results.

**YEARLY CHANGE IN PRISONER NUMBERS**  
30 JUNE CENSUS COUNT  
1980/81 TO 2004/05



Aboriginal prisoners are significantly over-represented in prisons. Since June 2002, the percentage of prisoners who are of Aboriginal or Torres Strait Island descent has increased from 31.1% to 40.4%, while they represent only 3.2% of the Western Australian population. This is a continuing challenge for the Department.

### **Inquiry into the management of offenders in custody**

On 5 April, the Premier Geoff Gallop and Justice Minister John D'Orazio announced an independent inquiry into the management of offenders in WA under Section 11 of the *Public Sector Management Act 1994*. It is headed by retired NSW judge His Honour Dennis Mahoney AO QC and scheduled to report in October 2005.

At the same time, the Inspector of Custodial Services began a parallel inquiry under section 17 of the *Inspector of Custodial Services Act 2003* into the policies and practices of prisons.



# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

### Community and Juvenile Justice and Prisons

The inquiries followed reports of prisoners leaving and returning to Wooroloo Prison Farm without permission, the escape of 9 prisoners from the Supreme Court in June last year, and a crisis at Bunbury Regional Prison in which a female education officer was taken hostage by a prisoner and seriously assaulted. After nearly six hours of intensive negotiation, the prisoner released the officer. A 45-year-old prisoner has been charged by WA Police. The final catalyst for the inquiries was the escape of a high-profile prisoner from Karnet Prison Farm on 28 March.

The incident led to immediate improvements to security. By 30 June 2005, 10 Department staff had given evidence at public sittings of the inquiry.

#### Leadership changes

In April 2005, Ian Johnson, an Assistant Commissioner with the Western Australia Police, was appointed acting Executive Director of the Prisons division, filling the position that had been vacant for more than six months following the resignation of Terry Simpson in October. On taking up the role of Executive Director, Mr Johnson outlined key priorities for the Prison service:

- The safety of those who work in the Prison service;
- The safety of our community; and
- The safety of those in our care.

It was acknowledged that these objectives could only be achieved with the cooperation of everyone who worked in the Prisons service and the partnership of key stakeholders. Mr Johnson outlined that together they must find the correct balance between secure containment and the rehabilitation and progression of offenders.

'Restoring the balance' with a focus on organisational style, standards, structure and systems would be the focus in 2005/6.

#### Prison officer recruitment and training

Between October and June, more than 200 new prison officers were recruited and trained in a concentrated recruitment drive undertaken by the Department of Justice.

The recruitment drive aimed to rapidly fill a shortfall of about 100 prison officers needed to service rising prisoner numbers and relieve officers undertaking overtime. As a result of changes to recruitment and training methods, involving changing the application method, streamlining testing and condensing the length of training, the time taken to get a new prison officer working in the prisons was cut from 12 to five months.

#### Prison officer enterprise bargaining agreement 2005

The Department's prison officer's enterprise bargaining agreement 2003 expired on the 10 June 2005. From January 2005, the Department was actively involved in regular discussions with the union to develop a new agreement.

The Department of Justice formally put an offer to the Western Australian Prison Officers Union (WAPOU) for an agreement to run until 10 June 2007 with pay increases of 3.8% in the first year and 3.6% in the second year. It includes incentives to attract staff to Broome, Roebourne and Eastern Goldfields regional prisons. At year end, negotiations were well progressed and a final agreement was expected early in 2005/06.



# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

### Improving services to women prisoners

After a decade of increasing rates of imprisonment of women, numbers had plateaued at 268 on 30 June 2005, which was two less than the corresponding date last year. The proportion of women prisoners had fallen from 8.5% to 7.7% of the prison population over the same period.

Over the past 12 months, the Department has made significant improvements to the management of women prisoners. The Department has started to see the benefits of a new philosophy for managing women prisoners that evolved as part of the planning for Boronia Pre-release Centre for Women in 2001.

By applying the new philosophy, the Department aimed to provide relevant and practical services to address the high needs of women prisoners and give them a better chance of a crime-free life.

After completing its first year of operation in May 2005, Boronia Pre-release Centre for Women is on track to meet its intended outcomes. Early indications are that recidivism will be well below the national rate of 45%. Boronia provides a normalised, residential environment for up to 70 minimum-security women in 17 Homeswest-style houses. Staff are chosen for their interpersonal skills and suitability to work with women and children.

Drug management is a focus of Boronia's regime, with the provision of drug treatments including pharmacological and therapeutic treatment programs. Achievements in 2004/05 included:

- Boronia prisoners contributed 3,549 hours of community work worth about \$52,347;
- Boronia integrated with the local community, forming many collaborative relationships;
- a volunteer program provided opportunities for prisoners and 28 community volunteers; and
- there were no escapes, serious incidents, assaults on staff, or attempted suicides.

At Bandyup Women's Prison, work continued in 2004/05 on a number of physical and operational changes addressing issues raised in a 2002 report by the Inspector of Custodial Services. The changes focussed on improving personal development opportunities and family relationships that support prisoners re-entering the community. These changes included:

- introducing an anti-bullying and prisoner code of conduct policy;
- introducing a policy of pat down searches of prisoners only being undertaken by female staff;
- improved gatehouse procedures;
- began addressing staff gender ratios;
- developing a women's health strategy; and
- extending day visits to enable children more opportunity to visit their mothers.

After revisiting the prison in 2005, the Inspector of Custodial Services noted that the prison had improved considerably and was now managed in a framework that was women-centred.

### Community and Juvenile Justice and Prisons

*The new philosophy recognises that women prisoners come from a significantly disadvantaged group and that the cost of imprisonment to the women, their families and society is significant.*

# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

Changes planned for next year include refurbishment of self-care units and creation of 40 new self-care beds and improvements to the front entry facilities and services.

Women's health was a focus of attention in 2004/05. Women prisoners were consulted in the development of a new health education program that aimed to approach blood-borne viruses and sexual health from women's perspective.

In other developments:

- a video produced for Aboriginal women prisoners highlighted the risk of transmitting hepatitis C by injecting and promoted treatment;
- weekly clinics staffed by a gastroenterology consultant started in May for patients at Bandyup and Boronia with chronic hepatitis C infections; and
- agreement was reached with BreastScreen WA to provide regular access to metropolitan and regional breast screening services for women prisoners over the age of 40 years.

### Prisons' capital works

Prisons embarked on a comprehensive program of capital works this year to address bed shortages, health facilities and security issues. A new Contracted Services branch was created to oversee the complex program.

The Government allocated \$7 million for the construction of fences at Wooroloo and Karnet prisons in 2005/06. Planning began for the building of additional beds and associated works at Bunbury, Wooroloo, Bandyup and Acacia prisons. In total, \$29 million has been allocated for this project over the next three financial years.

As part of the review of regional custodial services, an Aboriginal reference group was formed in the Kimberley to consider the philosophy and location of a new Kimberley custodial service. A similar process is expected to start in the Goldfields in 2005/06.

Under the Prisons' infrastructure, upgrade and replacement program, \$6.5 million was also allocated for:

- improvements to the perimeter at Hakea Prison, including a wall, which began this year and will be completed in 2006;
- upgrades to the Department's pharmacy at Hakea prison and health centres at Casuarina and Greenough prisons which should be completed later in 2005;
- installation of a staff personal duress alarm system at Bunbury regional prison that will be completed by March 2006;
- improvements and specialist cell conversions at Acacia prison to be completed by March 2006; and
- removal of selected high-risk self-harm points from nominated cells with completion anticipated by February 2006.

In addition, work began this year on Prisons' long-term accommodation strategy to identify land needs for the next 50 years.

### Community and Juvenile Justice and Prisons

# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

### CHANGE MANAGEMENT AT HAKEA PRISON

For the past two years, Hakea Prison has undergone significant operational and cultural change. A new management structure was put in place in 2003, and Andrew Beck was appointed Superintendent in August 2004. He has worked with the management team to create a more cohesive prison environment and improve the prison in line with international standards.

#### Background

Hakea was formed in 2000 by the amalgamation of Canning Vale Prison and the CW Campbell Remand Centre. It is the first point of contact for the majority of prisoners entering the prison system.

With 59% of its population unsentenced, Hakea requires careful management. Many of the prisoners are considered vulnerable and at high-risk of self-harm due to their apprehension over court outcomes or their anxiety at facing prison for the first time.

The growth in the State's prison population has been reflected in the increased movement of prisoners through Hakea reception from 7,674 last year to 8,812 this year.

#### Hakea change management

Following the formation of the Hakea Change Management Group in 2003, a review of work practices and procedures identified operational and cultural issues which needed improving. This year, major changes were made to the daily routine of prisoners and an after-hours induction team introduced to cater for late prisoner arrivals.

Other new initiatives in 2004/05 included:

- introducing regular training for staff in tactical communication, drug and alcohol awareness and suicide prevention;
- improving procedures for dispensing medication;
- preparing Constructive Day guidelines to assist prisoners to make the most of their day;
- introducing a new staff matrix to ensure staff understand their out-of-unit and relieving responsibilities and receive meal breaks;
- clarifying officer responsibilities and publishing the authority delegated to prison officers;
- revising the orientation/first night procedures and the prisoner orientation booklet;
- redesigning buildings in the orientation unit to accommodate new orientation processes in one area; and
- reviewing and recommending changes to prisoner movement across the site.

A number of committees focus on key strategies including managing security, reducing violence, addressing prisoner community re-entry needs, managing Aboriginal prisoners and managing safety and health and staff development. The management team will continue to initiate changes over the next 12 months to bring the prison into line with international standards.

## Community and Juvenile Justice and Prisons

### Hakea Prison

**Role:** primary remand, reception and assessment facility

**Design Capacity:** 617

**No. of prisoners on 30 June 2005:** 640

**Security rating:** maximum

### Profile of Andrew Beck

*When Andrew Beck joined Hakea as superintendent in August 2004, he brought 17 years experience in United Kingdom prisons. Andrew, a former Royal Marine, served in a variety of roles and prisons before becoming deputy governor of Doncaster prison followed by governor of Nottingham prison.*

*A visit to Casuarina Prison while on holiday in 2003 led Andrew to apply for the position at Hakea. His experience in security, prison operations and resettlement has stood him in good stead in his role at Hakea, where he has been instrumental in managing change.*

# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

### Community and Juvenile Justice and Prisons

#### Four cornerstones for prison management

The four cornerstones for prison management provide the framework for planning services, monitoring performance and reporting achievements. They comprise:

1. Custody and containment;
2. Care and wellbeing;
3. Reparation; and
4. Rehabilitation and reintegration.

#### CUSTODY AND CONTAINMENT

##### Safety and security

Several serious breaches of security over the past 13 months have highlighted areas of significant risk in the prison system. They have resulted in several inquiries and a renewed focus on the safety and security of the community, staff and offenders. (See Court Services for details of the Hooker Inquiry into court security.)

Following the serious incident at Bunbury Regional Prison in March, an internal safety and security audit of all prisons began immediately, focussed primarily on programs, education, health and administration centres. Recommendations were incorporated into the Prison's Safety and Security Strategy that will be finalised after the Inquiry into the Management of Offenders in Custody is complete next financial year.

In an immediate response, the Government committed \$3.5 million to improving the safety of prison staff by extending the use of personal duress alarms already in use at Hakea and Acacia prisons. The alarms will be introduced to Bunbury Regional Prison in late 2005 and will be progressively introduced to Casuarina, Bandyup, Albany and Greenough prisons over the next three years.

The following initiatives were also implemented in 2004/05:

- In August 2004, new guidelines were introduced for section 94 of the *Prisons Act 1981*, under which low-risk prisoners may be permitted to leave a prison under supervision to take part in activities approved by the Minister. The guidelines tighten the criteria for both prisoner selection and activities undertaken, with particular emphasis on community expectations and community safety issues.
- In response to an incident relating to a prisoner having access to police crime-scene footage via videotape, tighter controls and guidelines for video use were implemented across the prison system in May 2005. As a result, prisoners may only view evidentiary tapes as legally required and under strict controls.
- In December, prison superintendents were given the power to ban visitors to prisons if they believed they were a threat to the safety or security of staff or prisoners.
- The potential for unauthorised use of prison computers by prisoners was investigated in May resulting in strict controls and guidelines on use of the Total Offender Management Solution (TOMS) by staff and improved capacity to monitor and report on potential breaches.

The need for a collaborative and holistic approach to the collection, analysis and dissemination of intelligence and security information across the justice system led to the creation of two new management positions in the Prisons division. The Director Security (Prisons) is responsible for the safety and security of staff and offenders.

The Manager State-wide Security reports to the director and is responsible for developing, coordinating and implementing risk management strategies. The manager also monitors, evaluates and reports on security practices, emerging technologies and emergency procedures.

*Prisoners are kept in custody for the period prescribed by the court at the lowest possible level of security necessary to ensure their continuing custody, good order and security of the prison and the safety and protection of the general public.*

# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

### Community and Juvenile Justice and Prisons

In other security initiatives in 2004/05, the Department:

- engaged independent IT company, Unisys West, to undertake a detailed review of the Department's intelligence capabilities;
- prepared a submission to Government seeking exemption of the Department's intelligence service from freedom of information requests; and
- developed a computer-based security intelligence portal community to enhance information collection and access to intelligence reports across the Department.

#### Escapes and other unlawful absences

The proportion of escapes and other unlawful absences from prisons has reduced significantly over recent years from a high of almost four unlawful absences per 100 prisoners in 1996/97 to a low of 1.57 per 100 prisoners in 2004/05. There were 53 unlawful absences from prisons in 2004/05, the fourth year in a row that numbers have been well below 60.

In 2004/05, 87% of absconds and escapes occurred at minimum-security prisons or work camps in Broome, Eastern Goldfields, Karnet and Wooroloo. Unlawful absences include escapes and absconds. Escapes are where a prisoner breaches a barrier (such as a secured area or fence) and an abscond is where a prisoner leaves without breaching a barrier (for instance, a minimum-security prisoner walks away from a work camp).

**UNLAWFUL ABSENCE\* FROM DOJ CUSTODY – RATE PER 100 PRISONERS**  
1995/96 TO 2004/05



The sustained reduction in rates of unlawful absences in recent years reflects efforts to address:

- underlying causes of unlawful absence. For example, during periods of increased tension and stress, such as Christmas, security has been tightened and structured activities offered.
- improved classification of prisoners. For instance, prisoners are placed within minimum-security prisons after individual assessment against strict criteria to ensure they pose a minimal risk of escape. They are usually serving short sentences or are nearing completion of their sentences; and
- opportunities for escaping, through ongoing improvements to facilities and procedures.

Notwithstanding these efforts, two high-profile prisoners escaped from minimum-security prisons this year.

# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

### Fire safety in prisons

During 2004/05, plans to reduce fire and related emergencies were developed in all State prisons and detention centres. The plans were in response to the review of fire and related emergency resources and procedures that were undertaken last year.

Procedural improvements continued and a fire safety manager's position was established and will be temporarily filled in 2005/06. Key infrastructure improvements and staff training remain subject to funding considerations.

### CARE AND WELL-BEING

#### Managing drugs in prison

The Justice Drug Plan developed in 2003, aims to break the cycle of drug use and re-offending through prevention, early intervention, support, treatment and harm minimisation. In 2004/05, the Department received \$2.067 million for existing and new strategies.

Random drug testing was carried out in all prisons. Meanwhile, the Department continued to investigate more cost-effective and time-effective technologies for drug testing.

Results from a saliva trial involving 1,175 participants indicated that the accuracy of the drug testing technology was insufficient to introduce into prisons at this time.

To establish benchmarks and provide valid statistical data to determine drug prevalence within the prison system, the Australian Bureau of Statistics was commissioned to develop a sample design of a new drug-testing regime. System modifications were completed to support this new testing regime, which began in late June.

The Prison Addictions Service provided opiate substitute therapy for 751 prisoners who were dependant on opiates. Upon release, 271 patients were referred to external agencies for continued treatment. The Crime Research Centre at University of Western Australia will finalise an evaluation of the process in August 2005.

Community agencies have been engaged by the Department to work at Bandyup Women's Prison and Hakea Prison to raise awareness of drug and alcohol issues among remand and short-sentence prisoners. This year, 476 prisoners accessed this brief intervention service.

Other drug management initiatives included:

- five new dog handlers began a 12-week intensive training course to bring the number of drug detection dog teams to 15;
- in total, 13 intensive cognitive therapy programs were delivered to 133 high-risk offenders;
- a drug-free unit opened in Albany Regional Prison in August 2004, bringing to three the number in the State;
- re-entry coordination services were implemented across the State; and
- more than 10,000 copies of the "Where to from here" directory that provided prisoners re-entering the community with information on support services, were sent to prisons.

All new prison officers and 250 existing regional and metropolitan officers were trained in drug and alcohol issues.

## Community and Juvenile Justice and Prisons

*Prisoners' needs emotionally, physically, spiritually and culturally are acknowledged and appropriately addressed*

# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

### Health Services

*Health Services delivers health care to patients in adult and juvenile detention facilities and work camps. In addition to the services provided by nurses and doctors to existing prisoners and detainees, the health service reviewed the health of 7,125 new adult prisoners as they entered the prison system.*

Significant Improvements have been made this year to women's services admissions screening and the blood-borne virus program.

### Mental health

Approximately 30% of adult offenders are identified as having mental health issues while imprisoned and they receive care while in custody. The Department of Justice works with the Department of Health to provide psychiatric services to adult offenders. This year, the service:

- consolidated psychiatric services to metropolitan and regional prisons, through contracts with the Department of Health and private psychiatrists; and
- introduced a new mental health screening process for all new offenders on admission.

The Department is seeking funding to enhance the mental health services to offenders to improve their health and to assist in reducing re-offending.

### Prison counselling service and peer support

The Prison Counselling Service provided individual counselling to 3,006 prisoners as part of crisis assessment and intervention and suicide and self-harm prevention.

Prisoners were also supported by prisoner peer support teams, comprising prisoners who are recruited and coordinated by the Department's prison support officers. During 2004/05, some 111 prisoners completed the support training, bringing to 124 the number of trained prisoners able to support other prisoners.

### Suicide prevention

Following the introduction of significant suicide prevention strategies in 2003/04, the rate of suicide in prisons has remained relatively low. There were two deaths from apparent suicide in 2004/05 compared with one in 2003/04, four deaths in 2002/03 and far higher rates in the late 1990s.

The Department continued to improve facilities, processes (particularly in relation to screening and orientation of 'high-risk' prisoners) and staff awareness in line with the Department's 2002 Suicide Prevention Taskforce recommendations. In 2004/05 the Department:

- piloted a new suicide risk screening tool;
- delivered gatekeeper suicide prevention training to more than 60 prison staff, a nationally accredited training course developed by the Ministerial Council for Suicide Prevention;
- completed a review of social welfare services to improve prisoners' access to support within and outside of prisons;
- continued development of the prisoner peer support program;
- developed strategies for managing predatory and vulnerable prisoners;
- started projects to progress the management of chronic risk prisoners, including professional case management and a review of the 'disturbed and vulnerable' system; and
- reviewed the at-risk management system (ARMS) to improve the identification of prisoners at risk of self harm.



# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

In response to coronial reviews and inconsistent prison admission processes, Health Services introduced a screening tool to assess the health and suicide risk of prisoners as they entered prisons. It is called the Comprehensive Health Assessed Resourced Throughcare (CHART). The aim of CHART is to improve clinical services, including treatment documentation and links with community health services on discharge. Some 1,826 prisoners were screened using CHART this year.

### Apparent Suicide – 2001/02 to 2004/05

	2001/02	2002/03	2003/04	2004/05
<b>Number</b>	4	4	1	2
<b>Rate Per 100</b>	0.137	0.141	0.033	0.059

### Apparent Cause of Death While in DOJ Custody by Aboriginality – 2004/05

Apparent Cause of Death	Aboriginal	Non-Aboriginal	Total
Misadventure	1	0	1
Natural Causes	2	2	4
Suicide	0	2	2
<b>Total</b>	<b>3</b>	<b>4</b>	<b>7</b>

Note: There were no female deaths in custody during 2004/05.

### Apparent Cause of Death While in DOJ Custody – 1995/96 to 2004/05

Year	Accidental/ Misadventure	Natural Causes	Suicide	Total
1995/96		3	3	6
1996/97	2	1	6	9
1997/98		4	12	16
1998/99			4	4
1999/00		5	10	15
2000/01	1	1	4	6
2001/02		6	4	10
2002/03		3	4	7
2003/04		4	1	5
2004/05	1	4	2	7

# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

### Blood-borne virus (BBV) program

Approximately 33% of males and 66% of females in custody have the blood-borne virus, hepatitis C. The Department's blood-borne virus program aims to provide best practice management of BBV and sexually transmitted diseases and to educate and raise the awareness of prisoners and prison staff to minimise risks of transmission.

Key achievements in 2004/05 included:

- a review of testing for prisoners with a view to increasing the uptake of testing for blood-borne viruses;
- the development of shared-care arrangements with two Perth hospital-based specialist hepatology units to strengthen treatment for chronic hepatitis C sufferers. An independent evaluation of the treatment program at Bunbury and Albany Regional Prisons had positive results; and
- greater involvement in research activities to enable Health Services to develop evidence-based blood-borne virus related policies and programs.

### Spiritual services

The Department of Justice continued to fund a Prisons' chaplaincy service and the coordination of religious programs within Prisons through the Prison Chaplains' Association. Chaplains provided pastoral and listening support to prisoners, staff and others and ministering to prisoners of their faith.

### Dietary review

Under a joint project with the Department of Health, prisoners received meals that took into account their special needs. Prisoners were also educated about healthy eating choices. The Department of Health program, FOODcents, was delivered to all chef instructors and prisoner kitchen workers. This program aimed to train all prisoners in FOODcents, before their release.

### REPARATION

#### Prison industries

Prison industries provide opportunities for prisoners to learn accredited vocational and general work skills to help them gain and retain employment when released and reduce the costs of the prison system to the taxpayer.

Public prisons operate close to 100 workshops across 12 prisons. Of the prisoners employed in 2004/05, some 250 worked in commercial industries servicing external contracts.

Prison industries supply local businesses or other Government agencies with furniture, fabricated metal components, pre-fabricated shelters, signs, processed vegetables and finger foods. Key achievements during the year included:

- Wooroloo Prison Farm industrial facility significantly increased output of pine furniture and metal shelving components;
- cabinet assembly was introduced at Bandyup Women's Prison, producing furniture for refugee housing and providing female prisoners with experience in a traditionally male-dominated industry; and
- casual contract work was sourced for prisoners segregated from the mainstream prison population, such as those in crisis care and natal units, to provide them with meaningful activity.

Prisoners also produce food, clothing, footwear, furniture, fabricated steel products, and provide printing, facilities maintenance and domestic services for prisons and the Department.

## Community and Juvenile Justice and Prisons

### Family support centres

*More than 150,000 visitors made use of the Family Support Centres managed by the community group, Outcare, at Wooroloo, Bandyup, Boronia, Hakea, Casuarina and Karnet.*

*Prisoners are to continue to positively contribute to the community through work and other activities.*

# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

### Prisoner work camps and community work

The Department of Justice undertakes community, charitable and voluntary work from minimum-security prisons under section 94 of the *Prisons Act*. This work was estimated to be worth about \$4 million this year to the Western Australian community.

In partnership with CALM, community groups and local TAFE Colleges, prisoners from minimum-security prisons undertook a variety of projects involving the maintenance and upgrade of tourist facilities and rehabilitation and care of national parks and beaches.

Six work camps operated at Wyndham, Derby, Millstream, Kellerberrin, Pardelup and Walpole. A seventh work camp, and the first for the Goldfields, was established near Laverton following public consultation. Fifteen prisoners assisted in setting up the Mt Morgan's work camp which will be officially opened later in 2005.

An average of 72 prisoners at work camps contributed 75,000 hours to environment, tourism, and heritage projects including:

- refurbishing old railway stock at Merredin Railway Museum;
- carrying out ongoing maintenance of the Bibbulmun Track;
- supporting CALM with fire fighting at Millstream and Walpole; and
- assisting residents in Wyndham, filling and stacking sandbags, evacuating elderly residents and cleaning up after Cyclone Ingrid in March.

### REHABILITATION AND REINTEGRATION

#### Breaking the crime cycle and reducing re-offending

The Community Re-entry Coordination Service provides tailored and culturally relevant support to prisoners, and their families, as they are leaving prison. The State-wide service, which cost \$1.73 million this year, aimed to prevent reoffending and improve community safety.

In its first full year of operation, 802 prisoners developed structured support plans and another 851 prisoners used the support service on a casual basis.

Eight community groups across the State are contracted by the Department to provide support to prisoners up to three months before they leave prison and six months after they leave prison. The service provides links to family networks, education, employment, training and accommodation.

In 2005, an ongoing evaluation focussed on prisoner feedback, regional profiling and best practice. The final evaluation report is expected in August 2005.

The Community Transitional Accommodation and Support Program provides offenders with accommodation and support services for up to six months following release to assist prisoners to successfully settle back into the community. During 2004/05, some 80 former prisoners took part in the program and 33 homes across the State were made available at a cost of \$349,577.

An internal review, undertaken early in the program, recommended improvements to referrals, assessments and information sharing; and recommended strategies to develop the project. The recommendations, along with other program issues, were considered by the service providers and the Department's management board at their regular meetings. By 30 June 2005, most of the recommendations had been addressed and the others were being progressed.

### Community and Juvenile Justice and Prisons

*Prisoners are to be encouraged to engage in programs, education and activities that seek to reduce the risk of offending and increase their potential for reintegration into the community.*

# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

### Education and vocational training

A total of 4,837 prisoners took part in accredited education and vocational training during 2004/05. There were 26,085 enrolments for 1,327 different units. The full-time and part-time courses included adult basic education, secondary and higher education, vocational education and training, integrated personal development, driver training and pre-release support for employment and training.

#### Accredited Education and Vocational Training — 2004/05

Gender	Enrolments	Distinct Prisoners Enrolled	Distinct Units Undertaken
Female	4,779	584	476
Male	21,306	4,253	1,177
<b>Total</b>	<b>26,085</b>	<b>4,837</b>	<b>1,327</b>

Key achievements in 2004/05 included:

- increasing the number of Aboriginal prisoners participating in vocational education and training to more than 44% of the student population; and
- leading the nation in the successful prison-based New Apprenticeships Scheme that includes trainees who are traditionally under-represented — the intellectually challenged, Aboriginal, women and long-term unemployed.

With equity as one of its key objectives, the training unit caters for a diverse range of clients including Aboriginal people, people with disabilities, people from non-English speaking backgrounds, women, youth at risk and people from socio-economically disadvantaged backgrounds.

### Offender programs

The prisons' offender programs branch provides rehabilitation programs for adult offenders; and advice to sentencing and releasing authorities, including the Department, on the management of offenders.

During 2004/05, some 954 offenders started group-based treatment. Of these, 789 participants completed group interventions, totalling 75,589 hours, in sexual offending, violent offending, substance abuse and cognitive skills

In addition, 479 prisoners on remand or with short sentences completed brief interventions totalling 2,118 hours.

A new Coordinator Cognitive Skills was established to monitor the program and train new staff. In 2004/05, some 16 coaches were trained to deliver the reasoning and rehabilitation program, which was offered in eight public prisons. Work on a cognitive skills program for Aboriginal offenders also began in consultation with key stakeholders.

The University of Western Australia's Crime Research Centre completed the first two stages of a review of Prisons' risk assessment and treatment needs measures which help staff to identify appropriate programs. The review will be completed by August 2005.

## Community and Juvenile Justice and Prisons

### Awards

*The Education and Vocational Training Unit won a number of training awards.*

- 2004 WA Training Excellence Awards, Access and Equity category. The category recognises excellence in training services to groups that are traditionally under represented in training or the workforce.
- 2004 Australian Training Award, Australian Training Initiative Award. This award recognises excellence in a cutting-edge program.
- 2004 Premier's Award, High Commendation.

# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

### Evaluation of offender programs

A number of evaluations were carried out, with reports due in late 2005. These included:

- recidivism outcomes for the indigenous sex offending treatment program;
- recidivism outcomes, treatment gains and client satisfaction for the violent offending treatment program; and
- impact of the cognitive skills program on assisting prisoners cope with prison.

The building better relationships (domestic violence) program was reviewed and a trial of new measures for assessing changes in behaviour began in May.

### OFFICE OF INSPECTOR OF CUSTODIAL SERVICES

The Inspector of Custodial Services (OICS) conducted inspections of several prisons in 2004/05. (See Governance for details.)

### CONTRACT MANAGEMENT

#### Acacia Prison

*Acacia Prison is a medium-security facility for male prisoners at Wooroloo, 60km from Perth. It is the State's largest prison with a capacity at 30 June of 745 prisoners and is WA's only privately operated prison, managed under contract by Australian Integration Management Services (AIMS) Corporation. In 2004/05, the prison's average daily population was 730, with Aboriginal prisoners comprising 32%.*

The Acacia contract is now in its fifth year. While there have been no deaths in custody, escapes or major incidents, the prison is still working towards achieving the standards set out in the contract between AIMS and the Department.

The annual peer review of the prison by representatives of the NSW Department of Corrective Services identified a number of concerns relating to its operations and management. These included staffing resources, contractor response to contract direction, and a lack of focus on security. Significantly, a number of issues identified in the 2004 peer review were not addressed in 2004/05.

With the AIMS contract due to expire on 15 May 2006, the Government was considering its options for the future delivery of this service as at 30 June 2005.

In accordance with the *Prisons Act*, the Director General will provide Parliament with a separate annual report on the operations of Acacia Prison.

#### Court Security and Custodial Services

*The Court Security and Custodial Services (CS&CS) contract is held by AIMS Corporation. It involves providing security at all metropolitan and regional courts, staffing court custodial centres and providing secure prisoner transport across the State.*

Since 2000, the focus of the service has changed, particularly in the 12 months following the Supreme Court escapes of June 2004. Immediately after the escapes, AIMS was temporarily removed from providing court custody services at the Supreme Court and the Department provided this service in-house this year.

## Community and Juvenile Justice and Prisons

### Arts

*The Prisoner Art Gallery which opened inside the Old Fremantle Prison in July, attracted widespread interest. The gallery, a joint project between the Departments of Justice and Housing and Works, has exhibited works from prisoners and ex-offenders.*

*More than 70 pieces have been sold, several of them overseas and interstate. The Department uses a small commission from sales to offset the rent for the gallery.*

*The Department is also keen to provide regional outlets for local prisoner artworks. A six-week art project involving indigenous artists, Dr Pantjiti Mary Mclean, Kgukgi Catherine Noble and Jason Dimer, at the Eastern Goldfields Regional Prison, culminated in an exhibition hosted by the Desert Art Gallery in Kalgoorlie in June.*

# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

Following an independent inquiry by senior barrister Richard Hooker, immediate action was taken to significantly improve practices that had compromised community safety. Actions included security audits at all major courts in WA, minor infrastructure improvements, and Review and modification of AIMS operational procedures. (See the report under Court Services.)

In addition, a new approach to security and risk management was implemented within the Department and AIMS, with significant changes made to the management arrangements for the contract.

The Department also made significant improvements in contract compliance during the year. An audit framework was introduced to assist with daily monitoring of the AIMS' service. The assessments are now carried out on a risk-based scenario, providing the Department with the ability to intervene or mitigate issues as they arise.

With the approval of Government, the Department of Justice began negotiations to extend the contract at a reduced cost to the State and with a re-scoped service.

*As part of the Court Security and Custodial Services contract, AIMS provides a suite of secure prisoner transport services across the State. These include movements between courts and prisons as well as escorts for external medical appointments, hospital visits and funeral attendance.*

During the past 12 months, there have been significant changes in these services. A Review of Transport Services resulted in AIMS tightening security on its transport services while the Department resumed control of transportation of metropolitan minimum-security prisoners.

The Department transferred the ownership of the secure vehicle fleet from AIMS to the Government to ensure continuity of service, regardless of its contract partner. The transport services are constantly audited as part of the contract management process and results have clearly demonstrated significant improvements.

In accordance with the *Court Security and Custodial Services Act 1999*, the Director General will provide a separate annual report to Parliament on this contract.

### MANAGING ADULT AND JUVENILE OFFENDERS IN THE COMMUNITY

The executive team of Community and Juvenile Justice stabilised in 2004/05, with all senior management positions being filled. This has enabled management and staff to concentrate on major developments arising from the Review of the Management of High Risk Offenders in the Community by Alan Skinner in October 2003, improvements to the case management of offenders and innovations to the supervision of juvenile offenders. In addition, the foundation has been set for the planning of regional remand facilities in Geraldton and Kalgoorlie.

As a result of the Review of the Management of High Risk Offenders in the Community by Alan Skinner, Community Justice Services has been funded to employ an additional 20 senior officers in metropolitan and regional centres next year.

## Community and Juvenile Justice and Prisons

*At 30 June 2005, there were 741 juvenile offenders and 5,558 adult offenders being managed in the community. Adult offenders subject to community-based orders are managed by Community Justice Services. The range of community-based orders includes work and development orders for fine defaulters, community work, intensive supervision, pre-sentence orders, re-entry release orders and parole.*

*The range of orders for juvenile offenders includes youth community-based, intensive youth supervision orders with or without detention, and supervised release orders.*



# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

### Juvenile justice reforms

The Department has begun implementing a major reform project to address juvenile crime in WA. It will cost \$19 million to set up and maintain over the next 4 years. About \$2 million was spent this year on the reforms that enable more effective supervision of young offenders, leading to greater community safety and completion of community supervision orders.

Amendments to the *Young Offenders Act 1994*, which were proclaimed on 1 January 2005, were required to allow curfews, community supervision agreements and community juvenile conferencing in remote areas. The reform project has four components.

- The intensive supervision program (ISP) is the first of its kind in Australia. Based on a program operating in the United States, Canada and Europe, ISP teams work with juveniles who have extensive offending histories and complex social circumstances that contribute to their anti-social behaviour. The program aims to help juvenile offenders by helping their families to make best use of their existing strengths, skills and resources. Three teams have been established in the Perth metropolitan area in Midland, Maddington and Mirrabooka. Each team consists of a team supervisor, three clinicians and an Aboriginal team advisor. Twelve to 18 offenders are assigned to each team for up to six months. A juvenile education officer helps provide links to education and training.
- Curfews were introduced for the first time. They can be imposed as a condition of an intensive youth supervision order or supervised release order. They are designed to contain young people to a specified place for a specified time. Warrants can be issued for breaches of curfew conditions and electronic monitoring may be used to monitor juveniles subject to curfews.
- Community supervision agreements with remote Aboriginal communities enable young offenders to be supervised in these communities. Aboriginal community supervision officers have been employed in the Pilbara, Kimberley, Goldfields and Gascoyne to build on existing partnerships and expand the program to new areas. Agreements have been signed with 10 Aboriginal communities in the Kimberley region, three in the Pilbara and nine in the Goldfields. Another 30 agreements are being negotiated. Some 12 communities have been identified as potential signatories in the Gascoyne.
- Juvenile community conferencing allows approved members of remote communities to be involved in deciding the consequences for minor juvenile offenders. This approach is expected to discourage reoffending and operates in a similar way to the Department's successful juvenile justice teams. Approved community members will be able to take the place of police or a Department of Justice officer in the 'conference'. This process also offers victims the chance to meet the offender and, along with the community, to develop an agreed approach to reparation, and allows more flexible locations and timings for conferences. Four coordinators were recruited in the Kimberley, Gascoyne/Murchison, Pilbara and Goldfields to implement the initiative.

### Manuals

Following the introduction of the juvenile justice reforms, the policy and practice manual used by juvenile justice officers was reviewed and the new manual will be available later in 2005. The community corrections practices and procedures manual was also restructured and updated to make it more user friendly and to provide links to a new handbook for staff. The manual and handbook will be finished in 2005.

## Community and Juvenile Justice and Prisons

### Juvenile justice community funding program

*The Juvenile Justice community funding program funds non-government, not-for-profit organisations to provide community-based services at a local level to young people who have offended or are at risk of offending. The organisations provide developmental opportunities and support to divert potential offenders into non-offending behaviour and to reduce reoffending.*

*This year, \$1.458 million was distributed through 18 service agreements with community groups.*



# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

### Supervised bail

The supervised bail program had 316 participants in the metropolitan area and 44 in country placements. The average number of days on the program in the metropolitan area was 26 and in regional areas it was 27 days. This represented a total of 9,498 days that juveniles would otherwise have spent in custody.

The regional supervised bail program aims to minimise removal of young people from their regional communities due to their being charged with offences. By providing appropriate support systems and accommodation, the program increases the opportunities for these juveniles to obtain and successfully complete their bail.

In 2004/05, one juvenile was placed in a bail facility in the Kimberley and, following the signing of an agreement in December, two juveniles were placed with communities in the Goldfields.

### Professional Practice and Standards unit

The establishment of the Professional Practice and Standards unit on 1 July 2004 fulfilled one of the pivotal recommendations of the 2003 Review of the Management of High Risk Offenders in the Community (Skinner review) which found that case management of offenders varied across the State. The unit completed a State-wide review of Community Justice Services and recommended a number of changes to be implemented in 2005/06.

### Adult case assessment and management model (A-CAMM)

The Adult Case Assessment and Management Model is used to assess all offenders subject to supervision by community corrections officers in the community. A review of A-CAMM led to restructuring of the assessment model to enhance the ability for community corrections officers to use it effectively. It also recommended streamlining training and support mechanisms.

### Centralised Breach Unit (CBU)

The centralised breach unit started operations in Perth, servicing metropolitan CJJ offices, on 1 August 2004, and was servicing CJJ offices State-wide by October. By centralising administration, the unit ensures the speedy return to court of adult offenders who do not comply with the conditions of community-based orders imposed by court.

There were 1,719 referrals to the CBU this year, with high-risk offenders and those in custody being given priority.

### Community-Business Information System (C-BIS)

Implementation of C-BIS Community-Business Information System has been postponed from February 2005 to December 2005 to allow rescoping and replanning of the requirements. C-BIS is an integrated information technology system that will consolidate information on adult offenders in one database enabling more efficient and consistent case management and assessment.

Following the purchase of the information technology package last year, several reports highlighted the need for more effective information sharing between justice agencies.

The rescoping of C-BIS in 2004/05 aimed to achieve greater integration of information between justice agencies, as well as improved management information and better management of crisis situations.

## Community and Juvenile Justice and Prisons

### Improvements to case management

*The Auditor General's report into the case management of offenders was tabled in Parliament in May 2005. The report, a follow-up to a report in 2001, stated that:*

*Case management of adult offenders serving community-based sentences has improved. It is better resourced at the branches, better supported and monitored at the centre, and places public safety at the top priority.*

*The report identified several significant areas of improvement:*

- *introduction of a new method of risk assessment and classification of offenders, the Adult Case Assessment and Management Model (A-CAMM);*
- *updating of minimum supervision regimes for each level of risk (incorporated in A-CAMM);*
- *establishing a centralised breach unit to streamline the breach process;*
- *establishing a professional and practice unit to audit case management and to provide support to branches; and*
- *increasing the range and suitability of community work and treatment programs.*

# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

### Community and Juvenile Justice and Prisons

#### Education and training programs in the community

Six juvenile education advisory officers link juvenile offenders with educational programs and courses offered at Government and non-government education and training facilities. The focus is to prepare offenders for the workplace by developing their literacy, numeracy and oral communication skills.

#### Therapeutic programs

In May 2004, the programs branch took over the coordination and delivery of therapeutic rehabilitation programs that were previously outsourced. Offenders in the community have to attend these programs, which are designed to change their behaviour, and fulfil special conditions contained in court orders and early release orders.

In 2004/05, the suite of programs was fully developed and the number of programs delivered increased steadily. In all, 56 programs were conducted with 459 offenders starting a program and 295 completing. A number of programs were extended to regional areas following the recruitment of programs officers in Bunbury and Albany.

In addition, psychologists were employed on a fly in/fly out basis to provide counselling and assessment services to Geraldton and Kalgoorlie, following an unsuccessful local recruitment process.

Community Justice Services has been working with Aboriginal communities and other stakeholders to develop a range of programs that deal with violence and substance abuse and prevent offending in remote communities. Regional program development officers in the Kimberley, Pilbara, Mid-West and Goldfields have used information from the stakeholder groups to design programs and produce materials and tools.

#### Justice mediation program

The justice mediation program is a court-based mediation service that enables victims to be involved in the justice system at the pre-sentence stage. In 2004/05 the mediation service was extended to Joondalup, Midland and Geraldton bringing to seven the number of courts participating.

An internal evaluation of the program's first 12 months of operation, found that there were many positive outcomes from the program that gives victims an opportunity to resolve fears arising from the crime and gives offenders an opportunity to make amends. More than 544 referrals involving 847 victims were made to the program during the year for a range of offences including stealing, burglary, assault and damage.

An additional registrar was appointed to the Victim Notification Register service.

#### Repay WA community work program

The Department of Justice has a number of community work projects that enable fine defaulters and offenders on community work orders to repay the community. Offenders contributed 250,000 hours in community work this year.

Repay WA is one of the largest programs. This year it was expanded to the regions and the annual budget was increased to \$500,000. Six new vans and eight trailers boosted the clean-up and maintenance service provided by offenders on community work orders.

Staff were appointed to Kalgoorlie, Broome, Bunbury, Geraldton, and Albany to directly supervise community work parties. The work included:

- cleaning up graffiti using the Repay WA specially stocked trailers;
- maintaining the Broome cemetery; and
- assisting with maintenance of a historic church on Preston River.

# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

### MANAGING JUVENILES IN CUSTODY

*Juvenile Custodial Services manages young people between 10 and 18 years in custody, on arrest and remand or sentenced to detention. It is also responsible for young people in the community on supervised bail. While the numbers are relatively small compared to the adult offending population, the demand is high for tailored rehabilitation programs, often delivered on a one-to-one basis or in small groups.*

The daily average population of juveniles in custody during 2004/05 was 129 compared to 133 in the previous year. There were 1,362 unsentenced admissions to Rangeview Remand Centre in 2004/05, compared to 1,533 in 2003/04. The daily average remand population at Rangeview was 48 juveniles, compared to 44 in 2003/04, with an average length of stay of 12.6 days.

The Banksia Hill Detention Centre received 224 sentenced juveniles this year — 11 less than last year. The average daily population was 81 juveniles and the average time they spent in custody was 20 weeks.

There were no escapes from juvenile custody in 2004/05.

#### Transporting juveniles

On 2 August 2004, Juvenile Custodial Services (JCS) took over responsibility for a number of key services that for the past four years had been provided under contract by Australian Integration Management Service (AIMS), including:

- custody and security of detainees at the Perth Children's Court;
- transportation of juvenile detainees to courts;
- escorting and/or security of detainees to medical appointments or hospital; and
- escorting of detainees to funerals.

Since August 2004, the Department has coordinated the transport of more than 2,180 juveniles in custody.

#### Reviews of Banksia Hill

Banksia Hill Detention Centre underwent several reviews during 2004/05.

A review of psychological reporting procedures by a private clinical psychologist in February found most practices, including risk assessment and reporting practices, were of a high standard, but some minor areas, such as consultation with education staff, could be improved. As a result, there have been some adjustments to work practices. For example, psychologists now meet regularly with education staff to improve flow of information.

A review of Juvenile Education Services at Banksia Hill Detention Centre was undertaken by a retired District Director of Education. The review complied with the Department of Education and Training policy for reviewing schools. The education facility was congratulated on the educational outcomes it achieved. There were a number of recommendations regarding data collection, planning and links with external education facilities that are currently being reviewed.

Other reviews included:

- External assessment of business management practices against the Australian Business Excellence Framework conducted by SAI Global, a division of Standards Australia International;

# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

- Review against the Australasian Juvenile Justice Administrators Standards for Juvenile Custodial Facilities conducted by external assessors, Rosemary Cant and Rod Ogliv; and
- Group Worker Social Climate Survey 2004 conducted internally (and also conducted at Rangeview Remand Centre).

### Education and vocational training in detention

At Banksia Hill Detention Centre all detainees attend the education program and at Rangeview Remand Centre all compulsory school-aged students attend a school program. Some post-compulsory students undertake vocational training or classroom work as well. The main focus in both centres is literacy and numeracy, which is taught via the TAFE Certificate of General Education for adults.

The following training programs were among those delivered in 2004/05:

- Ten detainees completed a 10-week Certificate I Horticulture course offered in conjunction with Challenger TAFE. One student went on to Certificate II.
- A variety of Try-a-Trade short courses were run in partnership with Challenger TAFE in November to allow detainees to experience trades such as tiling, bricklaying, brick paving, photography, floristry, shearing, picture framing and textiles.
- The limestone block-making project continued to be successful as a simulated workplace. Detainees learned to function as a team, take responsibility for production, work safely and practise good work ethics as they made the blocks. Other work groups used the limestone blocks to build retaining walls and kerbing.
- Employability skills theory programs were run in conjunction with vocational training. Modules from the Careers Re-cap Package, produced by the Commonwealth Department of Education, Science and Training, were successfully piloted.

### PLANNING, POLICY AND REVIEW

*The Planning, Policy and Review directorate provides policy, planning and research support and legislative development and evaluations for Prisons, Community Justice Services and Juvenile Custodial Services.*

### Legislative reform

The *Young Offenders Act 1994* was amended to facilitate the introduction of the juvenile justice strategy and achieve the results of an earlier review. More changes, enabling a greater range of early release options, are being prepared.

Proposed Prisons legislation relating to prisoner discipline, temporary absences and prison officer employment and discipline has been deferred until the outcome of the Mahoney inquiry.

Several Acts lapsed when Parliament was prorogued for the State election. Approval has been received to reinstate the *Acts Amendment (Sentencing) Bill 2004* and the *Acts Amendment (Prisons Administration) Bill 2004*.

# REPORT ON OPERATIONS

## COMMUNITY AND JUVENILE JUSTICE AND PRISONS

### Reviews

Planning, Policy and Review carried out the following reviews of projects in Prisons and Community and Juvenile Justice:

- Intellectual Disability Diversion Project;
- Re-entry coordination services process evaluation;
- Justice mediation program process evaluation;
- Transitional accommodation support service;
- Adult case assessment and management model (A-CAMM);
- Geraldton alternative sentencing regime outcome evaluation; and
- Pharmacotherapy process evaluation.

### Research

The Department's Research Application and Review Committee (RARC), considered 39 projects this year; 29 were approved to proceed, with five more pending as at June 2005. The Department forged research relationships with several universities, including Edith Cowan University to undertake a number of courts-related projects and offender programs research, UWA's Crime Research Centre to conduct a number of population-based studies, and Curtin University of Technology to consider organisational management projects.

Other developments in 2004/05 included research into Young Women and Girls in Detention, which focused on the life circumstances and offending histories of 47 young women and girls sentenced to detention between 2001 and 2004. The research developed a holistic picture of the young women and girls by using non-traditional research methods to prioritise their perspectives. It also provided statistical information as a reference point for the Department.

The Department played a pivotal role in progressing a major study investigating developmental pathways to health, education and delinquent outcomes. The \$3 million project that includes researchers from the University of Western Australia and five Government agencies began in March.

### Community and Juvenile Justice and Prisons

# REPORT ON OPERATIONS

## CORPORATE SUPPORT AREAS

### ABORIGINAL POLICY AND SERVICES

#### THE SERVICE

*Aboriginal Policy and Services provides strategic policy analysis and advice, as well as coordinating and facilitating consultation with the Aboriginal community for the Department.*

*The directorate also works with other divisions to assist them in developing culturally relevant policy, programs and services for Aboriginal people. It is also responsible for administering the Aboriginal Alternative Dispute Resolution Service and Aboriginal Visitors' Scheme.*

#### KEY ACHIEVEMENTS AND CHALLENGES

##### Independent review

The report by a consultant appointed in June 2004 to assess the operations and effectiveness of Aboriginal Policy and Services was completed in May 2005. The assessment focused on the directorate's progress in transitioning from a partnership and advisory role to a high-level strategic role. Its findings will be considered later in 2005.

##### Aboriginal Justice Agreement

The Aboriginal Justice Agreement is a partnership framework between the Department of Justice, the Department of Indigenous Affairs, the Department for Community Development, WA Police, the Aboriginal Legal Service of Western Australia, the former Aboriginal and Torres Strait Islander Commission and the Aboriginal and Torres Strait Islander Services.

The agreement enables justice-related State Government agencies to work in partnership with Aboriginal people to ensure that they experience the same justice outcomes as other Western Australians.

A budget of \$400,000 was approved to develop eleven regional and up to eight local justice plans in 2004/05.

By 30 June 2005, five justice plans were completed — the Mulga Mallee Regional Plan and local plans for Kalgoorlie, Derby, Broome and Wiluna — and a further seven were near completion. Plans were underway for the four corridors of Mirrabooka, Midland, Cannington and Fremantle and preliminary work was started on the WA Justice Plan.

A priority was to develop local justice plans in areas where multi-functional police facilities are to be located. The planning process and preliminary community consultation commenced in Kalumburu, Balgo, Warmun, Jigalong, Wararkurna and Warburton, but the Warmun plan was suspended for up to six months at the request of the community.

A challenge this year was in appointing consultants with the relevant competencies to work with local communities and develop plans within a relatively short time in remote locations.

The abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC), and subsequent wind up of its Regional Councils which were pivotal in engaging with the Aboriginal communities in the regions, also proved difficult.

However, the directorate successfully negotiated the establishment of local and regional reference groups to continue planning beyond June 2005.

##### Aboriginal Service Plans

The directorate continued to support Prisons, Court Services and Community and Juvenile Justice in developing and implementing their Aboriginal Service Plans. The plans are used to improve the programs and services provided to Aboriginal people by the divisions.

# REPORT ON OPERATIONS

## CORPORATE SUPPORT AREAS – Aboriginal Policy and Services

### Corporate Support Areas Aboriginal Policy and Services

#### Aboriginal courts

A discussion paper on Aboriginal courts, prepared in consultation with the judiciary and Departmental staff was finalised in February 2005. The paper proposes a court service to address equitable access to justice services for Aboriginal people including options for alternative sentencing and court management and arrangements for Aboriginal people. It is under consideration by the judiciary.

#### Community initiatives

Research and policy advice on Aboriginal community capacity building and engagement initiatives was provided to the Department's Aboriginal Justice Program Sub Committee in August 2004. The directorate also arranged workshops for senior staff and managers from across the Department in September and October 2004 to examine how the Department could better engage with the community, especially the Aboriginal community.

#### Cultural awareness

Development began this year on a manual to promote consistency in protocols regarding external Aboriginal participation in Departmental events. The manual aims to overcome inconsistencies in the engagement and payment of Aboriginal people to participate in ceremonial activities, such as opening of facilities and welcome to country.

#### Customer service

The directorate participated in the Department's graduate development program for the first time. In May 2005, a graduate officer began work on a review of the Department's customer service to Aboriginal people. The research documents existing policies, charters and practices and identifies gaps within the Registry of Births, Deaths and Marriages; the Fines Enforcement Registry; Public Trust Office; and Court Services (Central Law Courts and Children's Court) to help provide a more adequate customer service for Aboriginal clients. The report will be finalised by November 2005.

#### Funding for Aboriginal services

The directorate contributed \$50,000 to research by the Office of the Public Advocate into abuse of older people in Aboriginal communities. The research is in response to recommendations made in a report entitled Elder Abuse in Western Australia (2002) by Curtin University's Freemasons Centre for Research into Aged Care which found a high level of elder abuse in Aboriginal communities. (See Office of the Public Advocate for more information.)

#### Aboriginal Alternative Dispute Resolution Service

##### *Case management*

In 2004/05, the Aboriginal Alternative Dispute Resolution Service case-managed 154 clients for disputes including family and extended family; neighbourhood conflicts; dealing with deaths and the deceased; Government and non-government agencies; and conflict with local businesses. At year end it had 57 active clients.

Many clients were self-referred while others were referred by agencies including the Aboriginal Legal Service, WA Police and Homeswest.

##### *Training*

During 2004/05, training in alternative dispute resolution processes was conducted in Geraldton and Mullewa to provide community members with the skills to assist them to resolve disputes or reduce the risk of a dispute escalating. The program is tailored to specific communities, towns or regions and, where possible, aligned with existing community resources that may be utilised to deliver the alternative dispute resolution training.



# REPORT ON OPERATIONS

## CORPORATE SUPPORT AREAS – Aboriginal Policy and Services

The Kimberley College of TAFE was contracted in June 2004 to deliver and support the Aboriginal Alternative Dispute Resolution Training Package — Mediation and Conflict Resolution in Broome and four communities on the Dampier Peninsular (Beagle Bay, One Arm Point, Lombadina and Djarindjin). At 30 June 2005, the college had conducted training with 22 of the agreed 40 participants. It will deliver the outstanding training by December 2005.

A consultant has been appointed to evaluate the training delivered by the college, after which a decision will be made regarding the future of the training program and the contract with the Kimberley College of TAFE.

### Aboriginal Visitors Scheme

The Aboriginal Visitors Scheme managed up to 45 Aboriginal visitors throughout the State in 2004/05. Visitors had 15,800 interviews and contacts with Aboriginal adults and juveniles in custody at prisons, detention centres and police lockups throughout Western Australia.

This year, a risk management process for visitors and detainees at risk was introduced. Priority contact for the Aboriginal visitors include those on the at-risk management system (ARMS); prisoners on remand; youth; and those who have not received a visit for six months.

New technology installed into regional offices provides better access to information; better communication links with head office; and better information and record management through access to the Department's Total Offender Management System (TOMS). An AVS client database was created within the TOMS to enable Aboriginal visitors to record contacts with Aboriginal prisoners, track the number of prisoners visited, and monitor follow up of issues and concerns. The cost of the new technology was approximately \$20,000, including staff training.

The Independent Inspector of Custodial Services' report on Casuarina Prison acknowledged the improved effectiveness of the Aboriginal Visitors Scheme.

## Corporate Support Areas Aboriginal Policy and Services

### Services to the judiciary

*In May 2005, the presiding judge in an Albany court trial requested the involvement of the Aboriginal Alternative Dispute Resolution Service after witnessing its effectiveness at a Supreme Court trial in 2003. The Albany trial included defendants from four family groups, between which ill feeling was strong.*

*Service officers worked with the judiciary, court and security staff and State and federal police to keep peace between the four groups both inside and outside the hearing room during the court proceedings. After the trial, the presiding judge commended their involvement and impartial support.*

# REPORT ON OPERATIONS

## CORPORATE SUPPORT AREAS

### CORPORATE SERVICES

#### THE SERVICE

*Corporate Services assists the Department in developing its overall strategic direction and manages the Department's human, financial, information and physical resources.*

*The division also provides a corporate service to associated independent offices such as the Office of the Director of Public Prosecutions, Equal Opportunity Commission, Law Reform Commission, the Office of the Information Commissioner and the Parliamentary Inspector of the Corruption and Crime Commission.*

#### KEY ACHIEVEMENTS AND CHALLENGES

##### Functional review

Preparations continued this year toward the integration of some corporate services functions into four centres to service the whole of the WA Government. The Department made significant progress on the transition this year with:

- a comprehensive staff consultation program including surveys, workshops and general information sessions;
- the submission of key business process documents to the Shared Corporate Services Program Office;
- the appointment of a change management team to help manage the operational transition;
- the development of migration strategies to ensure the Department's smooth transition to the new shared services with minimum disruption to business operations, including a comprehensive risk analysis and a communication program for relevant staff and business areas and external stakeholders who will be impacted by the new shared service environment; and
- the start of a review of the corporate support structure for the post shared service centre period.

The Department's planned intensive business and process change was delayed until later in 2005 after the Department of the Premier and Cabinet deferred the final transition to October 2006.

##### Department of Justice strategic framework

Corporate Services was responsible for the progressive implementation of a new Strategic Framework across the Department this year. (See Profile of the Department for more information.)

##### Justice system framework

A revised reporting framework for the Department was endorsed in March 2005 and will be implemented during 2005/06. The justice system framework provides more integrated performance information across internal business areas and better information for key stakeholders.

A joint project of the Financial Management and Organisational Performance directorates, it provides corporate modelling across all justice services.

##### Financial management system upgrade

An upgrade of the Oracle financial management information system (FMIS) continued this year in preparation for the introduction of e-commerce with the Department's large-scale customers and to provide access to enhanced online processing.

# REPORT ON OPERATIONS

## CORPORATE SUPPORT AREAS – Corporate Services

### I-Procurement

I-Procurement, an online system for ordering goods and services, was broadened across the Department in the lead up to the implementation of corporate shared services. Training for the I-Procurement system was conducted in April and June for metropolitan and regional users.

### Corporate business performance and financial planning system

The corporate performance and financial planning system was improved during 2004/05 including modifications to budget templates to improve data collection; and new communication software to improve the speed of response for regional users.

The Department's main contracts are listed in Appendix III.

### Leasing strategy

The Asset Management directorate continued a strategic review of the Department's office accommodation in the Perth central business district this year. The Department occupies leased office space in 52 buildings across the State, 13 of which are in the Perth central business district. The review aims to:

- provide the basis for a long-term accommodation strategy;
- achieve operational efficiencies by locating related Departmental functions more closely; and
- explore opportunities arising from the expiry of current leases and the forecast completion of the new CBD courts complex in 2008.

This year, the review focussed on refining business relationships, developing floor space requirements and workspace standards, short-listing buildings, and negotiating leasing rates. The project was integrated into the whole-of-Government CBD accommodation strategy being managed by the Department of Housing and Works.

### Portal

In April 2005, the Department launched the J-Staff portal as a single entry point for e-services for staff, customers and external partner agencies. Internal and approved external users can now search and retrieve data from multiple systems across the Department, from a single point.

### Library and legal information resources

During the past year, the Department coordinated the establishment of library and information services for the State Administrative Tribunal and extended the training program for magistrates in the electronic library and information resources, to regional locations.

In addition, the law library contracts were renewed for 2004/05, with LexisNexis, Thomson Legal and Regulatory and CCH Australia, contracted to supply legal information resources in electronic as well as paper format. This year, the contracts extended to the Legal Aid Commission, as well as all courts and legal areas (State Solicitor's Office, Director of Public Prosecutions, Parliamentary Counsel's Office, Solicitor General and the State Administrative Tribunal).

## Corporate Support Areas Corporate Services

### Contract management

*A new contract management framework introduced in April 2005 helped ensure that the Department's contract management processes supported efficiencies in Government and a superior standard of service delivery.*

*The Department's commitment was recognised in a significant and rare achievement, when a State Supply Commission review of a range of contracts showed that it had fully complied with the Open and Effective Competition Policy for the contracting of goods and services.*

# REPORT ON OPERATIONS

## CORPORATE SUPPORT AREAS – Corporate Services

### Information technology

The Department undertook a range of strategies and activities to increase the efficiency and effectiveness of its IT infrastructure. Significantly, these included:

- coordinating the transition to the whole-of-Government approach to corporate services delivery;
- implementing a new range of online human resource services through the Department's HR kiosk, such as personal leave bookings;
- connecting the Aboriginal Visitor Scheme regional offices to the Department network;
- commencing the scanning of paper medical records into the Department's records management system;
- assisting to develop and implement phase one and two of the ministerial tracking system; and
- upgrading the Department's computer systems to protect them from external vulnerabilities and viruses.

### Aboriginal cultural awareness training

Kooya Consultancy, an indigenous-owned company, was selected to conduct Aboriginal cultural awareness training for Department of Justice staff. More than 500 staff attended the training during 2004/2005. The consultancy also delivered cultural awareness training to the Department's corporate executive committee in December 2004 and February 2005. The executive training was tailored to meet the committee's strategic, high-level needs.

To reflect the diversity of Aboriginal culture and better meet the needs of regional communities, in line with recommendations made in the Gordon Inquiry, local cultural input is being encouraged by engaging regional facilitators to enhance the training provided by Kooya.

### Payment of accounts

A combination of high work volume, system changes and staff turnover affected the Department's capacity to pay accounts within 30 days in late 2004 and part of 2005.

Various changes were made to overcome the lapse including:

- improved accounts payment processes;
- fast-tracked appointment of temporary and permanent staff;
- in-house training of staff in process efficiency; and
- regular monitoring of work volumes to determine resource needs.

Accounts are now processed in less than ten days from time of receipt into the FMIS.

### Business travel policy

The Department introduced a new business travel policy in early March following an extensive review and consultation process during 2004. The new policy has simplified internal travel processes for bookings, claims and expenditure and brought the Department in line with whole-of-Government travel processing policies. The new policy initially showed 91.5% compliance in submitting travel claims, rising to 98.5% by the end of 2004/05.

The new policy also overcame tax implications for staff who travel. This followed a new ruling by the Australian Taxation Office (ATO) that required employers to declare full travel allowances on employees' payment summaries where the allowances paid exceeded the ATO's reasonable limit.

## Corporate Support Areas Corporate Services

### Registered training accreditation

*In November 2004, the Department was formally reregistered as a Registered Training Organisation (RTO) by the Training Accreditation Council for a further five years (subject to on-going compliance). The Training Accreditation Council acknowledged the Department for some of the excellent systems it had developed to manage the RTO.*

### Award for HR system

*The Human Resources directorate won an 'outstanding achievement award' for its development of the HR information system at the 9th International Talent2 User Group Awards.*

*At the awards, 200 organisations that use the software gave their top accolade to the Department of Justice, recognising the development of numerous innovative HR kiosk functions including performance management, staff movements, leave management and the prison officer rostering module. These functions have since been adopted by other public and private sector agencies across Australia.*

# REPORT ON OPERATIONS

## CORPORATE SUPPORT AREAS

### Corporate Support Areas

#### Public Affairs

## PUBLIC AFFAIRS

### THE SERVICE

*The Public Affairs branch reports directly to the Director General and supports the Department's business areas with strategic communications advice and a broad range of services to help develop community, stakeholder and staff awareness of the Department's operations and achievements.*

*The branch plays an important role, both within the Department and externally, ensuring communication about the Department's plans and programs is an inherent part of operations.*

### KEY ACHIEVEMENTS

#### Issue management and communication strategies

Public Affairs helped develop formal communication and consultation plans for proposed project plans submitted for management endorsement. More than 30 communication strategies were prepared and/or implemented for major projects across the Department, ensuring a strategic and coordinated approach to the Department's internal and external communications.

Among these were:

- informing stakeholders about the lower courts reform package, including the opening of the new Magistrates Court;
- informing stakeholders about the introduction of the new State Administrative Tribunal (SAT);
- raising awareness about new and amended legislation introduced throughout the year, including domestic violence restraining orders and sexual assault;
- communicating various new and amended Departmental codes, policies, procedures and guidelines to staff and other relevant stakeholders;
- providing details to key stakeholders about proposed Wooroloo prison farm and Bunbury regional prison redevelopments;
- providing details about the new fence and future expansion of Karnet Prison;
- raising awareness about Repay WA with key stakeholders;
- developing a comprehensive communications plan for the juvenile justice reform strategy to accompany changes to the *Young Offenders Amendment Act 2004* and the introduction of the intensive supervision program; and
- informing prison staff and other key stakeholders about the progress of the prison officers' enterprise bargaining agreement.

#### Community consultation and briefings

Public Affairs co-ordinated community consultation and briefings on the following projects to ensure maximum stakeholder input to guide key decisions and changes:

- key stakeholders maintained a voice in the operational planning of the Boronia Pre-release Centre for Women, through a community advisory group comprising local residents and business people;
- a community advisory group continued to guide the development of the new Albany Justice Complex and Great Southern District Police Complex within heritage buildings in Albany;

# REPORT ON OPERATIONS

## CORPORATE SUPPORT AREAS – Public Affairs

- consultation was held with Laverton and Coolgardie communities about the Eastern Goldfields work camp after each lodged an expression of interest to host the new work camp. Laverton (Mt Morgans) was the successful bidder;
- a reference group was established with key Aboriginal people from the Kimberley area to guide the development of the Kimberley Custodial Plan, expected to be finalised at the end of 2005; and
- a stakeholder briefing was coordinated to advise on legislative changes to improve the way juveniles are managed, under the juvenile justice reform strategy.

### Advertising

Public Affairs co-ordinated a number of Statewide advertising campaigns this year, including:

- expanding the Victim-Offender Mediation Unit to Joondalup and Geraldton courthouses, giving victims of crime access to free mediation services;
- recruiting more community work projects. The advertising resulted in more than 50 expressions of interest from community groups across the State;
- recruiting community corrections and juvenile justice officers in metropolitan and community papers, which attracted more than 400 applications;
- promoting changes to domestic violence restraining orders, designed to alert stakeholders to the legislative changes.

### Publication and video production

The branch co-ordinated the production of around 50 publications and posters. These included the following:

- Victim Support Service brochures for Aboriginal people;
- Department of Justice handbook;
- Law Almanac;
- prisoner induction and volunteer videos for Boronia Pre-release Centre for Women;
- victim-Offender Mediation unit protective mediation brochures, to help victims of crime and offenders understand about protective mediation;
- a series of fact sheets for community correction officers and a range of brochures for offenders highlighted the eight key programs offered by the Community Justice Service. All up, 17 separate brochures were produced;
- Bandyup Women's Prison poster communicating 'a day in the life of' at the prison (audience primarily was prisoners); and
- Child Witness Service booklets to assist child witnesses.

(See Appendix IV)

### Internet and intranet site management

As part of Public Affairs' commitment to providing effective online communication, the branch oversaw the various changes to the Department's internet and intranet sites to increase the information available and enable users to locate information more efficiently. Significantly this year, Public Affairs coordinated the development of the J-Staff portal and the redevelopment of the Justnet intranet content. The branch also coordinated development of the new State Administrative Tribunal website.

## Corporate Support Areas Public Affairs

### Media liaison

*Public Affairs continued to manage all of the Department's media inquiries as part of the Department's commitment to be open and transparent in its activities. This year the branch responded to more than 1,800 media queries and prepared some 120 media releases. It also coordinated media training for key metropolitan and regional staff.*

# REPORT ON OPERATIONS

## CORPORATE SUPPORT AREAS – Public Affairs

### Corporate Support Areas Public Affairs

#### Staff communication

More than 48 issues of staff publications were produced, including 25 editions of JustUs (for all staff), 12 copies of Inside Out (for Prisons and Community Justice Services' staff), and 11 editions of In Session. Two special editions of JustUs were produced to communicate important developments to staff. The first reported on the escapes inquiry and court security while the second focused on the 2005/06 State budget.

#### Launches and event co-ordination

To celebrate and communicate the Department's achievements and initiatives, Public Affairs organised various launches and events, including:

- Bert Harris Awards, recognising the Department's volunteers;
- Opening of State Administrative Tribunal;
- Opening of Prisoner Art Gallery at Fremantle Prison to showcase and sell the artworks of prisoners and ex-prisoners;
- Celebration of Kellerberrin work camp fifth anniversary;
- Showcasing of key Department's initiatives at WA on Show, including Repay WA, Fines Enforcement Registry and intensive supervision project. The Repay WA booth was awarded 'Best on Show' from a field of more than 190 exhibitors;
- Launch of juvenile justice reform strategy in August to more than 120 stakeholders; and
- Launch of Repay WA vans in Kalgoorlie, Southwest, metropolitan area, Albany, Geraldton and Broome in late 2004, following \$600,000 Government funding for the mobile clean up vans under the Repay WA initiative. The vans come with a specially stocked trailer and transport offenders to sites across the State for them to fix petty vandalism and remove graffiti.

In addition, the branch developed marketing recruitment information for several career and employment expos, showcasing employment opportunities across the Department, to high school and university students.

#### Corporate identity management

Public Affairs continued to manage the Department's corporate identity and provide advice and support on the use of the logo, corporate documents and templates.

#### Preparation of award submissions

Public Affairs submitted the Department's prisoner traineeship program to the 2004 Premier's Awards for Excellence in Public Sector Management. The submission received a high commendation.



# REPORT ON OPERATIONS

## CORPORATE SUPPORT AREAS

### INTERNAL AUDIT

#### THE SERVICE

*Internal Audit provides advice and conducts audits as outlined in the annual audit plan. The branch works in cooperation with the Risk Management and Audit Committee, made up of senior Departmental management and a representative from the Office of the Auditor General. The Internal Audit branch reports directly to the Director General.*

*The branch conducts comprehensive reviews that assist in maintaining effective corporate governance within the Department. Services provided by the branch help improve business practices within the organisation, including management accountability, compliance management and effectiveness of internal control processes.*

#### KEY ACHIEVEMENTS AND CHALLENGES

##### Department-wide audits

Internal Audit undertook 25 audits across the Department during the year. Of these, 14 were planned, six were undertaken in response to specific requests, four were completed as part of Internal Audit's role in providing assurance in relation to managing recommendations from external reviewers (including Office of the Inspector of Custodial Services, Coroner's and Ombudsman) and one was undertaken in relation to a public interest disclosure.

The focus on internal audit planning for 2004/2005 relied on risk profiling developed by the core business areas, discussion with executive and relevant management, review of relevant background Departmental planning documents (budget papers, strategic directions) and internal audit business knowledge.

##### Audit and assurance services contract

A new service contract was awarded to KPMG in April 2005. The contract establishes a co-sourcing arrangement in the provision of the Internal Audit function.

##### Prisoner classification process

A review was undertaken to identify significant opportunities for improvement in the processes, controls, procedures, systems and policies for the prisoner security classification process. As a result, Internal Audit is assisting the Department in analysing key prisoner classification and placement-related processes and in developing a comprehensive implementation plan to address the current risks.

##### Community Justice Services review of travel advances and travel claims

As a result of the branch's review of Community and Juvenile Justice travel advances and travel claims, the Department prepared a comprehensive, practical and unambiguous travel policy (together with related forms, guidelines and ready reckoners) as an integral component of its overall travel framework.

##### Office of the Inspector of Custodial Services (OICS) reports review

The audit recommendations from the Office of the Inspector of Custodial Services (OICS) reports review were incorporated into the report from the independent inquiry into the Supreme Court escapes. As a result of this review, and in consultation with representatives across the Department, Minister's Office and OICS, Internal Audit developed and implemented a governance framework for managing OICS reports. A new position was established in the Internal Audit branch to provide assurance and monitor compliance with the framework.

##### JustRisk system

The Department acquired a new system to manage strategic risks and assist in deployment of the enterprise-wide risk management framework. Internal Audit tested and customised the JustRisk system to meet its progress reporting and monitoring of recommendations requirements. JustRisk is scheduled to be implemented in August 2005.

## Corporate Support Areas

### Internal Audit

#### Customer satisfaction

*In a customer satisfaction survey undertaken during the year, 91% of respondents gave the branch a rating of 4/5 or higher.*

# REPORT ON OPERATIONS

## CORPORATE SUPPORT AREAS

### MINISTERIAL LIAISON UNIT

#### THE SERVICE

*The Ministerial Liaison Unit (MLU) manages correspondence between the Department of Justice and the offices of the Attorney General and Minister for Justice. The unit ensures the timely and accurate response to ministerial enquiries and is responsible for tracking the progress of these responses.*

*The unit comprises three full-time staff and manages about 4,000 ministerial requests each year.*

#### KEY ACHIEVEMENTS AND CHALLENGES

##### Managing ministerials

This year MLU managed 3,905 ministerials compared with 4,271 the previous year. There was a slight decline in the timeliness of the Department's responses, with close to 65% of ministerial requests responded to by the due date. This was largely due to an increase in ministerial requests following the appointment of a new Minister for Justice in March 2005. This compared with 75% in the previous year when significant improvement was made through the introduction of the ministerial tracking system.

##### Ministerial tracking system

Significant progress was made on phase two of the ministerial tracking system this year but implementation was delayed by changes to the technical capabilities of the system. It will now be implemented in mid-2005.

Phase two will provide:

- document version history to allow better accountability;
- improved knowledge and information management from better archiving and meta-tagging of documents — allowing for a more refined search of individual source documents and ministerial responses and improved quality of information management; and
- a fully electronic process for tracking and approving correspondence, shortening turnaround times and improving accountability and transparency.

Phase one of the ministerial tracking system, implemented in July 2002, continued to be accessed by hundreds of users within the Department.

##### Training

MLU delivered computer-based training for phase two of the ministerial tracking system to approximately 130 users. In addition, some 15 information sessions for new clients to the previous version of ministerial tracking system, were held during the year.

## Corporate Support Areas

### Ministerial Liaison Unit

#### New Minister

*A new Minister for Justice was appointed following the February 2005 State election. MLU was responsible for the induction of incoming administrative staff under the new Minister, coordinated the preparation of new ministerial stationery and the introduction of new practices to the Department's internal ministerial liaison network.*

# REPORT ON OPERATIONS

## PARLIAMENTARY COUNSEL

### THE SERVICE

The Parliamentary Counsel's Office provides a range of services, which include:

- drafting of Bills for Ministers;
- drafting of subsidiary legislation for Ministers and Government agencies;
- maintaining and arranging publication of the legislative information tables which are published annually;
- completing and consolidating texts of Acts and subsidiary legislation; and
- maintaining the SWANS database of WA legislation.

### KEY ACHIEVEMENTS AND CHALLENGES

#### Legislation

The Parliamentary Counsel's Office completed a number of significant drafting tasks in 2004/05.

##### Criminal Law

The office undertook wide-ranging changes to the criminal law relating to appeals, simple offences and procedures including reforms to the *Police Act 1892* and drafting of the *Criminal Procedure Act 2004*, *Criminal Appeals Act 2004* and *Acts Amendment (Court of Appeal) Act 2004*.

##### Lower courts

The legislative package was finalised to establish the Magistrates Court of WA that included the:

- *Magistrates Court Act 2004*;
- *Magistrates Court (Civil Proceedings) Act 2004*;
- *Courts Legislation Amendment and Repeal Act 2004*; and
- *Justices of the Peace Act 2004*.

##### Occupational health

The office drafted major reforms to occupational health laws, both generally and relating to the mining industry in particular, including the *Occupational Safety and Health Legislation Amendment and Repeal Act 2004* and the *Mines Safety and Inspection Amendment Act 2004*.

##### Planning and development

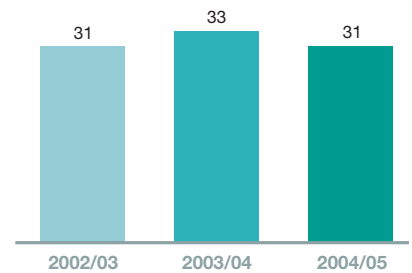
Drafting of the *Planning and Development Bill 2005* and the *Planning and Development (Consequential and Transitional Provisions) Bill 2005* was finalised.

##### Other

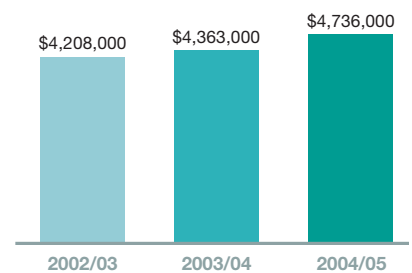
Other important legislation drafted by the office included:

- *Limitation Bill 2005*;
- *Limitation Legislation Amendment and Repeal Bill 2005*;
- *Community Protection (Offender Reporting) Act 2004*; and
- *Civil Judgments Enforcement Act 2004*.

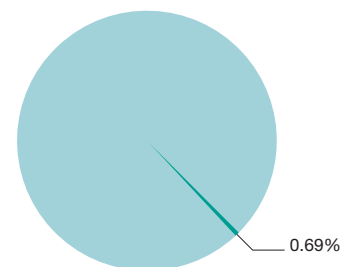
#### NUMBER OF FULL-TIME EMPLOYEES



#### OPERATING COSTS



#### OPERATING COSTS AS A PERCENTAGE OF TOTAL DEPARTMENTAL OPERATING COSTS



# REPORT ON OPERATIONS

## PARLIAMENTARY COUNSEL

### Legislation database

Work began this year on the analysis of the structure and format of the existing WA legislation databases. This was the first step in defining the data requirements of a project to improve the maintenance and online accessibility of WA legislation. Reviews were undertaken of the potential suitability of current technologies and standards for the management of electronic data.

### Record demand

Parliamentary Counsel staff met unprecedented demand from the Government for new and amending legislation. A record number of pages — some 4,528 — were passed by Parliament in 2004, surpassing the previous record in 2003 by almost 1,000 pages. Of existing Acts, 420 were amended, many of them multiple times.

### Obsolete laws

*As part of the database conversion project, the Parliamentary Counsel's Office reviewed existing legislation and found many pieces that were no longer in force or no longer applied in practice. The Statute Law Revision Bill 2005, which was introduced in the Legislative Council on 29 March 2005, earmarks 100 pieces of legislation for repeal.*

# REPORT ON OPERATIONS

## PUBLIC ADVOCATE

### THE SERVICE

*The Public Advocate is the independent statutory officer appointed under the Guardianship and Administration Act 1990 to protect and promote the rights, dignity and autonomy of adults with decision-making disabilities and to reduce their risk of neglect, exploitation and abuse.*

*The Public Advocate:*

- conducts investigations when complaints or allegations arise that the wellbeing of a person with a decision-making disability may be jeopardised to determine whether a guardian or administrator may need to be appointed;
- provides guardianship services when the State Administrative Tribunal determines that there is no one else suitable or willing to act as the person's guardian; and
- coordinates community education programs to promote awareness of the guardianship and administration system.

### KEY ACHIEVEMENTS AND CHALLENGES

#### Continuing demand for service

At 30 June 2005, the Public Advocate was guardian for 232 Western Australians. This included 218 orders carried forward from 2003/04. There were 783 investigations conducted during 2004/05 to determine whether a guardian or administrator needed to be appointed.

An independent assessment by Data Analysis Australia in 2003/04 predicted that the demand for guardianship services would increase 5.9% annually and investigation services 2% annually over the next five years. The demand would be driven by an ageing population and an increase in the prevalence of age-related decision-making disability, such as dementia.

The Public Advocate received an additional \$177,000 for 2004/05 to continue implementing strategies to manage this demand.

#### Guardians appointed

Two new guardians were appointed, taking the number of full-time guardians to seven.

#### Review of guardianship orders

The State Administrative Tribunal revoked 56 orders where the Public Advocate was previously appointed guardian. This is consistent with the Public Advocate's approach in requesting reviews to determine whether a need for guardianship still exists.

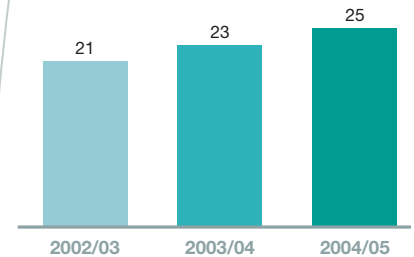
#### Community guardianship program

In response to the growing demand for services of the Public Advocate as guardian of last resort, the Public Advocate launched an innovative community guardianship program in March. The program involves recruiting volunteers as guardians, raising community awareness and promoting community responsibility for guardianship.

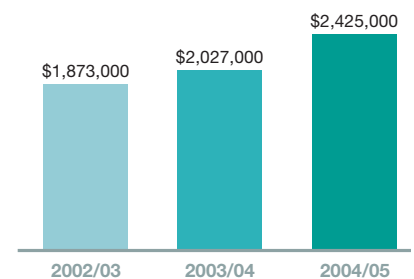
A part-time program coordinator was appointed and another will be appointed next year. The budget allocation for the program in 2004/05 was \$89,808, rising to \$91,235 in 2007/08. Recruitment of the volunteers will begin next year.

## Public Advocate

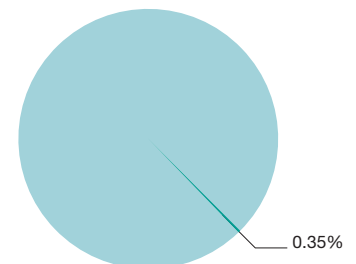
### NUMBER OF FULL-TIME EMPLOYEES



### OPERATING COSTS



### OPERATING COSTS AS A PERCENTAGE OF TOTAL DEPARTMENTAL OPERATING COSTS



# REPORT ON OPERATIONS

## PUBLIC ADVOCATE

### Elder Abuse

Three project officers were appointed in 2005 as part of a \$110,000 project to research and develop local responses to elder abuse in Aboriginal and culturally and linguistically diverse communities.

Fifty thousand dollars came from the State Government's Active Ageing Strategy, \$50,000 from the Department of Justice and \$10,000 from the Office of Seniors' Interests and Volunteering.

The Public Advocate began a community education campaign to prevent elder abuse in Aboriginal communities with an information session in May, held in conjunction with Advocare. Brochures and wallet-cards were produced and work began on a series of radio advertisements and a poster.

Work also began on a community education brochure that will be translated into eight languages.

### Liaison with State Administrative Tribunal

The Public Advocate worked closely with the Guardianship and Administration Board and the State Administrative Tribunal (SAT) to provide an effective interface during the transition from the board to the SAT. The SAT assumed the board's functions on 24 January 2005.

A liaison officer was appointed to facilitate communication and referrals between the SAT and the Public Advocate on an ongoing basis.

The Public Advocate will, in general, investigate applications where there is a risk to health or life, maltreatment or abuse, conflict, a question of capacity, a question of sterilisation, a proposal for the disposal of a substantial part of the person's estate or where the Public Advocate is proposed as guardian of last resort.

### Mentally impaired offenders

The *Criminal Law (Mentally Impaired Accused) Act 1996* provides that people who are unfit to stand trial may be held on a custody order in a 'declared' place. However, to date no places have been declared in WA and the Public Advocate is concerned that some people found not fit to stand trial or not guilty by reason of unsoundness of mind are instead held in prison.

Through the Access to Justice Working Party, the Public Advocate, together with divisions of the Department of Justice, the Department of Health and the Disability Services Commission, developed a proposal for a 'declared place' or 'declared services'. The issue has been placed on the agenda of the Human Services Director's-General Group.

### Review of Guardianship and Administration Act 1990

The Public Advocate began a major review of the *Guardianship and Administration Act 1990* in July 2004, to ensure the legislation is contemporary and reflects developments in Australia and overseas. In December, a discussion paper with 75 recommendations was forwarded to the State Administrative Tribunal, the State Solicitor's Office, the Public Trustee and the Department of Land Information for comment. At 30 June 2005, their responses were still being considered.

## Public Advocate

*"I liked the open and honest approach whilst maintaining confidentiality. Great to see that the client's best interests are paramount and that my observations are considered in any decision making by the Public Advocate" (respondent to Public Advocate Investigation Survey, 2005)*

*"I have found both guardians open, approachable, professional and willing to tackle the hard issues. They have also been willing to consult and have given weight to the views of the person with a disability. This has made my role easier." (respondent to Public Advocate Guardianship Survey, 2005)*

# REPORT ON OPERATIONS

## PUBLIC ADVOCATE

### Public Advocate

#### Community education

The Public Advocate enhanced its community education in regional areas, particularly for providers of services in Aboriginal communities. Some 26% of the 28 public presentations and training seminars held in 2004/05 were for regional service providers, compared with 15% in 2003/04.

Video conferencing was introduced, with two conferences involving 90 people across 20 sites.

Information sessions in Kalgoorlie-Boulder and Geraldton coincided with regional visits by guardians from the Office of the Public Advocate and were targeted at service providers working with Aboriginal communities.

Fifty metropolitan Aboriginal service providers attended an information session organised in conjunction with Advocare at the Noongar Alcohol and Substance Abuse Service in East Perth in May.

Of the respondents to the Public Advocate's community education surveys, 94% said they understood more about the topic than previously. The overall satisfaction rate was 94%.

#### Telephone advisory service

There were 4,227 calls to the Public Advocate's telephone advisory service in 2004/05. Calls were down on last year due to the first full year of a pre-recorded telephone information line that answered many public enquiries regarding enduring power of attorney.

#### Complex cases

The Public Advocate has developed a project proposal to improve, in conjunction with other Government agencies, the case management and delivery of Government services to people with decision-making disabilities who have multiple and complex needs. These people may have a mental illness, intellectual disability or an acquired brain injury. The project will be placed on the agenda of the Government's Human Services Director's-General Group and progressed next year.

#### 2005 customer surveys

The Public Advocate surveyed a representative sample of recipients of its guardianship and investigation services over three months from March to May 2005.

More than 85% of respondents to each of the surveys said they were satisfied or very satisfied with both the investigation and guardianship services.

#### Awards

The Office of the Public Advocate received a silver Lonnie award from the Institute for Public Administration Australia for its 2003/04 annual report.

*More information on the Public Advocate can be found in its annual report which is available on the Department of Justice website.*



# REPORT ON OPERATIONS

## PUBLIC TRUST OFFICE

### THE SERVICE

The Public Trust Office provides trustee services, delivering professional and independent trustee and management services. The Public Trust Office ensures that all Western Australians have equitable access to trustee services regardless of ability to pay.

The person appointed to administer the office is the Public Trustee who is also a body corporate under that name. The Public Trustee is a statutory authority within the provisions of the Financial Administration and Audit Act 1985 and the Public Trust Office operates within the Department of Justice.

The Public Trust Office offers the following services:

**Trust management** — A range of financial and asset management services for people who, through age or disability, are unable to manage their financial affairs.

**Estate administration** — Administers the estates of deceased people in the absence of an executor of a will, when an executor is unwilling to act, or when actually named as executor. The Public Trust Office may also administer the estates of people who die intestate (without making a will).

**Will drawing** — Offers professional advice to those seeking to make a will or enduring power of attorney by appointing the Public Trustee as their executor or donee.

**Private Administrator Support** — Examines the accounts of private administrators appointed by the State Administrative Tribunal.

### KEY ACHIEVEMENTS AND CHALLENGES

#### Aging population and changing social dynamics

The aging population and a decline of extended family bonds is leading to a greater demand and reliance on trustee services. Over the next five years the Public Trustee is expecting a 7.5% increase, each year, in requests to act as administrator for people who are unable to manage their own financial affairs.

To meet this demand, additional resources are required to maintain customer service levels.

#### Management reporting system

A management reporting system was developed and implemented to enhance reporting from the trust accounting system which keeps a record of clients' accounts, investments, beneficiaries and other relevant information. Wide consultation was undertaken to identify key reporting requirements. A comprehensive set of standard audit and monitoring reports, produced by the reporting system, was introduced in February and has enhanced client service and corporate governance.

#### Complaint handling procedures

A new client feedback policy and feedback form was implemented that included a six-stage process for reviewing complaints.

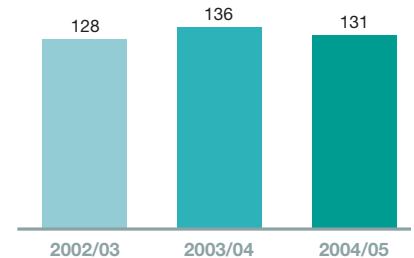
In the six months since the policy was fully implemented, clients used the new client feedback form to register ten complaints and six compliments. The compliments congratulated individual staff members on how they handled matters. Of the complaints, two related to the manner or tone adopted by the staff member and eight related to the outcome of a matter with the Public Trustee or a specific event, some of which were outside the Public Trustee's control. Nine of the ten complaints were finalised by 30 June 2005.

The policy was the culmination of several years work on developing procedures for staff, and has improved client service.

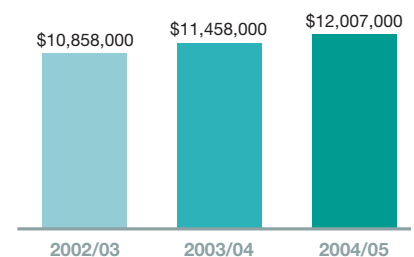
The client feedback policy includes the Ombudsman as a final reference.

## Public Trust Office

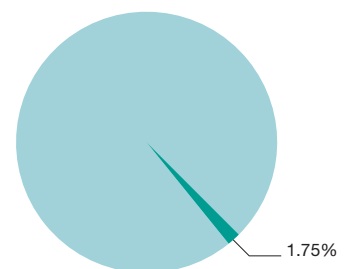
### NUMBER OF FULL-TIME EMPLOYEES



### OPERATING COSTS



### OPERATING COSTS AS A PERCENTAGE OF TOTAL DEPARTMENTAL OPERATING COSTS



# REPORT ON OPERATIONS

## PUBLIC TRUST OFFICE

### Friendly letters project

Twelve customer letter templates were revitalised and refreshed, bringing to a close a project that began in February 2004 which involved 50 letters being redrafted. The new letters are clearer and easier to understand and enhance office efficiency in drafting and processing letters.

### Customer service

This year, the office had \$566 million in trust assets under management as at 30 June 2005 and prepared 3,732 wills.

Despite the projections of increased demand, the number of estates referred to the Public Trust Office declined slightly to 1,716, reflecting a drop in the number of deaths in WA. However, the percentage of estates referred to the Office remained steady at 16% of all people who died. The drop in the number of files was offset by the continued trend towards more complex cases.

The service provided to clients was improved through additional training and a reduction in cases allocated to each trust and estate manager.

The amount of time and resources to effectively and efficiently administer files grew as the financial complexity of deceased estates increased. This reflected a general trend in society towards greater financial sophistication. The implications for workloads and backlogs are under constant review.

A customer survey of 401 clients who used the Public Trust Office showed a satisfaction rating of 76%, which was the same as 2003/04.

### Corporate governance

In November 2004 a fraud control plan was finalised and endorsed. It aims to eliminate fraud against the Public Trust Office involving management, employees, clients, suppliers, contractors and other people external to the organisation. The plan aims to draw together all prevention, detection, resolution and reporting initiatives adopted by the office.

### Transfer of private administrator support

Since 17 January, the Public Trustee has been responsible for examining the annual accounts of private administrators appointed by the State Administrative Tribunal. This role was previously performed by the Guardianship and Administration Board. In 2004/05, the private administrator support team (at GAB and the Public Trust Office) examined and allowed 839 sets of accounts valued at \$214 million.

### Legislation

In June, the Public Trust Office began working with the Parliamentary Counsel's Office to draft amendments to the *Public Trustee Act* to enable the implementation of a new business framework and ensure the future viability of the Public Trustee. The drafting follows informal consultation with stakeholders.

### Annual report award

The Public Trustee received a bronze Lonnie Award from the Institute for Public Administration Australia for its 2003/04 annual report.

More information on the Public Trustee can be found in its annual report which is available on the Department of Justice website.

## Public Trust Office

### Imaging of wills bank

*This year, the Public Trustee became the first public trustee in Australia to make electronic copies of all its clients' wills. Between June 2004 and February 2005, electronic images of more than 100,000 wills were taken, to ensure their safe keeping in the event of a disaster. Will imaging has now been incorporated into ongoing business processes.*

# REPORT ON OPERATIONS

## REGISTRY OF BIRTHS, DEATHS & MARRIAGES

### THE SERVICE

*The Registry of Births, Deaths and Marriages is responsible for:*

- creating and permanently storing birth, death and marriage records, which enables the public to obtain documentary proof of these important life events; and
- providing facilities for the conduct of marriages in a Registry Office as an alternative to marriage by a minister of religion or other civil celebrant.

### KEY ACHIEVEMENTS AND CHALLENGES

The registry continued to work in an environment where concerns about security, particularly identity fraud, have placed increased pressure on its services. Not only is there an increased demand for certificates to meet the needs of the Department of Foreign Affairs and Trade and other Government and commercial organisations, but the registry itself is employing stricter identity practices when issuing certificates.

To manage the increased demand, the registry introduced in 2002/03 and 2003/04 a number of online services, including providing access to the registry's database to courts in regional centres to allow them to issue certificates to customers online.

#### Demand for the registry's services

Demand for services increased during the year. Certificate demand was up nearly 8% (from 108,000 to 116,000) from last year, and demand for change of names was up 10% (from 3,139 to 3,434) on last year. 51,076 births, deaths, marriages, changes of name and adoptions were registered, compared with 50,852 in 2003/04.

The increased demand and more stringent proof of identity requirements have resulted in a slight increase in the amount of time it takes to process applications.

#### Prevention of identity fraud

A trial of an online certificate validation service with the Department of Foreign Affairs and Trade's Passport Office began on 30 May 2005. This service is being introduced to help prevent identity fraud. When fully implemented next year, the service will allow Government and commercial organisations to use the internet to validate the authenticity of registry certificates.

This service is part of a national service involving Government and private organisations that rely on birth, death, marriage and change of name certificates to verify a person's identity.

#### Historical records

Tenders for the conversion of historic paper-based birth, death, marriage and change-of-name records to electronic format closed in April 2005 and at 30 June were being evaluated. The project was delayed when procurement processes were suspended during the caretaker period prior to the State election. The project will enable priceless records to be better preserved and will significantly improve customer service.

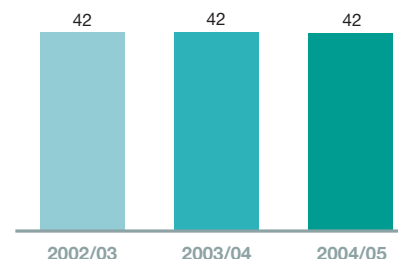
#### Online services expanded

The Department's computerised registration system was extended to Albany court in July 2004, completing a project that began in 2003/04 to replace faxes with a faster online service. Five courts now issue customers with certificates on the same day. Registry staff provided on-site training to Albany court staff who, since obtaining the facility, have issued about 60 certificates per month. By 30 June 2005, about 900 certificates per month (9% of all certificates issued) were being produced by online courts.

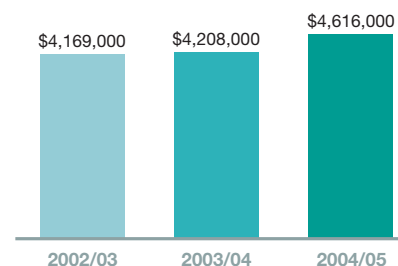
Future services will enable funeral directors and marriage celebrants to electronically lodge source information with the registry.

### Registry of Births, Deaths & Marriages

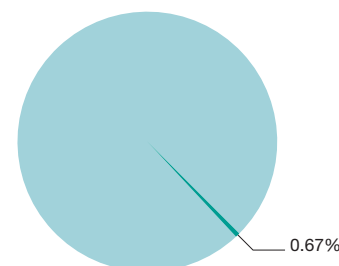
NUMBER OF FULL-TIME EMPLOYEES



OPERATING COSTS



OPERATING COSTS AS A PERCENTAGE OF TOTAL DEPARTMENTAL OPERATING COSTS



# REPORT ON OPERATIONS

## REGISTRY OF BIRTHS, DEATHS & MARRIAGES

### Commemorative certificates 💰

There was an 8% increase in demand for commemorative certificates this year following the replacement of two old designs in July 2004. Demand for the new certificates was almost three times that for the replaced designs.

### Automated birth registrations 💰📖

Automation of the birth registration process was implemented in November 2004 and about 10% of all births have since been registered without staff intervention.

### Increase in fees 💰

Fees were increased from 1 July 2004 for the second consecutive year, in order for the registry to achieve full cost recovery. There are no plans to increase fees in 2005/06.

### Customer feedback 🧑

The number of formal complaints remained static from 2003/04 at four. In all cases, the registry complied with its policy of providing a formal response to all complaints within 10 days.

The complaints related to:

- damaged birth certificate — a written apology and a replacement certificate was provided in one day;
- fees charged — a letter of explanation concerning the registry's cost recovery policy was provided in three days;
- incorrect document search — a letter of apology was provided in eight days; and
- telephone call cut off — a verbal apology and explanation was provided in four days.

Thirteen people formally complimented the registry on its service.

### Pioneers index online 🧑👤💰

On 16 December 2004, the registry published online indexes to all births, deaths and marriages registered between 1841, when civil registration commenced, and 1905. This free research tool assists family historians to trace their ancestors, making it easier for them to identify their relatives before ordering certificates.

## Registry of Births, Deaths & Marriages

*"I congratulate you on making the WA Pioneer's Index available on line. The inclusion of the index on your website has made this important research tool much more widely available and easier to use". (From a genealogist.)*

# REPORT ON OPERATIONS

## STATE SOLICITOR'S OFFICE

### THE SERVICE

The State Solicitor's Office provides a broad-based legal service to the Government, its departments, instrumentalities and agencies. This includes the conduct of litigation, the provision of legal advice, representation as counsel in courts and tribunals and preparation of legal documents.

### KEY ACHIEVEMENTS

#### Legal cases

Examples of significant legal cases dealt with by the State Solicitor's Office for Government during the year included:

#### **Iron Ore Processing (Mineralogy) State Agreement**

Involving an action taken in the Supreme Court by Mineralogy Pty Ltd and other parties to the Iron Ore Processing (Mineralogy) State Agreement regarding the meaning and effect of the agreement. The State's submissions were accepted by the Supreme Court and by the Court of Appeal.

#### **Tipperary Developments Pty Ltd**

Involving a claim by Tipperary Developments against the State for a loss arising from \$50 million deposited with Rothwells in 1988. During 2004/05, the office prepared for the hearing due to start in the Supreme Court in July 2005.

#### **Temwood Holdings Pty Ltd**

Resulting in the High Court upholding the WA Planning Commission's appeal against a decision regarding conditions on three subdivision applications by Temwood Holdings Pty Ltd.

#### **Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Act 2004**

Involving negotiations for an agreement made in November 2004 between the State, The Pilbara Infrastructure Pty Ltd and Fortescue Metals Group Ltd. The agreement will allow the construction and operation of a multi-user railway from near the Chichester Ranges in the Pilbara to multi-user port facilities at or near Port Hedland, subject to finalisation of another agreement between the State and Fortescue Metals Group.

#### Native Title claims

During 2004/05, the State Solicitor's Office continued to represent the State Government in 123 native title claims lodged in the Federal Court, which also involved mediation at the National Native Title Tribunal.

The office was also involved in proceedings regarding future acts under the right to access procedures of the *Native Title Act 1993* (for example, the granting of mining tenements under the *Mining Act 1978* and the granting of land titles under the *Land Administration Act 1997*) where a native title claim is registered in the National Native Title Tribunal.

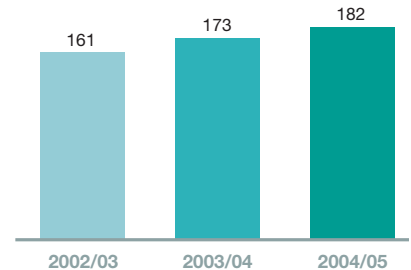
The office provided advice to a number of Government departments and instrumentalities on the implications of native title, heritage and environmental matters and assisted with the development of Indigenous Land Use Agreements.

Significant cases in 2004/05 included:

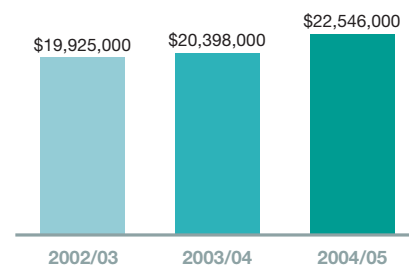
- Injibandi — following a determination by the Federal Court on the existence of native title in the area of Karratha and the Burrup Peninsula, three appeals have been lodged.
- Ngaanyatjarra Lands Claim — covering 187,000 square kilometres of land in the central desert region. The office played a leading role in negotiating an agreement that recognises native title rights while providing for existing rights and interests, including the Warburton stock route, mining and special leases and exploration licences.

## State Solicitor's Office

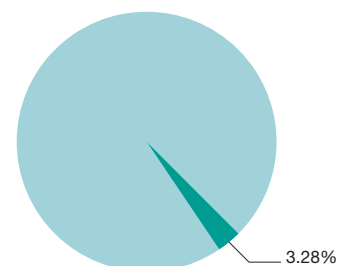
NUMBER OF  
FULL-TIME EMPLOYEES



OPERATING COSTS



OPERATING COSTS AS A  
PERCENTAGE OF TOTAL  
DEPARTMENTAL OPERATING COSTS



# REPORT ON OPERATIONS

## STATE SOLICITOR'S OFFICE

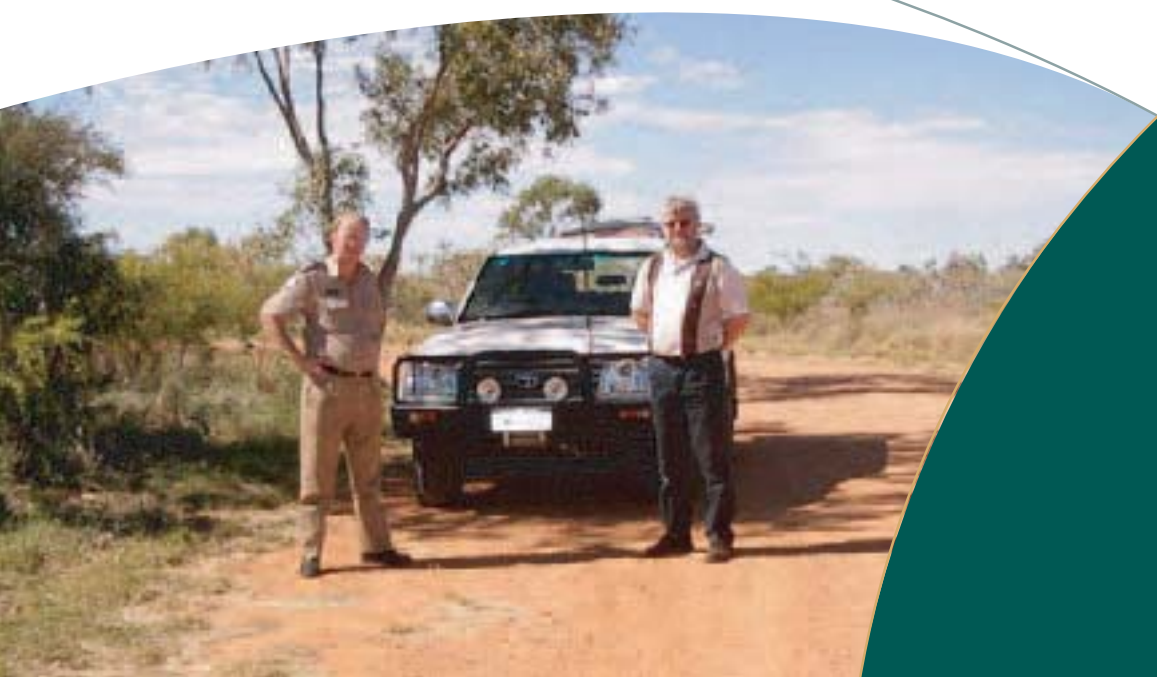
- Ord Stage II — encompassing the Ord River irrigation area. The office was involved in developing a memorandum of understanding between the State and the Miriuwung Gajerrong people that provides a basis for settling native title and heritage issues and future expansion of the Ord River irrigation area.
- Bardi Jawi, Rubibi and Wongatha — covering lands in the Dampier Archipelago, Broome and the Goldfields. A decision in the Bardi Jawi matter was delivered in June 2005 and detailed orders are expected to be handed down later in 2005. Hearings have concluded in the other two matters and decisions are expected in 2005/06.

## State Solicitor's Office

### Annual Client Survey

*The annual client survey in 2004/05 showed a continuing high level of client satisfaction with the work of the State Solicitor's Office. Results of the survey are included in the performance indicators recorded under 'Output five - Legal Services' in this report.*

# REPORT ON GOVERNMENT POLICIES





# REPORT ON GOVERNMENT POLICIES

## DISABILITY SERVICES

The Department of Justice is committed to ensuring professional and appropriate services are provided to meet the needs of customers with physical, intellectual, sensory or cognitive disabilities, their carers and families.

This commitment was reinforced during 2004/05 when the Department reviewed its Disability Services Policy. Subsequently, a new policy was launched in October 2004.

The new policy ensures disability services planning is linked to the Department's new strategic framework. The policy provides more detailed descriptions of the categories of disability and is a source of advice for business areas on disability access. A Disability Services Consultative Committee will be established next year to oversee the implementation of the policy and the Disability Services Access and Inclusion Plan 2005-2008.

An Access and Inclusion Plan was drafted to comply with recent amendments to the *Disability Services Act 1993* and it will be available for public comment during 2005/06 before being implemented across the Department.

The divisions of the Department use a variety of measures to facilitate access by people with disabilities. These are reported against the key standards outlined in the Disability Services Policy.

### STANDARD ONE

***People with disabilities have the same opportunities as other people to access the services of, and any events organised by the Department of Justice.***

The intellectual disability diversion program, which began as a pilot in 2003 and was adopted in 2004, was evaluated during the year and found to have fostered greater cooperation between the Disability Services Commission and the Department of Justice, enabling better use of existing services and resources and delivering improved social welfare outcomes for participants. The program allows courts to explore a wider range of options when dealing with this group of offenders. This year, more than 100 people were referred to the program and 19 completed it successfully.

Four programs are adapted specifically for offenders, including prisoners, with intellectual impairment. The legal and social awareness and sex offending treatment programs, staffed by professional facilitators, are intervention programs focusing on rehabilitation appropriate to the cognitive level of the offenders. The Community Transitional Accommodation and Support Service provides accommodation and intensive support to offenders with intellectual impairment who are not eligible for Disability Services Commission support. The frequent offenders program is a partnership between the Department of Justice, Department of Housing and Works and Disability Services Commission and provides accommodation for some clients registered with the commission.

A joint Edith Cowan University, ACTIV Foundation, Department of Justice and Disability Services Commission project, funded by a Lotterywest research grant, was undertaken during the year to identify issues affecting the high rates of imprisonment and recidivism among offenders with intellectual impairment.

The Public Advocate's community guardianship program, which was launched this year, will improve access to guardianship in regional areas by recruiting volunteers to act as guardians.

# REPORT ON GOVERNMENT POLICIES

## STANDARD TWO

***People with disabilities have the same opportunities as other people to access the buildings and facilities of the Department of Justice.***

Planned improvements in 2005/06 to entrances to Department buildings have been deferred due to budget constraints. However, refurbishments to the Office of the Public Advocate and the Public Trust Office took into account issues of access. The newly opened State Administrative Tribunal included ramp access, special-purpose parking bays and modified lifts. Emergency exit procedures and lift door closing response times at the Tribunal are being addressed with the building owners.

The Albany Justice Complex, to open in July 2005, incorporates disabled access.

Better wheelchair access has been provided to the public counter in the Registry of Births Deaths and Marriages; the main reception at the Department's head office; and the CJS service counters in Belmont, Victoria Park, Maddington, Fremantle, Joondalup and Mirrabooka.

## STANDARD THREE

***People with disabilities receive information from the Department of Justice in a format that will enable them to access the information as readily as other people are able to access it.***

New publications for Aboriginal communities produced by the Office of the Public Advocate were designed to be easily read by people with glaucoma and other difficulties with vision. State Administrative Tribunal brochures are available in other formats on request.

## STANDARD FOUR

***People with disabilities receive the same level and quality of service from Department of Justice staff as other people receive.***

Dedicated induction processes and training to increase staff knowledge of the needs of people with disabilities and the services and facilities available to them are provided by the State Administrative Tribunal, Public Trust Office, Office of the Public Advocate and Prisons. The Office of the Public Advocate also provides training for service providers and administrators to people with decision-making disabilities.

Within the Prisons division, the Disability Services unit provides specialist advice and information on the full range of Department services and programs to staff, carers and other agencies. The unit also advises on case planning and referral to the frequent offenders program and Community Transitional Accommodation and Support Service for offenders with intellectual impairment.

On request, the unit refers all those it deals with to the Disability Services Commission for eligibility assessment. During 2004/05, no prisoners were deemed eligible for support from the commission.

About 150 trainee prison officers have accessed specific 'disability awareness' training to assist in identifying and managing prisoners with intellectual impairment.

## STANDARD FIVE

***People with disabilities have the same opportunities as other people to make complaints to the Department of Justice.***

The Customer Feedback Management Policy and practices developed during the year acknowledges the needs of people with disabilities and will be implemented during the coming year.

# REPORT ON GOVERNMENT POLICIES

## STANDARD SIX

### ***People with disabilities have the same opportunities as other people to participate in any public consultation by the Department of Justice.***

The Department has recognised the importance of providing opportunities for people with disabilities to participate in public consultation in the development of its Disability Services Access and Inclusion Plan. During 2005/06, it plans to develop Department-wide consultation guidelines to ensure people with disabilities have access to public consultation. In 2005/06, the Department plans to establish a consultative committee on disability access and inclusion which will include representatives from key disability access organisations.

## CULTURAL DIVERSITY AND LANGUAGE SERVICES

The Department of Justice provides a diverse range of services, many of which require the use of interpreters to address customer needs. Services are required for courts, marriage celebrations, registering and changing birth certificates, applying for a name change, guardianship and administration and enduring power of attorney issues, State Administrative Tribunal hearings, interviews with prisoners and for medical staff dealing with prisoners.

The Department's Language Services Policy and Practical Guidelines provides a guide for improving services to customers so their level of English is not a barrier to accessing Government services and communicating with staff. A review of the policy and guidelines is planned for 2005/06.

By far the largest user of interpreting services within the Department is the Magistrates Court. In 2004/05, a total of 586 translating and interpreting services, at a total cost of \$74,554, were provided to the Perth Magistrates Court. The languages most in demand were Vietnamese, Arabic, Cantonese, Mandarin and Italian. State-wide, the amount expended on interpreter services to Magistrates Courts was \$108,836. Interpreter services in the District Court totalled \$90,300 and interpreter and translation services in the Supreme Court cost \$7,591 for the year.

Interpreter services were also used as part of the consultation process for the Public Advocate's research project into mistreatment of older people in Aboriginal communities. With funding from the Government's Active Ageing Strategy and the Department of Justice Aboriginal Policy and Services Unit, the Public Advocate employed two Aboriginal project officers to consult with Aboriginal people and service providers in urban, rural and remote communities.

The Public Advocate also launched a similar research project into the mistreatment of older people in culturally and linguistically diverse communities. A brochure has been designed which will be translated into Vietnamese, Chinese, Italian, Dutch, Greek, Polish, Serbian and Croatian and circulated widely in metropolitan and regional communities. Research showed these communities had the biggest proportion of people over the age of 65.

The Department is a major stakeholder in the delivery of services in the remote Aboriginal lands of Ngaanyatjarra, providing the citizens with improved accessibility to services.

The Public Trustee, which has a contract with the Federal Government to provide will-drawing services for Christmas Islanders, provides a brochure in Bahasa, the most common language spoken on the islands.

# REPORT ON GOVERNMENT POLICIES

Within the Prisons division, Health Services continues to provide cultural and linguistically diverse populations with access to printed information about blood-borne viruses in their native language — the biggest users being Indonesian and Vietnamese prisoners. Health Services has also been actively involved in a consultative process arranged by the National Hepatitis Council to identify the resource needs of cultural and linguistically diverse populations in relation to hepatitis C. Indonesian interpreters are provided for the *keeping safe* program as required. The new blood-borne virus testing guidelines advise health services staff on how to access and work with interpreters, including Aboriginal interpreters. This is an important consideration for staff trying to obtain informed consent for testing prisoners from different cultural or linguistic backgrounds.

In 2005, the Department's corporate executive committee endorsed an across-Department policy which recognizes National Aboriginal Islander Day Observance Committee (NAIDOC) week as a core business focus. A committee was established to oversee the planning of NAIDOC activities in the Westralia Square building from 3-10 July.

## YOUNG PEOPLE

The Department of Justice is committed to achieving the outcomes identified in the State Government Plan for Youth. During 2004/05, the Department focused on youth in a number of new and continuing programs that are listed under the key priority areas developed by Government.

### PRIORITY ONE

#### **Citizenship and participation**

The Child Witness Service introduced an activity workbook for children as part of the child witness preparation process, containing fun exercises and activities to familiarise children with the court environment and reduce the trauma of giving evidence. A memorandum of understanding was also signed with WA Police to facilitate referrals to the Child Witness Service. The service has also worked with the new Specialised Child Interview Unit (run by WA Police and the Department for Community Development) and Court Services in the introduction of video-taping of evidence by children and its use in court.

Regionally, the service undertook an extensive training program for service providers in Kununurra, Derby, Broome, Port Hedland, Karratha, Carnarvon, Geraldton, Northam, Kalgoorlie, Esperance and Bunbury to build their skills in child witness preparation and support. In conjunction with this training, the Aboriginal Services Officer assisted the service providers to build links with Aboriginal communities in their regions.

### PRIORITY TWO

#### **Justice and legal issues**

The Department continued to work with the University of WA's Crime Research Centre and five other agencies to progress research relating to juvenile pathways and how juveniles move through the criminal justice system. The \$2.86 million project involves innovative methods of investigating juvenile offending patterns and has been instrumental in the development of juvenile justice strategies and a juvenile risk assessment tool.

Amendments to the *Young Offenders Act 1994* were introduced during the year to allow more effective community supervision of serious and repeat offenders and provide better services to remote communities. (See Priority Six and Community and Juvenile Justice and Prisons.)

In addition, the supervised bail program had 316 participants in the metropolitan area and 44 in country placements. The average number of days on the program in the metropolitan area was 26 and in regional areas it was 27 days.

# REPORT ON GOVERNMENT POLICIES

The regional supervised bail program aims to minimise removal of young people from their regional communities due to their being charged with offences. By providing appropriate support systems and accommodation, the program increases the opportunities for these juveniles to obtain and successfully complete their bail.

## **PRIORITY THREE**

### **Health and wellbeing**

Therapeutic and personal development programs were extended during the year to better skill juvenile detainees, including young Aboriginal people, and to improve their prospects as they approach adulthood.

The young offender personal development program was remodelled to incorporate stories and characters into modules with substantial Aboriginal content and to make the program more relevant and appealing. It was also extended to Rangeview Remand Centre, where 66 Aboriginal juveniles attended during the year. Another 75 Aboriginal juveniles attended the program at Banksia Hill Detention Centre.

A program to promote adolescent sexual health and a psycho-educational drama were extended from Banksia Hill to Rangeview. They provide a forum for detainees to explore relevant issues in their lives including trust, respect, friendship, relationships and family.

Other programs run at Banksia Hill and Rangeview included:

- individual psychological assessment and counselling;
- protective behaviours;
- drug overdose prevention;
- parenting program;
- drug rehabilitation counselling;
- making it on the outside (Banksia Hill only); and
- keeping safe (Banksia Hill only).

In 2004, the Health Services' blood-borne virus consultant worked with key stakeholders from Juvenile Custodial Services to replace the keeping safe program with a more appropriate model for providing blood-borne virus and sexual health to juvenile detainees.

## **PRIORITY FOUR**

### **Culture, recreation and lifestyle**

Banksia Hill Detention Centre participated in NAIDOC week with a display of art by young artists from the education centre at Banksia Hill. The exhibition was in the Westralia Square building in Perth.

## **PRIORITY FIVE**

### **Education, training and employment**

Caversham Training and Enterprise Centre was established in 2004 as a Department of Justice initiative with strong community partnerships. It aims to steer young people away from crime by providing viable alternatives. A community steering committee oversees the centre's programs that include an art program through Swan TAFE and a building and construction program in conjunction with training provider, Silver Trowel. Young people train on site and have an opportunity to attain apprenticeships or training in the building industry.

In 2004/05, some 45 young people participated in various TAFE courses through Caversham and 22 moved into other educational, further training or employment placements. Traineeships are offered at the Family Court each year, providing 12 months experience working in the court's case flow, customer service, data entry and records areas as well as completing a Certificate in Business Office Administration. During 2004/05, four Aboriginal youths began the program, and two have gained full-time work as a result.

# REPORT ON GOVERNMENT POLICIES

Some 15 graduates started the Department's two-year graduate program in 2004/05. The program gives graduates structured induction and training and mentoring and support as they gain experience in a number of divisions.

Court Services employed three school-based trainees, nine Aboriginal trainees and three non-Aboriginal trainees. One of the trainees was appointed a permanent employee as part of the Fines Enforcement Registry's warrant of commitment recall team.

At Banksia Hill Detention Centre, all young people attend education programs as defined in their individual learning programs, which are closely monitored by education staff. Improved literacy and numeracy is a key priority. (See Community and Juvenile Justice and Prisons.)

Other programs at Banksia included:

- Horticulture traineeships that were introduced last year in conjunction with TAFE, and have been very successful. Four groups of young people completed their traineeships.
- Military skills training that boosts detainees' self-esteem, provides self-discipline and exposes them to accredited training which increases their employment chances. Some 120 detainees received various levels of accredited training during the year as part of this program.

## PRIORITY SIX

### *Living in the community*

Provision of video link facilities throughout the State enables young people in remote areas to give evidence without having to leave their region. It also enables young witnesses to give evidence without having to confront the accused in a courtroom. This service was supported by the introduction of legislation in January 2005 which allows the initial evidence given to WA Police and Department for Community Development officers by young victims of sexual offences to be recorded on DVD and replayed in court. This reduces the amount of time the victim is involved in proceedings. The first trial involving DVD evidence is scheduled for September 2005.

Amendments to the *Young Offenders Act 1994* (see Priority Two) have resulted in four community-based initiatives:

- the intensive supervision program involves working with juveniles who have extensive offending histories and their families to reduce offending;
- curfews can be imposed as a condition of conditional release or supervised release orders;
- community supervision agreements with remote Aboriginal communities enable young offenders to be supervised in these communities; and
- juvenile community conferencing allows approved members of remote communities to be involved in deciding the consequences for minor juvenile offenders. (See Community and Juvenile Justice and Prisons.)

The Juvenile Justice community funding program funds non-government, not-for-profit organisations to provide community-based services at a local level to young people who have offended or are at risk of offending. This year, \$1.458 million was distributed through 18 service agreements with community groups.

# REPORT ON GOVERNMENT POLICIES

## REGIONAL DEVELOPMENT POLICY

Providing WA's regional and remote communities with access to quality justice services is a continuing challenge for the Department. During the year, a number of new initiatives were achieved independently and in collaboration with other agencies and with the regional communities themselves.

The Government's Regional Development Policy links 13 outcomes to achieve the social, economic and environmental aims and aspirations of regional communities. The Department is required to report on seven of the 13 outcomes.

### OUTCOME ONE

#### ***Government decision-making is based on a thorough understanding of regional issues***

The Department has developed strategies to monitor and increase the level of community consultation and engagement on key decisions affecting the regions, and to ensure that people from minority backgrounds are included in the consultation process so that policies and strategies are inclusive of relevant issues.

The WA Aboriginal Justice Agreement (AJA)<sup>1</sup>, which was signed last year, was implemented. The agreement aimed to facilitate justice-related agencies working in partnership with Aboriginal people to develop safer and sustainable communities, and reduce over-representation of Aboriginal people in the criminal justice system.

The implementation of the AJA included the development of regional and local justice plans. In 2004/05, five justice plans were completed: the Mulga Mallee Regional Plan and local plans for Kalgoorlie, Derby, Broome and Wiluna. A further seven local plans were near completion. Nine regional reference groups, which consist of representatives from the four signatory agencies and Aboriginal community representatives, have been either formed or have an agreed establishment process in place. However, following the abolition of the Aboriginal and Torres Strait Islander Commission's regional councils, regional reference groups have remained in abeyance pending the State Government's regional replacement structures. They will be responsible for overseeing the development of future local justice plans within their regions.

### OUTCOME TWO

#### ***Planning partnership for a sustainable future***

The Department has a Reconciliation Strategy Statement (developed in July 2001) and is committed to developing Aboriginal service plans across its business areas. Prisons has developed an Aboriginal Service Strategic Plan, and Community and Juvenile Justice has an Aboriginal Service Plan. Court Services has also started developing an Aboriginal Service Plan to guide service delivery to Aboriginal people accessing courts across the State. The plans are used to improve the programs and services provided to Aboriginal people by the divisions.

The Department is playing a pivotal role in progressing a major study investigating developmental pathways to health, education and delinquent outcomes. The \$3 million project that includes researchers from the University of Western Australia and five government agencies began in March.

The Aboriginal Policy and Services directorate contributed \$50,000 to research by the Office of the Public Advocate into abuse of older people in Aboriginal communities in response to recommendations made in a Curtin University report, Elder Abuse in Western Australia (2002), which found a significant level of elder abuse in Aboriginal communities.

<sup>1</sup> Signatories were the Departments of Justice and Indigenous Affairs, the Department for Community Development, WA Police, the Aboriginal and Torres Strait Islander Commission (ATSIC), ATSIS and the Aboriginal Legal Service of WA.



# REPORT ON GOVERNMENT POLICIES

## OUTCOME THREE

### **Effective Government service delivery to regions**

The Department of Justice has developed a number of regional reports on courts, prisons and community corrections data to inform the development of programs and policies in the regions.

The Department is a major participant in the Cross Border Justice Project with the Northern Territory and South Australia justice departments with the objective of addressing social and justice issues affecting the Ngaanyatjarra Pitjantjatjara Yankunytjatjara lands. The project aims to remove obstacles, created by State and territory borders, to the provision of court, police and correctional services. To date, progress has been made in drafting State and Commonwealth legislative changes to enable police and justice services to operate across borders. A project management structure has been implemented that allows regional and local involvement in the design and delivery of the project and development of inter-governmental service agreements.

The Office of the Public Advocate (OPA) has conducted research, with funding from the Active Ageing Strategy, into elder abuse and development of local solutions in Aboriginal communities. It has also established links with Aboriginal organisations to improve access and raise awareness of OPA services.

The Public Advocate's community guardianship program, launched this year, will improve access to guardianship services in regional areas by recruiting volunteers to act as guardians in those areas. (See Public Advocate.)

The Child Witness Service undertook an extensive training program for its service providers in Kununurra, Derby, Broome, Port Hedland, Karratha, Carnarvon, Geraldton, Northam, Kalgoorlie, Esperance and Bunbury to build their skills in child witness preparation and support. In conjunction with this training program, the Aboriginal Services Officer assisted them in building links with Aboriginal communities in their regions.

Regional positions within the Department of Justice are advertised in regional and Aboriginal newspapers and other mediums. An Enterprise Bargaining Agreement being negotiated between the Department and the WA Prison Officers Union includes incentives to attract staff to Broome, Roebourne and Eastern Goldfields regional prisons.

## OUTCOME FOUR

### **Skilled communities**

The Department has developed a Regional Co-ordination Strategy that includes regional committees with representatives from Court Services, Prisons and Community and Juvenile Justice that meet regularly to progress regional initiatives.

The Office of the Public Advocate provided cross-cultural training to staff during 2004/05. It also provided community education sessions to Aboriginal organisations and people in metropolitan and regional areas to raise awareness of the needs of adults with decision-making disabilities, elder abuse and the services available through the guardianship and administration system.

Cultural awareness of Aboriginal and ethnic minorities is also a component of the Community Justice Services' core operational training.

More than 750 people have completed a cultural awareness program conducted across the Department since its inception.

An expansion of programs in regional areas has been backed by provision of extra staff, including program officers at Bunbury and Albany and the employment of psychologists on a fly in/fly out basis at Geraldton and Kalgoorlie. (See Community and Juvenile Justice and Prisons.)

# REPORT ON GOVERNMENT POLICIES

## OUTCOME FIVE

### **Improved regional infrastructure**

As part of the review of regional custodial services, an Aboriginal reference group was formed in the Kimberley to consider the philosophy and location of a new Kimberley custodial service. A similar process is expected to start in the Goldfields in 2005/06.

Capital works planning also provides for an upgrade to the health centre at Greenough Prison and additional beds and associated works at Bunbury Regional Prison.

Construction of the Albany Justice Complex and Great Southern District Police Complex was begun and is expected to be officially opened in the first half of 2005/06.

The Department's computerised registration system for births, deaths and marriages was extended to Albany court in July 2004, enabling the court to issue birth, death and marriage certificates by using an online service. The Registry of Births, Deaths and Marriages intends expanding this service to other court houses. (See Registry of Births, Deaths and Marriages.)

## OUTCOME 11

### **Safe regional communities**

The Re-entry Coordination Service has fostered the development of localised solutions to State-wide problems in helping prisoners to re-integrate into society after their release. Anecdotal evidence and preliminary data from evaluations suggest that the project has improved the transitional support for clients and in some instances their families.

The regional supervised bail program aims to minimise removal of young people from their regional communities when charged with offences. By providing appropriate support systems and accommodation, the program increases the opportunities for these juveniles to obtain and successfully complete their bail. In 2004/05, one juvenile was placed in a bail facility in the Kimberley and, following the signing of an agreement in December, two juveniles were placed with communities in the Goldfields.

## OUTCOME 13

### **Cohesive communities**

Work camps allow low-risk prisoners to undertake valuable community projects that may not otherwise get done. Work camps operate in Walpole, Pardelup, Kellerberrin, Millstream National Park, Derby and Wyndham. A new camp was established at Mt Morgans in the Goldfields during the year and is expected to be fully operational next financial year. Last year, work camps undertook almost 75,000 hours of community work valued at more than \$1 million.

In addition to work camps and in partnership with CALM, community groups and local TAFE Colleges, prisoners also undertook a variety of community and CALM projects as part of the Section 94 community work program, valued at close to \$3 million to the community.

The Department has a number of community work projects that enable fine defaulters and offenders on community work orders to repay the community. Repay WA is one of the largest of those programs. This year, it was expanded to the regions and the annual budget was increased to \$500,000, with six new vans and eight new trailers added to the clean-up and maintenance service. Staff have been appointed to Kalgoorlie, Broome, Bunbury, Geraldton and Albany to directly supervise community work parties.

Under amendments to the *Young Offenders Act 1994*, Community Supervision Agreements with remote Aboriginal communities enable young offenders to be supervised in these communities. Aboriginal Community Supervision Officers have been employed in the Pilbara, Kimberley, Goldfields and Gascoyne. Agreements have been signed with 22 Aboriginal communities in the Kimberley, Pilbara and Goldfields with more planned.

Juvenile Community Conferencing allows approved members of remote communities and victims of crime to be involved in deciding the consequences for minor juvenile offenders. Four coordinators were recruited in the Kimberley, Gascoyne, Pilbara and Goldfields to implement this initiative.

# REPORT ON GOVERNMENT POLICIES

## ENVIRONMENTAL PROGRAMS

### RECYCLING

During the year, the Department migrated to the Government's common use arrangement with Specialised Security Shredding. Some 1,105 bins were collected — an increase of about 50 bins per month on last year. The contract encompasses collection and destruction of confidential and other documents from the Department's offices in the metropolitan area. The contract for collecting inkjet and toner cartridges, awarded in 2002/03, is used in most metropolitan and regional locations.

### PRISONER WORK CAMPS

Throughout 2004/05, prisoners in work camps have continued to undertake important environmental tasks across the State including:

- eradicating date palms on the Millstream delta;
- removing sydney wattle in the Porongurups;
- spraying ruby dock in the Chichester-Millstream National Park;
- maintaining fire breaks in the Porongurups;
- controlling lupin in the wheatbelt at Burgess Spring Nature Reserve;
- building a trail at Home Valley Camp on the Pentecost River to protect vegetation; and
- assisting a local environmental group to regenerate an old farm at Twin Creeks Nature Reserve near Mt Barker.

### COMMUNITY WORK

Adult offenders in the community also undertook environmental work through agreements with the Department of Conservation and Land Management (CALM) and 100 local councils. Last year, community work groups helped maintain recreational areas managed by CALM at six sites around the State.

Community work groups, funded by the Office of Crime Prevention, also removed graffiti and rubbish from buildings and facilities of Main Roads, the Water Corporation and Western Power.

### ENERGY SMART GOVERNMENT PROGRAM

In accordance with the Energy Smart Government policy, the Department has committed to achieving a 12% reduction in non-transport-related energy use by 2006/07, with an 8% reduction over the base established in 2001/02 targeted for 2004/05.

As a result of several initiatives developed throughout the year, the Department achieved a significant reduction and is well ahead of its target. Based on the figures taken from the Sustainable Energy Office website on 12 August 2005, the Department expects to achieve a reduction in energy consumption of 10-11% by 30 June 2005. Last year's report included an over projection (11%) due to incomplete data at the time of reporting. The reduction last year was 7.2% on the baseline.

This year, the Department's Energy Management team assisted onsite representatives with the accurate and consistent entry of data on to a web-based database. This enabled the progress of the Department as a whole and individual facilities to be monitored and assessed quarterly. This information also provided the onsite representatives with better information with which to manage their energy consumption.

# REPORT ON GOVERNMENT POLICIES

Several energy audits were completed at facilities identified as large consumers of energy with potential to realise significant savings. These included Albany, Bunbury, Greenough and Roebourne regional prisons, Bunbury, Geraldton and Karratha courthouses and the South Hedland justice complex. In addition, the introduction of an energy management section to the Department's intranet site has provided staff with information about the Energy Smart Policy, reduction milestones and energy-saving practices.

**Table: Energy Smart Results 2004/05**

Energy Smart Government Program	Baseline (2001/02)	2004/ 2005	Variation %
Energy Consumption (MJ)	234,927,000	**208,656,000	-11.18%
Energy Cost (\$)	5,539,259	5,706,826	3%
Greenhouse Gas (tonnes of CO <sub>2</sub> )	43,878	39,867	-9%
Performance Indicators			
MJ/ sqm	2096	1787	
MJ/ FTE	13,311	11,364	

\* Note that the MJ/FTE value is based on office buildings only.

\*\* This figure was taken from the Energy Data Gathering and Reporting (EDGAR) website on 12 August 2005 for the 12 months to 30 June 2005.

# KEY PERFORMANCE INDICATORS



# KEY PERFORMANCE INDICATORS

FOR THE YEAR ENDED 30 JUNE 2005

## STATEMENT OF CERTIFICATION

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the performance of the Department of Justice and fairly represent the performance of the Department of Justice for the financial year ended 30 June 2005.



**COLIN MURPHY**  
**A/DIRECTOR GENERAL**  
DEPARTMENT OF JUSTICE

31 August 2005

# KEY PERFORMANCE INDICATORS

FOR THE YEAR ENDED 30 JUNE 2005

## INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

DEPARTMENT OF JUSTICE

PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2005

### Audit Opinion

In my opinion, the key effectiveness and efficiency performance indicators of the Department of Justice are relevant and appropriate to help users assess the Department's performance and fairly represent the indicated performance for the year ended 30 June 2005.

### Scope

#### *The Director General's Role*

The Director General is responsible for developing and maintaining proper records and systems for preparing performance indicators.

The performance indicators consist of key indicators of effectiveness and efficiency.

#### *Summary of my Role*

As required by the Financial Administration and Audit Act 1985, I have independently audited the performance indicators to express an opinion on them. This was done by looking at a sample of the evidence.

An audit does not guarantee that every amount and disclosure in the performance indicators is error free, nor does it examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the performance indicators.



D D R PEARSON  
AUDITOR GENERAL

30 September 2005



## 2004/05 PERFORMANCE INDICATORS

### COURT SERVICES

Court Services plays a crucial role in the Department's primary outcome of creating a safe and orderly environment for the Western Australian community. Its role is to instil and maintain community trust and confidence in the court system — to ensure access to justice, finalise disputes in an effective and efficient manner, and ensure equality, equity and integrity in the court system.

Courts, boards and tribunals (referred to hereafter as courts) provide the community with a method to resolve disputes. Simply put, courts provide:

- A registry where disputes/cases are lodged and managed through to finalisation;
- A courtroom where cases are heard; and
- An independent “judge” and rules that ensure parties’ rights are protected.

Additionally, once the dispute is resolved, courts also provide:

- A method of enforcing the court's decision.

There are two distinct entities involved in administering courts in Western Australia; the independent judicial officers who preside over the various courts; and the Court Services division that provides the courts administrative services, support and infrastructure.

Court Services, in partnership with the judiciary, has the primary objective of instilling and maintaining community trust and confidence in the court system. The following elements must exist for community trust and confidence in courts to be maintained:

- **Access to justice** — the structure and machinery of courts must be accessible to the community;
- **Expedition and timeliness** — disputes must be effectively and efficiently finalised; and
- **Equality, equity and integrity** — due process must be followed and be consistent with established laws and procedures.

The Court Services division has identified three key services. These reflect the services provided and the framework in which the services are delivered:

- Service one**            Judiciary and judicial support services
- Service two**            Case processing
- Service three**          Enforcement of criminal and civil court orders

The Court Services division also has responsibility for a fourth service – victim support and counselling services. This service relates mainly to the services provided to victims of crime by the Victim Support Service and counselling services provided by the Coroner's Court.

# 2004/05 PERFORMANCE INDICATORS

## SERVICE 1: JUDICIARY AND JUDICIAL SUPPORT

### Service Description

A key task of the justice system in serving the community is the adjudication of cases brought before the court or tribunal. This service relates to the financial administration of the cost of judicial officers, including their support staff, which totalled \$63,394,499 in 2004/05 (\$52,012,000 in 2003/04) and enabled the judiciary to undertake those determinations.

### Indicator

*The Department has not produced a performance indicator for this service, as an exemption has been granted on the basis that the judiciary, by virtue of the doctrine of separation of powers, is independent of the executive arm of Government.*

## SERVICE 2: CASE PROCESSING

### Service Description

The case processing service relates to all resources and services provided by Court Services to advance cases from lodgement to finalisation.

It includes operational support activities related to the effective and efficient management of cases, claims and applications through the criminal and civil court process and through the various tribunals and boards administered by Court Services across the State. These activities include:

- Providing infrastructure (eg courtrooms, furniture and equipment) to assist in the proceedings of a trial or hearing;
- Providing registry services to accept and process legal documents and list cases for trial or hearing;
- Collecting court fees, as prescribed by legislation;
- Monitoring case-flow standards in the various jurisdictions; and
- Providing support services for non-judicial finalisations of matters.

Each jurisdiction provides separate performance information for this service. This is because disputes are dealt with by different courts due to their seriousness, either in terms of the potential penalty (eg imprisonment) or in the value of the matter in dispute. There are also specialist jurisdictions, including the Family Court, Coroner's Court, Children's Court, the State Administrative Tribunal and other tribunals.

Each indicator is explained below.

## EFFECTIVENESS INDICATORS

### 2.1 Case finalisation ratio

This indicator is determined by calculating the proportion of cases finalised prior to and by trial, from the total number of cases finalised. It is a key indicator as it demonstrates the effectiveness of the courts' processes in resolving disputes between parties both before and by trial.

Social and cost benefits may be achieved by the early finalisation of cases and may include:

- An improvement in the proportion of cases finalised prior to trial, which indicates the courts' case-management processes are effective in guiding parties to finalise cases in an expeditious and timely manner;
- An improvement in the community's capacity to access the court system. The sooner a case is finalised, the earlier the court can deal with the next case; and
- A decrease in the cost of litigation for both the parties involved and the community.

## 2004/05 PERFORMANCE INDICATORS

### 2.2 Average length of trials

This indicator measures the average length of trials that are finalised. It is calculated by dividing the total length of actual trials by the number of trials finalised within each jurisdiction.

It is a key indicator because:

- It impacts on the community's ability to access the justice system. For example, if the average length of trials increases, the community may be subject to greater delays in cases coming to trial, which impacts on the whole-of-Government outcome of a "safe and orderly community";
- It demonstrates that pre-trial systems are effective in advancing matters to trial according to established laws and procedures, and in reducing trial time to a minimum, to ensure trials are finalised in an expeditious and timely manner.

It also reflects that jurisdictions deal with matters of differing complexity, which is demonstrated by the differing length of trials between the jurisdictions.

### 2.3 Percent of cases finalised within time standards

This indicator relates to the percent of cases finalised within timeframes set by the court, in consultation with key stakeholders. It is a key indicator because it demonstrates that the systems, procedures and resources are in place to:

- Provide the community with reasonable and acceptable standards to measure the performance of the courts. This indicates the community's access to the courts; and
- Provide an indication of the expeditious and timely finalisation of a case.

This indicator is achieved within a legal framework that advances matters to finalisation according to established laws and procedures based on equality, fairness and integrity.

This indicator is calculated by comparing the period taken from lodgement of a case to its finalisation, and the elapsed period against the time standard set by the court. The result is expressed as a percent of the cases finalised for the year.

### 2.4 Backlog

This indicator relates to the number of cases still to be finalised at year end that have not been finalised within the timeframes set by the court. It is a key indicator because it provides the community with an indication of the courts' capacity to:

- Provide access to the community; and
- Deal with case workloads within time standards. (For this reason some additional data has been provided to demonstrate the backlog in context of the overall work of the court).

There are numerous factors that have a bearing on a matter being finalised within the standards, not all being within the control of the court. The fact that parties to cases are in dispute suggests that, while one party may want the matter finalised at the earliest possible time, the other may not. Extensions of time are granted to parties for good reason and, subsequently, the standards can not always be met.

The backlog measure is calculated by counting the number of matters still to be finalised (on hand) that have exceeded the timeframes for finalisation set by the court.

It is important to note the relevant workload data is also shown, so that the "backlog" is viewed in the context of each jurisdiction's annual workload.

# 2004/05 PERFORMANCE INDICATORS

## EFFICIENCY INDICATORS

### 2.5 Cost of case finalised

This indicator, which measures the average cost of finalising a case within each jurisdiction, is calculated by dividing the total cost of case processing services by the total number of cases finalised within each jurisdiction.

#### Definitions:

The following definitions explain the key terms used by each court jurisdiction:

- **Case (criminal)** — a matter involving one defendant with one or more charges all with the same first date of registration.
- **Case (civil)** — a matter commenced following the first filing of an originating process.
- **Trial** (Supreme, Family, District, Children's and Magistrates Courts) — a formal defended proceeding before a judicial officer/s. Note, criminal cases specifically, a plea of guilty by the accused does not constitute a defended proceeding.
- **Trial** (Coroner's Court) — an inquest.
- **Trial** (Assessor of Criminal Injuries and Boards and Tribunals) a case that proceeds to the tribunal resulting from contested proceedings that involve the taking of evidence and results in an order rendering the matter finalised as it relates to that tribunal.
- **Trial** — a board hearing.
- **Trial** (Parole Board Trial) — The Board sits and considers various applications and recommendations concerning the release and management of offenders on Parole.
- **Finalised** — the date the case is finally determined. There are numerous methods by which a case may be finalised including sentence, withdrawal of the case, settlement of the case, delivery of the judgement by the court, etc.

*Note: Where no figures are shown against an indicator, the indicator was either not previously reported or available.*

## 2004/05 PERFORMANCE INDICATORS

## SUPREME COURT

	Actual 2003/04	Actual 2004/05	Target 2004/05	Notes
<b>CIVIL</b>				
2.1 Case finalisation ratio				
• Finalised before trial	95%	94%	95%	
• Finalised by trial	5%	6%	5%	
2.2 Average length of trials				
• Civil	5.0 days	3.2 days	4.5 days	1
• Single judge appeal	0.4 days	0.4 days	0.4 days	
• Full court appeal	0.7 days	0.5 days	0.6 days	
2.3 Percent of cases finalised within the standard of 78 weeks	74%	71%	70%	
2.4 Backlog	1,536	777	-	2
Additional case analysis information				
• Cases received	3,284	2,938	-	3
• Cases finalised	3,365	2,419	-	4
• Cases still to be dealt with	2,905	2,976	-	
<b>CRIMINAL</b>				
2.1 Case finalisation ratio				
• Finalised before trial	69%	52%	52%	
• Finalised by trial	31%	48%	48%	
2.2 Average length of trials				
• Criminal	5.5 days	5.1 days	4.5 days	
• Criminal appeal	0.4 days	0.6 days	0.5 days	
2.3 Percent of cases finalised within the standard of 32 weeks	75%	81%	70%	6
2.4 Backlog	75	74	-	
Additional case analysis information				
• Cases received	487	489	-	
• Cases finalised	602	397	-	8
• Cases still to be dealt with	373	321	-	7
2.5 Average cost per case finalised (criminal and civil combined)	\$5,116	\$7,497	\$7,075	5

**Notes:**

1. The variance between the actual and target figures for 2004/05 can be attributed to a combination of factors. In order to accommodate criminal processes while alterations were made to the holding cells at the Supreme Court, both civil and criminal trials were listed in Fremantle and Rockingham and listing processes were reviewed to bring on shorter trial length matters.
2. The apparent reduction in backlog from 2003/04 to 2004/05 can be attributed to a data cleanup associated with the change of system to Integrated Courts Management System (ICMS). The recalculated figure for 2003/04, following data cleanup is 784 which is consistent with the figure for 2004/05.
3. The number of cases lodged with the court is outside the control of the court.
4. The figure for cases finalised for 2003/04 included a number of cases finalised administratively. The subsequent variance between 2003/04 actual and 2004/05 target can therefore be attributed to the data cleanup associated with the change of system to ICMS.
5. The 2003/2004 cost per case was affected by the significant number of civil cases finalised as part of the data clean-up following the introduction of the ICMS. The 2004/2005 figure is in line with the 2004/2005 target.
6. The number of criminal cases finalised within the time standard of 32 weeks has increased by 7% in 2004/05. This can be attributed to active case management from February 1, 2005 in anticipation of the establishment of the Court of Appeal.
7. The number of cases still to be dealt with in 2004/05 is lower than 2003/04 due to the strategy in place to use other Criminal Courts (Rockingham and Fremantle) and also the introduction of an additional Judge in crime in August 2004.
8. The 2003/04 figure is higher than normal because of the unusually high number of cases finalised before trial. The 2004/05 figure is expected to be a better indicator of future numbers.

## 2004/05 PERFORMANCE INDICATORS

## DISTRICT COURT

	Actual 2003/04	Actual 2004/05	Target 2004/05	Notes
<b>CIVIL</b>				
2.1 Case finalisation ratio				
• Finalised before trial	96%	96%	97%	
• Finalised by trial	4%	4%	3%	
2.2 Average length of trials	2.6 days	3.4 days	3.0 days	1
2.3 Percent of cases finalised within the standard of 70 weeks	70%	67%	77%	2
2.4 Backlog	1,354	1,019	-	3
Additional case analysis information				
• Cases received	3,418	3,523	-	
• Cases finalized	3,653	3,845	-	
• Cases still to be dealt with	3,861	3,608	-	
<b>CRIMINAL</b>				
2.1 Case finalisation ratio				
• Finalised before trial	80%	77%	81%	
• Finalised by trial	20%	23%	19%	
2.2 Average length of trials	3.0 days	3.0 days	3.0 days	
2.3 Percent of cases finalised within the standard of 52 weeks	71%	65%	75%	4
2.4 Backlog	486	528	-	5
Additional case analysis information				
• Cases received	2,920	2,534	-	6
• Cases finalized	2,767	2,769	-	
• Cases still to be dealt with	1,897	1,775	-	
2.5 Average cost per case finalised (criminal and civil combined)	\$3,822	\$3,731	\$3,763	

**Notes:**

1. One very long trial has caused the 2004/05 average trial length to exceed target.
2. A new case flow management system was implemented on 30 May 2005. This was later than anticipated; the high 2004/2005 target was set, assuming earlier introduction of the system.
3. The equivalent of two extra commissioners were appointed for the latter half of the year to allow more judiciary to sit on criminal matters. An additional Registrar was also appointed for part of the year. This has generated more finalisations and a reduction in both cases still to be dealt with and backlog.
4. Extra judicial resources worked on finalising cases older than 52 weeks. Hence, the percent of cases finalised within 52 weeks has decreased as more cases are being finalised which are older than 52 weeks.
5. New extraction software better capable of handling complex database issues has demonstrated that the backlog for 2003/04 should read as 583. The reduction in backlog from that figure to 528 in 2004/05 can be attributed to the impact of extra judicial resources, where two extra commissioners were appointed to sit in civil for the latter half of the year (5 months) to allow judiciary from civil to sit on criminal cases.
6. The number of cases lodged with the court is outside the control of the court.

## 2004/05 PERFORMANCE INDICATORS

## FAMILY COURT

	Actual 2003/04	Actual 2004/05	Target 2004/05	Notes
<b>CIVIL</b>				
2.1 Case finalisation ratio				
• Finalised before trial	95%	97%	95%	
• Finalised by trial	5%	3%	5%	
2.2 Average length of trials				
• Direct track	0.3 days	0.2 days	0.3 days	2
• Standard track	1.6 days	1.6 days	1.7 days	
2.3 Percent of cases finalised within time standards				
• Dissolutions (10 weeks)	83%	25 %	85%	1
• Direct track (26 weeks)	63%	55 %	75%	2
• Standard track (44 weeks)	33%	43 %	40%	2
2.4 Backlog	233	142	-	3
Additional case analysis information			-	
• Cases received	14,240	14,922	-	
• Cases finalised	13,256	12,156	-	4
• Cases still to be dealt with	3,584	6,350	-	4
2.5 Average cost per case finalised	\$1,086	\$1,203	\$864	5

**Notes:**

1. The low percentage is partly due to a lack of judicial resources (due to ill health) which pushed a large number of finalisations out to 12 weeks and hence past the standard of 10 weeks.
2. There has been a redistribution of matters between direct track and standard track following recognition of a change in trial length.
3. Removal of finalised Consent Orders has reduced the number of cases in backlog compared to previous years.
4. A decrease in judicial resources (due to ill health) resulted in a reduction in listings, fewer finalisations and an increase in cases still to be dealt with.
5. This target was calculated based on an expected increase in the number of cases finalised. A decrease in judicial resources (due to ill health) caused a decrease in cases finalised which resulted in a proportionate increase in the average cost per case finalised.



## 2004/05 PERFORMANCE INDICATORS

## CHILDREN'S COURT

	Actual 2003/04	Actual 2004/05	Target 2004/05	Notes
<b>CIVIL/CARE AND PROTECTION</b>				
2.1 Case finalisation ratio				
• Finalised before trial	66%	68%	62%	
• Finalised by trial	34%	32%	38%	1
2.2 Average length of trials	0.5 days	2.1 days	0.8 days	1
2.3 Percent of cases finalised within the standard of 52 weeks	78%	77%	80%	
2.4 Backlog	105	81	-	1
Additional case analysis information				
• Cases received	320	359	-	
• Cases finalised	336	308	-	1
• Cases still to be dealt with	222	275	-	1
<b>CRIMINAL</b>				
2.1 Case finalisation ratio				
• Finalised before trial	86%	86%	85%	
• Finalised by trial	14%	14%	15%	
2.2 Average length of trials	0.5 days	0.4 days	0.6 days	
2.3 Percent of cases finalised within the standard of 26 weeks	89%	90%	88%	
2.4 Backlog	223	196	-	2
Additional case analysis information				
• Cases received	8,533	8,850	-	
• Cases finalised	9,634	9,578	-	
• Cases still to be dealt with	1,868	2,016	-	2
2.5 Average cost per case finalised (criminal and civil combined)	\$278	\$303	\$278	3

**Notes:**

1. Mediation and counseling continue to improve outcomes for Care and Protection cases. As a result of these initiatives, cases are taking longer to resolve and fewer cases are proceeding to trial. This in turn has resulted in a reduction in cases finalised and a decrease in backlog as cases make their way through mediation/counseling process.
2. The method of calculation of the number of cases still to be dealt with and cases in backlog continue to be reviewed because of a small but cumulative error. New processes are now in development and will be applied as from 2005/06 financial year.
3. Fewer matters finalised resulting in greater cost per case. The reduction in case finalised for both criminal and care and protection has led to a higher than expected cost per case.

## 2004/05 PERFORMANCE INDICATORS

## MAGISTRATES COURT

	Actual 2003/04	Actual 2004/05	Target 2004/05	Notes
<b>CIVIL</b>				
2.1 Case finalisation ratio				
• Finalised before trial	96%	97%	94%	
• Finalised by trial	4%	3%	6%	
2.2 Average length of trials	0.3 days	0.4 days	0.3 days	
2.3 Percent of cases finalised within the standard of 52 weeks	98%	85%	91%	4
2.4 Backlog	8,374	5,676	-	2
Additional case analysis information				
• Cases received	42,578	39,489	-	
• Cases finalised	21,212	18,173	-	2
• Cases still to be dealt with	41,074	27,282	-	2
<b>CRIMINAL</b>				
2.1 Case finalisation ratio				
• Finalised before trial	80%	81%	78%	
• Finalised by trial	20%	19%	22%	
2.2 Average length of trials	0.2 days	0.2 days	0.2 days	
2.3 Percent of cases finalised within the standard of 26 weeks	95%	91%	94%	
2.4 Backlog	5,378	5,729	-	1
Additional case analysis information				
• Cases received	89,373	95,853	-	
• Cases finalised	89,758	95,518	-	1
• Cases still to be dealt with	46,802	53,270	-	1
2.5 Average cost per case finalised (criminal and civil combined)	\$304	\$321	\$341	3

**Notes:** As a result of the commencement of the Magistrates Court (Civil Proceedings) Act 2004, the activities, including backlog, of the Small Claims Tribunal were absorbed into the civil jurisdiction of the Magistrates Court as from 1 May 2005.

1. The method of calculation of the 'number of cases still to be dealt with' and 'cases in backlog' continue to be reviewed because of a small but cumulative error. The error is under review and new processes are now in development and will be applied as from 2005/06 financial year.
2. The reduction from 2003/04 to 2004/05 in both 'cases still to be dealt with' and 'backlog' can be attributed to the implementation of the Integrated Courts Management System. Unlike the system it replaced, ICMS is able to identify those cases which should be finalised due to inaction, leading to the removal of more than 13,000 such cases. Because they were removed during data migration they are not represented in cases finalised and have resulted in a proportionate decrease in cases still to be dealt with.
3. The lower than expected cost per case can be attributed to the higher number of finalisations which occurred during the ICMS system migration and application.
4. There is little opportunity to exercise active case management of civil actions in Magistrates Courts, other than administratively terminating cases after a period of two years. Hence the proportion of cases finalised within the standard is not directly controlled by the court.

## 2004/05 PERFORMANCE INDICATORS

## CORONER'S COURT

	Actual 2003/04	Actual 2004/05	Target 2004/05	Notes
2.1 Case finalisation ratio				
• Finalised before trial	97%	97%	97%	
• Finalised by trial	3%	3%	3%	
2.2 Average length of trials	2.5 days	2.7 days	3 days	
2.3 Percent of cases finalised within the standard of 52 weeks	92%	91%	90%	
2.4 Backlog	232	304	-	1
Additional case analysis information				
• Cases received	1,984	2,254	-	
• Cases finalised	1,955	1,861	-	
• Cases still to be dealt with	975	1,124	-	1
2.5 Average cost per case finalised	\$2,875	\$3,207	\$2,714	2

**Notes:**

1. The increase in both backlog and cases on hand has mainly resulted from an increase in cases received. The number of cases received by the court is outside its control.
2. Cost per case for small entities such as the Coroner's Court are subject to variation in line with changes in the number of cases finalised.

## STATE ADMINISTRATIVE TRIBUNAL

	Actual 2003/04	Actual 2004/05	Target 2004/05	Notes
<b>CIVIL</b>				
2.1 Case finalisation ratio				
• Finalised before trial	NA	94%	NA	
• Finalised by trial	NA	6%	NA	
2.2 Average length of trials	NA	0.4 days	NA	
2.3 Percent of cases finalised within the standard of 52 weeks	NA	70%	NA	
2.4 Backlog	NA	414	-	
Additional case analysis information				
• Cases received	NA	2,887	-	
• Cases finalised	NA	3,333	-	
• Cases still to be dealt with	NA	3,482	-	
2.5 Average cost per case finalised	NA	\$1,904	NA	

Notes: Following the passage of enabling legislation in 2004, the State Administrative Tribunal (SAT) started operations on 1 January 2005. The SAT now undertakes the functions of numerous boards and tribunals, including three previously administered by the Department of Justice, namely the Guardianship and Administration Board, the Commercial Tribunal and the Equal Opportunity Tribunal. Hence, the activities of these individual boards and tribunals are reported only for the first two quarters of this financial year, and thereafter are reported as an integral component of the operations of the SAT.

The tribunal has been operational since January 2005 and is still in the process of establishing systems to ensure data validity. These systems are continually being reviewed. There exists the possibility that the SAT data used in the KPIs is not fully accurate however this does not materially affect the KPI results as given.

## 2004/05 PERFORMANCE INDICATORS

## GUARDIANSHIP AND ADMINISTRATION BOARD

	Actual 2003/04	Actual 2004/05	Target 2004/05	Notes
2.1 Case finalisation ratio				
• Finalised before trial	15%	9%	12%	
• Finalised by trial	85%	91%	88%	
2.3 Percent of cases finalised within the standard of 8 weeks	60%	83%	65%	
2.4 Backlog	29	32	-	
Additional case analysis information				
• Cases received	1,768	983	-	
• Cases finalised	1,668	1,024	-	
• Cases still to be dealt with	306	216	-	
2.5 Average cost per case finalised	\$1,441	\$1,068	\$1,456	

Notes: The State Administrative Tribunal (SAT) now undertakes the functions of the Guardianship and Administration Board (GAB). The above table reports the activities of GAB for the first two quarters of this financial year. Thereafter, the functions of GAB are absorbed as an integral component of the operations of the SAT.

Because the above table only reports on 6 months of the year 2004/05 the information it contains cannot be compared to any previous year.

## LIQUOR LICENSING COURT

	Actual 2003/04	Actual 2004/05	Target 2004/05	Notes
<b>CIVIL</b>				
2.1 Case finalisation ratio				
• Finalised before trial	47%	67%	15%	1
• Finalised by trial	53%	33%	85%	
2.2 Average length of trials	2.1 days	2.9 days	1.6 days	1
2.3 Percent of cases finalised within the standard of 35 weeks	76%	79%	100%	
2.4 Backlog	1	2	-	
Additional case analysis information				
• Cases received	35	34	-	
• Cases finalised	34	33	-	
• Cases still to be dealt with	17	18	-	
2.5 Average cost per case finalised	\$17,908	\$16,416	\$12,493	1

**Notes:**

1. The Court deals with very few cases each year. This means that measures such as the proportion of cases finalised before trial and the average trial length can show considerable variation from one year to the next due to the variation in complexity of cases dealt with.

## 2004/05 PERFORMANCE INDICATORS

### ASSESSOR CRIMINAL INJURIES

	Actual 2003/04	Actual 2004/05	Target 2004/05	Notes
2.1 Case finalisation ratio				
• Finalised before trial	98%	98%	97%	
• Finalised by trial	2%	2%	3%	
2.3 Percent of cases finalised within the standard of 39 weeks	25%	41%	35%	
2.4 Backlog	453	250	-	1
Additional case analysis information				
• Cases received	1,115	1,137	-	
• Cases finalized	1,239	1,549	-	1
• Cases still to be dealt with	1,371	956	-	1
2.5 Average cost per case finalised	\$13,899	\$13,615	\$14,165	

#### Notes:

1. Procedural change implemented early in 2004/05 increased both the efficiency of processing and the quality of applications presented to Assessors. This has resulted in an increase in the number of finalisations and a reduction in both cases still to be dealt with and backlog.

### OTHER TRIBUNALS AND BOARDS

#### SMALL CLAIMS TRIBUNAL

	Actual 2003/04	Actual 2004/05	Target 2004/05	Notes
2.1 Case finalisation ratio				
• Finalised before trial	43%	38%	30%	
• Finalised by trial	57%	62%	70%	1
2.3 Percent of cases finalised within the standard of 52 weeks	92%	96%	93%	
2.4 Backlog	47	56	-	
Additional case analysis information				
• Cases received	1,239	954	-	2
• Cases finalised	1,486	1,003	-	2
• Cases still to be dealt with	356	341	-	

**Notes:** As a result of the commencement of the Magistrates Court (Civil Proceedings) Act 2004, the activities of the Small Claims Tribunal were absorbed into the civil jurisdiction of the Magistrates Court as from 1 May 2005.

1. At the time the 2004/05 target was set, the trend among litigants was an increasing unwillingness to settle prior to trial. The results to the end of the second quarter indicated that trend was followed but not to the extent expected.
2. The Small Claims Tribunal was abolished at the end of April 2005 and, as a result, the figures for 2004/05 are only for 10 months of operation.

## 2004/05 PERFORMANCE INDICATORS

## COMMERCIAL TRIBUNAL

	Actual 2003/04	Actual 2004/05	Target 2004/05	Notes
2.1 Case finalisation ratio				
• Finalised before trial	94%	96%	94%	
• Finalised by trial	6%	4%	6%	
2.3 Percent of cases finalised within the standard of 52 weeks	97%	95%	95%	
2.4 Backlog	19	24	-	
Additional case analysis information				
• Cases received	1,716	946	-	
• Cases finalized	1,746	862	-	
• Cases still to be dealt with	148	226	-	

Notes: The State Administrative Tribunal (SAT) now undertakes the functions of the Commercial Tribunal. The above table reports the activities of the Commercial Tribunal for the first two quarters of this financial year. Thereafter, the functions of the Commercial Tribunal are absorbed as an integral component of the operations of SAT.

Because the above table only reports on 6 months of the year 2004/05 the information it contains cannot be compared to any previous year.

## EQUAL OPPORTUNITY TRIBUNAL

	Actual 2003/04	Actual 2004/05	Target 2004/05	Notes
2.1 Case finalisation ratio				
• Finalised before trial	81%	79%	75%	
• Finalised by trial	19%	21%	25%	
2.3 Percent of cases finalised within the standard of 52 weeks	51%	54%	55%	
2.4 Backlog	23	1	-	
Additional case analysis information				
• Cases received	68	27	-	
• Cases finalised	98	48	-	
• Cases still to be dealt with	70	49	-	

Notes: The SAT now undertakes the functions of the Equal Opportunity Tribunal. The above table reports the activities of the Equal Opportunity Tribunal for the first two quarters of this financial year. Thereafter, the functions of the Equal Opportunity Tribunal are absorbed as an integral component of the operations of SAT.

Because the above table only reports on 6 months of the year 2004/05, the information it contains cannot be compared to any previous year.

## 2004/05 PERFORMANCE INDICATORS

## PAROLE BOARD

	Actual 2003/04	Actual 2004/05	Target 2004/05	Notes
2.1 Case finalisation ratio				
• Finalised before trial	9%	13%	11%	1
• Finalised by trial	91%	87%	89%	
2.3 Percent of cases finalised within the standard of 14 weeks	100%	100%	100%	
2.4 Backlog	0	0	-	
Additional case analysis information				
• Cases received	4,172	5,337	-	1
• Cases finalised	4,172	5,337	-	
• Cases still to be dealt with	0	0	-	

**Notes:**

1. Cases dealt with administratively are now included in the Board's workload. This has caused a greater than expected number of cases received and finalised and has also caused the percentage finalised before trial to be higher than anticipated.

## TRIBUNALS and BOARDS (Small Claims, Commercial, Equal Opportunity and Parole)

	Actual 2003/04	Actual 2004/05	Target 2004/05	Notes
2.5 Average cost per case finalised	\$447	\$335	\$480	1

**Notes:**

1. Cost per case has no meaning. It represents six months of work for the Commercial Tribunal, 10 months of work for the Small Claims Tribunal and 12 months of work for the Parole Board.



# 2004/05 PERFORMANCE INDICATORS

## SERVICE 3: ENFORCEMENT OF CRIMINAL AND CIVIL COURT ORDERS

### Service description

This service relates to all resources and services provided by the Court Services division to enforce orders handed down by a court.

It includes operational and support activities related to the effective and efficient enforcement of both criminal and civil court orders. These activities include the:

- Provision of infrastructure (eg accommodation, furniture and equipment) to enable enforcement of orders;
- Provision of services to prepare, process, execute and monitor enforcement orders; and
- Monitoring and auditing of bailiff and sheriff activities.

This information shows how effectively and efficiently Court Services enforce court orders. The service demonstrates, to the community and the judiciary, the practical application of enforcing court orders so that both can have confidence in the enforcement process.

There are differences between criminal and civil enforcement. Criminal enforcement (court fines) is administered and controlled by the courts by virtue of statute law. Civil enforcement is regulated by the courts, but is otherwise a matter between litigants, that is, the creditor determines how vigorously to pursue the matter.

### EFFECTIVENESS INDICATORS

#### 3.1 Percent of fines satisfied by Fines Enforcement Registry (FER)

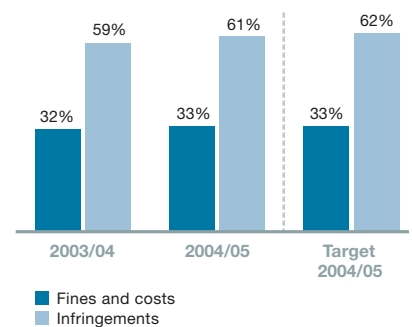
This indicator measures the percent of satisfied fines, costs and infringements referred to the FER by the courts and prosecuting authorities for enforcement within a timeframe of 12 and 24 months.

The Fines Enforcement Registry is the courts' major enforcement arm for the recovery of unpaid fines and infringement notices. Satisfaction of the penalty can be by various methods including full payment, sale of goods, community work and/or serving of default penalties.

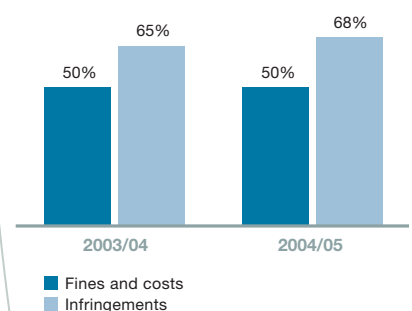
This is a key indicator because it demonstrates to the community and judiciary that the appropriate systems, procedures and resources are in place to enforce fines, costs and infringement penalties in an expeditious and timely manner. It also demonstrates to the community that a court fine is a viable sentencing option.

The indicator is derived by measuring the percent of fines, costs and infringements recovered within 0 to 12 and 0 to 24 months of lodgement with the Fines Enforcement Registry.

PERCENT OF FINES SATISFIED BY FER  
WITHIN THE PERIOD 0 TO 12 MONTHS



PERCENT OF FINES SATISFIED BY FER  
WITHIN THE PERIOD 0 TO 24 MONTHS



# 2004/05 PERFORMANCE INDICATORS

## EFFICIENCY INDICATORS

### 3.2 Average cost per order (criminal and civil)

This indicator measures the average cost of producing/actioning civil and criminal orders in the responsible jurisdictions.

It is determined by dividing the cost of providing enforcement services within each discrete jurisdiction by the number of orders produced/actioned in the financial year.

#### Notes:

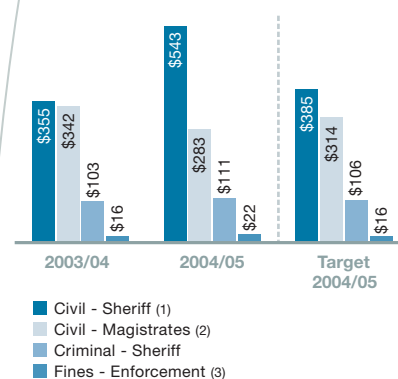
1. Cost per case for civil orders actioned by the Sheriff has increased in line with a reduction in the number of orders actioned.
2. Both the numbers of civil enforcements and the budget for this work reduced in 2004/05.
3. A review of the allocation of corporate overheads and also the introduction of a tracking mechanism for direct costs occurred during this year. This has significantly changed the amount allocation to FER, particularly for costs associated with security. This has caused the apparent increase in cost per case from 2003/04 to 2004/05.

#### Number of orders

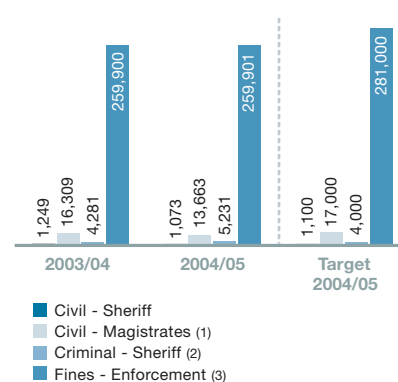
#### Notes:

1. Although there has been a low but steady increase over the last three years in the number of civil orders made by Magistrates there has been a steady reduction this year. There is some evidence that pre-trial conferences are becoming more successful in diverting matters away from trial.
2. The actual number of criminal orders actioned by the Sheriff for 2004/2005 exceeded the target number due to an increase in the number of subpoenas for service received from the DPP.
3. The number of fines enforced in 2004/05 is below the 2004/05 forecast because the number of matters received from the Department for Planning and Infrastructure was less than expected following that Department's implementation of its TRELIS program.

AVERAGE COST PER ORDER



NUMBER OF ORDERS



# 2004/05 PERFORMANCE INDICATORS

## SERVICE 4: ADMINISTRATION OF VICTIM SUPPORT AND COUNSELLING SERVICES

### Service description

The Victim Support Service and Coroner's Office counselling service contribute to the service of a safe and orderly community by supporting the rights of victims of crime and bereaved people and helping them to restore their well-being.

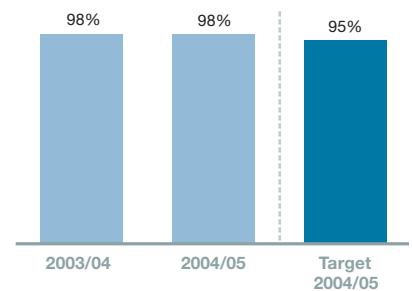
### EFFECTIVENESS INDICATOR

#### 4.1 Percent of victims of crime responded to within 72 hours

This indicator provides the community with a reasonable and acceptable time period/standard for a response to a referral to the Victim Support Service and demonstrates actual performance level.

It is calculated by comparing the elapsed time between receipt of the referral and the service's first contact with the client, against the standard.

PERCENT OF VICTIMS OF CRIME RESPONDED TO WITHIN 72 HOURS



### EFFICIENCY INDICATOR

#### 4.2 Cost per case to provide victim support and other counselling services

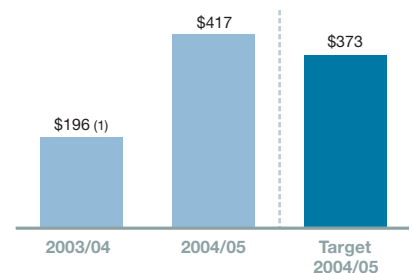
This indicator, which measures the average cost of providing counselling services, is calculated by dividing the total cost of victim support and counselling services by the total number of referrals received.

An increase in the cost per case from 2003/04 was anticipated at \$373, but Actual 2004/05 of \$417 was the result of the combination of price increases for goods and services and increases in salary costs.

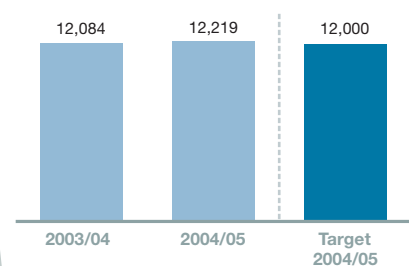
#### Notes:

1. The cost per case was originally calculated incorrectly using a figure of 22,098 (number of referrals received 2003/04). The recalculated figure for cost per case for 2003/04, based on calculating number of referrals received as 12,084 (actual 2003/04) is \$358.

COST PER CASE TO PROVIDE VICTIM SUPPORT AND OTHER COUNSELLING SERVICES



NUMBER OF REFERRALS RECEIVED



# 2004/05 PERFORMANCE INDICATORS

## STATE SOLICITOR'S OFFICE

Inherent in a safe and orderly community is the integrity of the Government's legal dealings, and provision of legal services of the highest quality to all Government agencies.

## SERVICE 5: LEGAL SERVICES

### Service description

The State Solicitor's Office provides a broad-based legal service to Government, its departments, instrumentalities and agencies. These services include: the conduct of litigation, the provision of legal advice, representation as counsel in courts and tribunals and preparation of legal documents.

### EFFECTIVENESS INDICATOR

#### 5.1 The extent to which Government departments and agencies are satisfied with the legal services provided

This indicator measures client satisfaction with the quality of legal services provided. It is measured through a client survey and targets chief executive officers (CEOs) of Government departments and agencies. Survey questions are forwarded in advance to CEOs and are followed by an interview conducted by the State Solicitor.

In 2004/2005 20 client agencies were surveyed.

The number of agencies surveyed represents approximately 90% of the chargeable work of the State Solicitor's Office

The criteria used to assess satisfaction with service included:

- Technical quality of work;
- Relevance of information provided to client's needs; and
- Timeliness of information provided.

The results show the percent of clients that gave a rating of greater than 80% (ie ratings of good to excellent) and a rating of greater than 60% (ie ratings of satisfactory to excellent).

Prior to 2003/04 the survey was divided into major client agencies and significant client agencies.

With the amalgamation of a number of departments in 2003 it is no longer necessary to make that distinction.

**Table 1: Extent to which clients are satisfied with the legal services provided**

	Actual 2003/04		Actual 2004/05		Target 2004/05
	Rating >60%	Rating >80%	Rating >60%	Rating >80%	Rating >80%
Technical quality of work	100%	100%	100%	100%	86%
Relevance of information	100%	100%	100%	100%	82%
Timeliness of information	100%	99%	100%	100%	82%

## 2004/05 PERFORMANCE INDICATORS

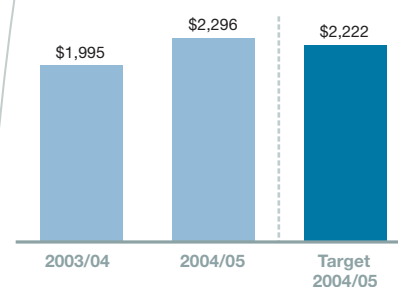
### EFFICIENCY INDICATOR

#### 5.2 Cost per matter

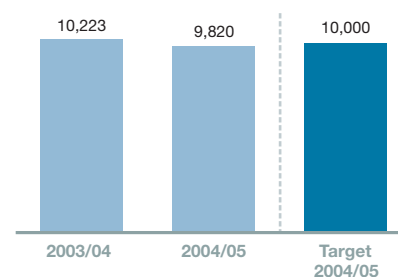
This indicator measures the average cost of a legal matter, which is defined as an initiating instruction from a client to provide legal services. It also includes work in progress. The services include: provision of legal advice, the conduct of litigation, representation as counsel in courts and tribunals, and preparation of legal documents.

The cost of the matter is calculated by dividing the total cost of providing legal services by the number of matters dealt with during the financial year.

#### COST PER LEGAL MATTER



#### NUMBER OF LEGAL MATTERS



## 2004/05 PERFORMANCE INDICATORS

### PARLIAMENTARY COUNSEL

The Parliamentary Counsel is responsible for ensuring Government policies are put into appropriate legislation in a timely manner, thereby contributing to a safe and orderly community.

As well as preparing legislation, the Parliamentary Counsel also ensures the public is given access to, and information about, existing legislation

### SERVICE 6: PREPARATION OF LEGISLATION

#### Service description

To prepare legislation for the Government of Western Australia and its departments and agencies to affect the Government's legislative program.

#### EFFECTIVENESS INDICATOR

##### 6.1 Extent to which legislation was drafted in a timely manner to effect the Government's legislative program

To put Government policies into legislative form, the Government's legislative program must be met. This key indicator measures whether the program has been met by determining the extent to which Cabinet authorities, for the preparation of legislation, have been completed according to the priorities set out in the program.

The indicator represents the total number of Cabinet authorities of various priorities, for which legislation was completed by the relevant cut-off dates in a Parliamentary year. It is expressed as a percent of the total number of Cabinet authorities to which the legislative program relates.

This calculation excludes matters which were not completed on time due to circumstances beyond the control of the Parliamentary Counsel's Office, such as:

- Lack of action on the part of the instructing agency to progress a Bill; or
- Deferral of a Bill by the instructing agency.

*Note: This indicator is reported on a calendar year basis to directly align performance to the Parliamentary year, ie the 2004/05 figure represents the 2004 Parliamentary year. A precise method of assessment is used under which the history of each piece of priority legislation is analysed.*

#### Notes:

1. The office has no control over the number of bills which the Government seek to introduce each year nor their allocated priorities. The target figure is based on historical figures which remained consistent over a number of years. This figure may require reassessment based on the recent years' results.

#### EFFICIENCY INDICATOR

##### 6.2 Average cost per drafting service provided

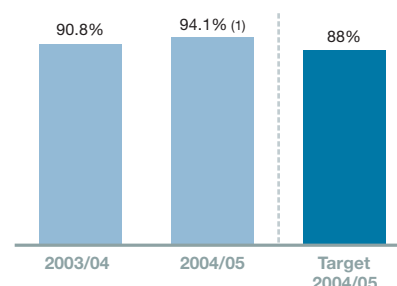
The average cost per drafting service is calculated by dividing the total cost of the Parliamentary Counsel's Office by the number of pages of bills, subsidiary legislation and reprinted texts produced by the office each financial year.

These results will vary from one reporting period to another because of fluctuations in demand for the preparation of legislation. These variations may obscure changes in efficiency.

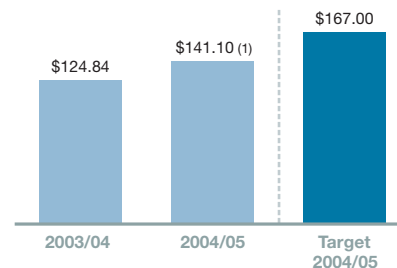
#### Notes:

1. A higher number of legislative pages were drafted than expected in 2004/05

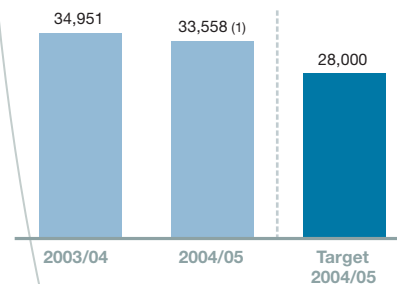
EXTENT TO WHICH LEGISLATION WAS DRAFTED IN A TIMELY MANNER



COST PER PAGE DRAFTED



NUMBER OF PAGES DRAFTED



## 2004/05 PERFORMANCE INDICATORS

### ADULT OFFENDERS

The custody, containment, care, well-being and rehabilitation of offenders and their re-entry into the community is a critical element affecting the community's sense of safety and security. The quality and effectiveness of Western Australia's prison system and the rehabilitation programs it offers has a direct bearing on the perception of a safe and orderly community.

### SERVICE 7: ADULT OFFENDERS MANAGED

#### Service description

Adult offenders are managed in custody and in the community to fulfil the orders of the courts and releasing authorities. This is achieved through the provision of case management, remedial programs, further education and employment skills, sentencing reports, assessment reports outlining an offender's suitability for release or their progress in the community to releasing authorities such as the Parole Board, providing policy and advice and collaborating with other agencies.

### EFFECTIVENESS INDICATORS

#### 7.1 Rate of re-offending

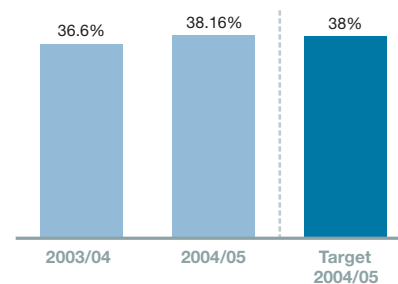
The rate of re-offending is defined as the rate of return to the offender management system, by distinct adult offenders within two years of release from custody or the termination of a community-based order. Changes in the rate of re-offending provide some indication of the effectiveness of personal development activities and rehabilitation programs but effectiveness also depends on other factors such as sentencing legislation, changes in the nature of offences committed and the rate at which community orders are breached for non-compliance.

Research has shown offenders are most likely to re-offend within two years of their release from corrective services. The two-year cut-off period is consistent with standards developed by all national correctional jurisdictions and the independent review and advisory body, the Industry Commission.

To be consistent with the national standards, the rate of re-offending excludes fine default sentences, exits to and commencements of post-prison community corrections orders, conditional/monitored bail orders and work and development orders.

*Note: Distinct offender means an offender is counted only once, even if the offender re-enters the justice system several times. Whilst the 2004/2005 figure shows a slight increase on the 2003/04 rate, recidivism levels are not currently exceeding the target rate by a significant amount. It should be noted that the rate of re-offending is also dependant on services provided by many other State and Federal government agencies as well as social and economic factors.*

RATE OF RE-OFFENDING ADULTS





## 2004/05 PERFORMANCE INDICATORS

### 7.2. Abscond/escape rate, by security rating

This indicator measures the abscond/escape rate for prisoners in the custody of prisons by security rating — maximum, medium (including low-medium) and minimum. It is a measure of the protection provided to the community through safe and secure custodial systems. It is also indicative of effective management and assessment policies and practices.

The indicator is derived by calculating the number of absconds/escapes, by security rating, as a percent of the daily average population.

#### Notes:

1. The 2004/05 figure comprises one escape by a maximum security prisoner from hospital.
2. Unlawful absences in the minimum security category are usually absconds rather than escapes (where some form of physical security is breached). During 2004/2005, prisoners who absconded from Broome, Eastern Goldfields, Karnet and Wooroloo (all open prisons) accounted for 87% of all unlawful absences. Broome prison was responsible for 33 Absconds (62%) which reflects the open level of security at the prison, it's location within the Broome township and cultural issues associated with the prison's high proportion of Aboriginal inmates. The 5% variance between 2004/05 and 2003/04 rate can be attributed to some extent to the recent efforts employed by the Prisons Division to address the underlying causes of unlawful absence and reduce the opportunities for it to occur.
3. The overall numbers of escapes are similar to previous years. However, the 8% variance between the 2004/05 and 2003/04 rate could be attributed to the daily average population increasing. Whilst not on target, the rates are continuing a downward trend.

### 7.3 Successful completion of community corrections orders

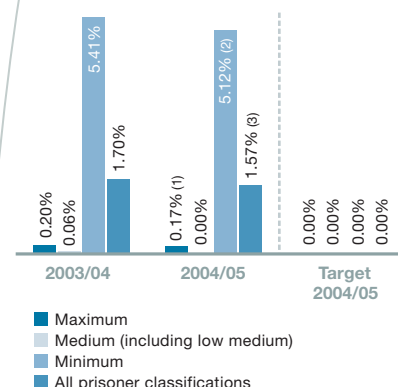
This indicator measures the completion rate of community corrections orders. It is an indicator of offenders' responsible and law-abiding behaviour while under the supervision of the Department of Justice.

Orders are considered successfully completed if they run their full course without breach action finalised or pending. Types of community corrections orders include:

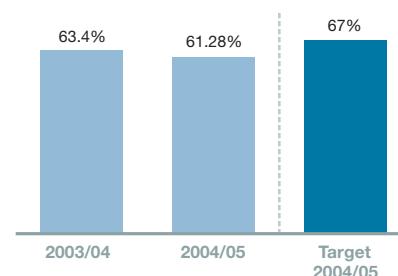
- Intensive supervision;
- Community-based;
- CEO parole;
- Parole;
- Work release;
- Re-entry
- Conditional bail;
- Monitored bail;
- Pre-sentence; and
- Work and development.

Intensive supervision and Community-based orders were established as a result of the Sentencing Act in 1996 to replace probation and community service orders. CEO parole and re-entry orders (which replace the work release orders), as well as pre-sentence orders were established as a result of the Sentencing Legislation effective from August 2004. Home detention bail and community bail were replaced by monitored bail and conditional bail.

ABSCOND/ESCAPE RATE,  
BY SECURITY RATING



SUCCESSFUL COMPLETION OF  
COMMUNITY-BASED ORDERS



## 2004/05 PERFORMANCE INDICATORS

The indicator is derived by calculating the number of orders completed as a proportion of all orders validly terminated, completed or expired.

*Note: Following the introduction of a Centralised Breach Unit and the streamlining of the breaching process, there was an increase in the number of orders breached during 2004/2005. This contributed to the successful completion rate for community correction orders being 8.5% below target. This variance is a reflection of a continuing strong focus on community safety during the case management of offenders in the community, which requires case-managers to respond promptly to incidences of non-compliance or recidivism by offenders.*

### EFFICIENCY INDICATORS

#### 7.4 Cost per day of keeping an offender in custody

This indicator measures the full accrual cost of managing an adult offender in custody per day. It is calculated by dividing the total accrual cost of managing an adult offender in custody by the daily average number of adult offenders, divided by 366 days.

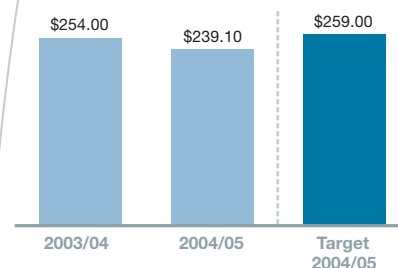
##### Notes:

1. There has been a rapid increase in the imprisonment rate since the end of December 2003 which in turn has contributed to and is reflected by the lower than anticipated costs. The increase in the number of prisoners could be attributed to:
  - The successful implementation of Government policy including: improved police clear-up rates (especially burglary); increased imprisonment for serious offences (particularly offences against the person); an increase in the average sentence length (the result of the removal of short-term imprisonment); and
  - Criminal justice system issues, including: an increase in the number of fine defaulters in prison; increased breaches of intensive supervision and early-release orders and reduced access to early release from prison.

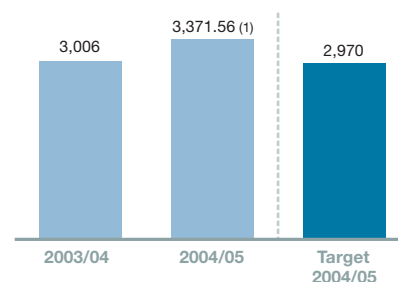
#### 7.5 Cost per day of managing an offender through community supervision

This indicator measures the unit cost of managing an adult offender per day through community supervision. It is calculated by dividing the total accrual cost of managing an adult offender through community supervision by the daily average number of offenders supervised, divided by 366 days.

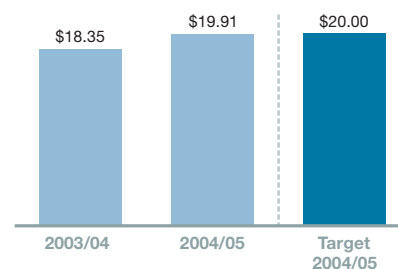
**COST PER DAY – ADULTS**



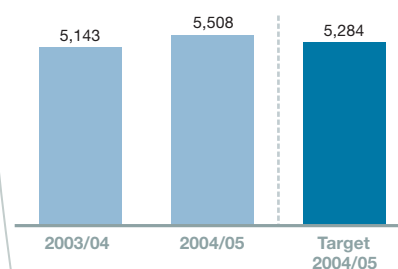
**DAILY AVERAGE POPULATION**



**COST PER DAY OF MANAGING AN OFFENDER THROUGH COMMUNITY SUPERVISION**



**AVERAGE NUMBER OF PERSONS ON COMMUNITY-BASED ORDERS**



# 2004/05 PERFORMANCE INDICATORS

## JUVENILE OFFENDERS

### SERVICE 8: JUVENILE OFFENDERS MANAGED

#### Service description

Juvenile offenders are managed in detention and in the community to fulfil the orders of the courts and through diversion from court programs. Juveniles participate in remedial, educational and rehabilitation programs that address their offending behaviour.

#### EFFECTIVENESS INDICATORS

##### 8.1 Rate of return to detention

The rate of return to detention is defined as the percent of juvenile offenders who return to sentenced detention within two years of release from sentenced detention. This indicator is measured over two previous financial years.

The rate of return to detention provides an indication of the effectiveness of personal development activities and rehabilitation programs. The rate of return to detention is also dependent on other factors such as sentencing legislation, changes in the nature of offences committed and the rate at which offenders on community orders are breached for non-compliance.

*Note: A detainee is counted only once, even if the detainee re-enters the system several times.*

#### Notes:

1. There is an 18% variance between the 2004/05 rate and the target. This target was based on historical data that reflected earlier trends and has been revised. The 2005/06 target has been set at 56%. It should be noted that due to the small number of juveniles involved in calculating the rate of return to detention, an increase or decrease in the population has a significant impact on the rate.

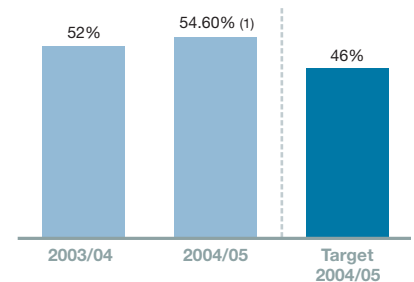
##### 8.2 Escape rate

This indicator measures the escape rate from all juvenile detention centres. It is a measure of the protection provided to the community through the provision of safe and secure custodial systems. It is also indicative of effective management and assessment policies and practices.

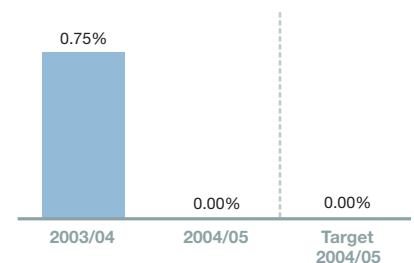
This indicator is derived by calculating the number of escapes as a percent of the daily average population.

*Note: The juvenile escape rate is reported according to national adult correctional standards.*

RATE OF RETURN TO DETENTION



ESCAPE RATE



## 2004/05 PERFORMANCE INDICATORS

### 8.3 Successful releases from detention

This indicator measures the proportion of juvenile offenders released from detention at their earliest possible release date. This provides an indication that detainees are adopting a law-abiding lifestyle while in custody and is also indicative of the application of effective management policies, practices and programs.

It is derived by calculating the number of juvenile detainees released at their earliest possible release date and incurring no additional sentences due to behaviour while in custody, as a proportion of all releases from custody.

### 8.4 Successful completion of community corrections orders

This indicator measures orders having run their full course without breach action finalised or pending. It provides an indication of the completion rate of community corrections orders, and an offender's responsible and law-abiding behaviour, while under the supervision of the Department of Justice.

It is derived by calculating the number of orders successfully completed as a proportion of all orders validly terminated, completed or expired.

Types of community corrections orders include:

- Youth community-based;
- Intensive youth supervision;
- Intensive youth supervision (with detention); and
- Supervised release orders.

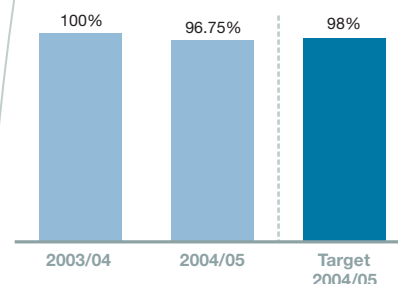
### 8.5 Juvenile Justice Team action plans

Juvenile Justice Teams are part of a pre-court diversionary program aimed at ensuring minor offences are dealt with in a way that is commensurate with the offence to ensure young people are not drawn into the formal justice system unnecessarily.

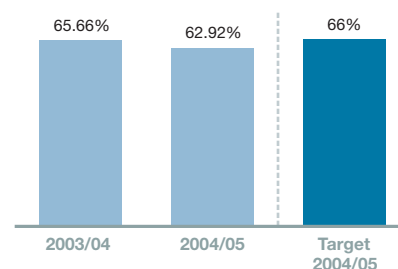
An action plan is a contract established by a Juvenile Justice Team which requires a young person to undertake tasks to make up for an offence. For example, a juvenile who has graffitied a wall may be on an action plan requiring him or her to repaint the wall. The action plan has a due date, which specifies when the plan needs to be finalised.

The coordinator of the Juvenile Justice Team is required to record the outcomes of each referral. The referring authority (ie the court or police) is advised, in writing, when an action plan is either successfully completed or not. Juvenile Justice Teams attempt to encourage and support young people to complete their action plan. The matter only becomes a 'failed action plan' when the juvenile does not comply.

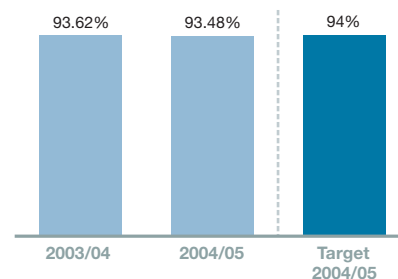
**SUCCESSFUL RELEASES FROM DETENTION AT THEIR EARLIEST POSSIBLE RELEASE DATE**



**SUCCESSFUL COMPLETION OF COMMUNITY-BASED ORDERS**



**ACTION PLANS COMPLETED**



## 2004/05 PERFORMANCE INDICATORS

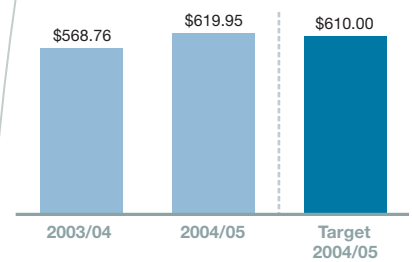
### EFFICIENCY INDICATORS

#### 8.6 Cost per day of keeping a juvenile offender in detention

This indicator measures the unit cost per day of managing a juvenile offender in detention. It is calculated by dividing the total accrual cost of managing a juvenile offender in detention by the daily average population, divided by 366 days.

The lower unit cost in 2003/04 can largely be attributed to the population for 2003/04 being higher in comparison to 2004/05. Fixed costs per unit is higher in 2004/05 due to lower daily average population in detention.

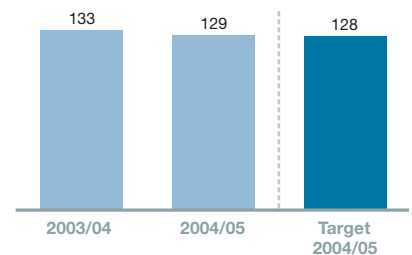
**COST PER DAY OF KEEPING A JUVENILE OFFENDER IN DETENTION**



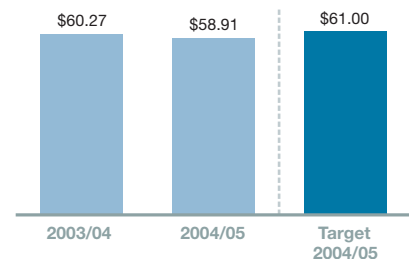
#### 8.7 Cost per day of managing a juvenile offender through community supervision

This indicator is calculated by dividing the total accrual cost of managing a juvenile offender through community supervision by the daily average number of offenders supervised, divided by 366 days.

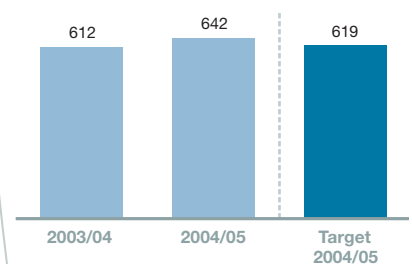
**DAILY AVERAGE POPULATION**



**COST PER DAY OF MANAGING A JUVENILE OFFENDER THROUGH COMMUNITY SUPERVISION**



**DAILY AVERAGE NUMBER OF JUVENILES ON COMMUNITY ORDERS**



## 2004/05 PERFORMANCE INDICATORS

### OFFICE OF THE PUBLIC ADVOCATE

In any society, the ability of a community to care for those who are unable to care for themselves is a measure of its maturity. In Western Australia, the maintenance of a safe and orderly community requires that the State protects the rights of adults with reduced decision-making abilities, and reduces the incidence of risk, neglect and exploitation. The Public Advocate represents and advances the best interests of people with decision-making disabilities both at hearings for the appointment of a guardian and in the community.

*Note: The State Administrative Tribunal (SAT) handles matters that were previously the responsibility of the Guardianship and Administration Board (GAB). The GAB ceased to operate on 23 January 2005. The SAT assumed responsibilities for guardianship and administration matters from 24 January 2005. This change did not alter processes that relate to the calculation of the Office of the Public Advocate's performance indicators.*

### SERVICE 9: ADVOCACY AND GUARDIANSHIP SERVICES

#### Output Description

To advocate for the best interests of people with decision-making disabilities, both at hearings of the State Administrative Tribunal, to decide the need for a guardian and/or administrator and in the community to investigate complaints of allegations of abuse, exploitation or neglect. To act as guardian when appointed by the State Administrative Tribunal.

The Office of the Public Advocate (OPA) conducted a review of its core business system OPA Statistical Collection Access System (OSCAS) in March 2004. Business rules were reviewed and established for all performance indicators. However, the OPA is not satisfied that the OSCAS database is completely reliable. Further efforts will be made in 2005/2006 to improve reliability.

#### EFFECTIVENESS INDICATORS

##### 9.1 Proportion of customers provided with advocacy relative to the number of referrals from the State Administrative Tribunal, reviews for people for whom the Public Advocate is guardian and community referrals

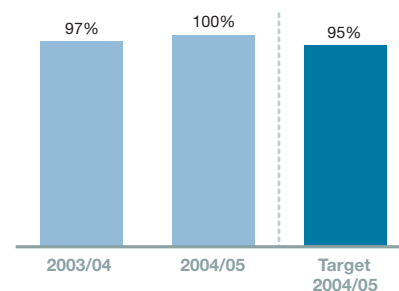
This performance indicator measures the number of matters allocated for advocacy as a percentage of the total referrals, including community referrals.

This indicator measures the ability to provide advocacy to clients identified as requiring advocacy and is considered a key indicator because it indicates the extent to which the Office of the Public Advocate is able to protect the rights of adults with decision-making disabilities and reduce the risk of neglect, exploitation or abuse.

The Manager Advocacy and Investigation receives applications referred by the State Administrative Tribunal (GAB prior to 24 Jan 05), as well as community referrals, and assesses their priority and allocates the highest priority applications to investigators. Those applications not able to be allocated are placed on a waitlist.

The favourable result recorded this year, as compared to the budgeted target, is due to a reduction in the number of referrals received from the State Administrative Tribunal.

**PROPORTION OF CUSTOMERS PROVIDED WITH ADVOCACY RELATIVE TO THE NUMBER OF REFERRALS FROM THE STATE ADMINISTRATIVE TRIBUNAL, REVIEWS FOR PEOPLE FOR WHOM THE PUBLIC ADVOCATE IS GUARDIAN AND COMMUNITY REFERRALS**



## 2004/05 PERFORMANCE INDICATORS

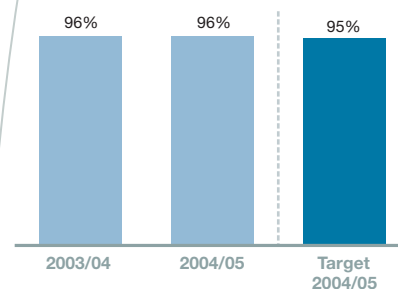
### 9.2 Extent to which recommendations were accepted by the State Administrative Tribunal

This indicator is a measure of the extent to which the investigation service meets the needs of people with decision-making disabilities in determining their best interests.

Guardians and investigators advocate for the best interests of 'proposed' represented persons or represented persons by providing comprehensive information and proposals to the State Administrative Tribunal (SAT). This enables the SAT to make an informed decision in the person's best interests.

A key measure of the success of advocacy is the acceptance of the OPA's recommendations because recommendations are based on 'best interest' principles enshrined in the *Guardianship and Administration Act 1990*.

**EXTENT TO WHICH RECOMMENDATIONS WERE ACCEPTED BY THE STATE ADMINISTRATIVE TRIBUNAL**

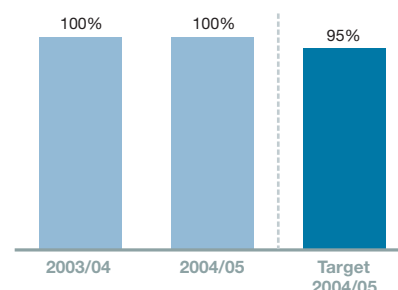


### 9.3 Extent to which the problem precipitating the need for the Public Advocate to be appointed as Guardian of Last Resort has been resolved

The Public Advocate is appointed by the State Administrative Tribunal as Guardian of Last Resort when it is considered necessary and where no one else is suitable or available to take on the role of substitute decision-maker on behalf of a person with a decision-making disability.

This measure is derived by dividing the number of resolved Guardian of Last Resort (GLR) cases by the total number of GLR cases, excluding those cases where the person died during the period of review. Resolution occurs when the Public Advocate's guardianship services helped to resolve the problem prompting the initial application. Resolutions of problems range from protecting the represented person from neglect, abuse or exploitation, resolving conflict over major lifestyle decisions and providing legal consent.

**EXTENT TO WHICH THE PROBLEM PRECIPITATING THE NEED FOR THE PUBLIC ADVOCATE TO BE APPOINTED AS GUARDIAN OF LAST RESORT HAS BEEN RESOLVED**



### 9.4 Advocacy cases completed within eight weeks

This indicator measures the performance of the Public Advocate to complete investigations and community referrals within eight weeks of being allocated.

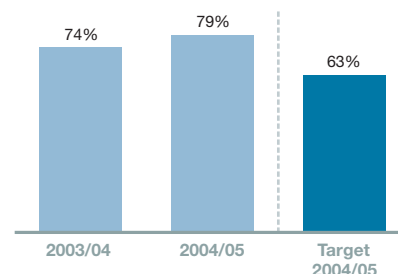
This measure is based on the State Administrative Tribunal's best practice of finalising a matter within eight weeks from receipt of the application to the hearing.

This indicator is measured by dividing the number of advocacy applications and community referrals completed within eight weeks by the total number of advocacy applications and community referrals received.

It is, to a large extent, determined by the tribunal as the tribunal alone sets hearing dates for applications.

Improved performance is directly related to more timely scheduling by the State Administrative Tribunal.

**ADVOCACY CASES COMPLETED WITHIN EIGHT WEEKS**





## 2004/05 PERFORMANCE INDICATORS

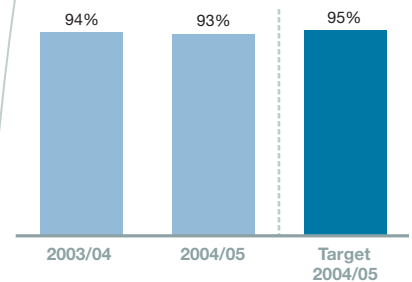
### 9.5 Guardian of Last Resort appointments allocated within one working day

This indicator measures the timeliness of the Public Advocate in allocating a guardian to a represented person in order to make decisions on their behalf and protect them from neglect, abuse or exploitation. A guardian is appointed only when considered necessary, and when there is no one else suitable or available to take on the role.

This indicator is based on the Public Advocate's best practice to ensure the needs of the represented person are met immediately.

This indicator is measured by the number of appointments of Guardians of Last Resort made by the State Administrative Tribunal at the hearing and accepted by the Public Advocate's delegate within one working day of receipt of the Guardianship order.

**GUARDIAN OF LAST RESORT  
APPOINTMENTS ALLOCATED WITHIN  
ONE WORKING DAY**



### EFFICIENCY INDICATORS

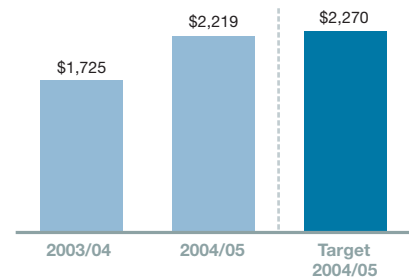
### 9.6 Average cost per case of providing advocacy and guardianship services

This indicator measures the average cost per case of providing advocacy and guardianship services on behalf of people with decision-making disabilities.

This indicator is calculated by dividing the total number of advocacy and guardianship services by the total cost of providing the service.

The variance between 2003/04 and 2004/05 actuals for the office's efficiency indicator was due to an increase in expenditure for an additional two staff members. The Department of Justice provided additional funding to fund office refurbishments, research projects and a video conferencing facility.

**AVERAGE COST PER CASE  
OF PROVIDING ADVOCACY AND  
GUARDIANSHIP SERVICES**



## 2004/05 PERFORMANCE INDICATORS

### TRUSTEE SERVICES

Equitable access to trustee services for all Western Australians is a crucial element in maintaining an orderly community. Providing trustee services is the responsibility of the Public Trust Office.

The Public Trustee is a statutory authority within the provisions of the *Financial Administration and Audit Act*. It provides a funds management and investment service through the operations of the Common Fund – an at-call investment facility backed by the State – and acts as trustee or financial administrator pursuant to the orders of courts or tribunals. It also administers the estates of people who die with or without a will, in accordance with the terms of the will or the relevant law and under the authority of the Supreme Court.

The Public Trustee offers high quality, personalised trustee services to meet the needs of all sectors of the Western Australian community.

Key performance indicators have been selected to measure the office's effectiveness and efficiency in fulfilling the duties of the *Public Trustee Act*.

### SERVICE 10: TRUSTEE SERVICES

#### Service description

Trustee services include:

- Administering estates of people who die with or without a will (estate administration);
- Managing the financial affairs of people who are unable or unwilling to manage their financial affairs (trust management);
- Preparing wills and powers of attorney for people who wish to appoint the Public Trustee as their executor or donor (wills); and
- Examining the accounts of administrative orders (this has now been transferred to the Public Trust Office from the Guardianship and Administration Board).

These services are available to all Western Australians irrespective of profitability or complexity.

### EFFECTIVENESS INDICATORS

#### 10.1 Extent to which trustee services meet the needs of clients

This indicator measures the level of client satisfaction with the quality of trustee services provided.

In 2004/05, Patterson Market Research was engaged to conduct a telephone survey among a random sample of the Public Trustee client base. The sample client base parameters consisted of:

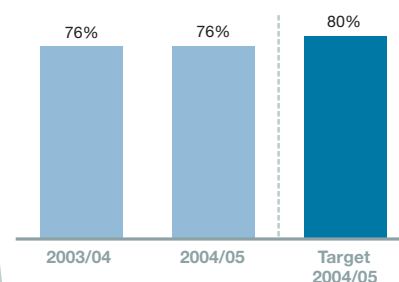
- Clients aged between 18 and 80 years;
- Clients who have a current account in 2004/05; and
- Clients who are capable of making meaningful comment, that is, those who are known not to be suffering from dementia or in a comatose state, etc.

Based on the above definition, a random sample of 1,460 clients was generated and selected, representing a cross-section of clients who use the various trustee services provided by the Public Trustee.

#### Notes:

1. The survey covered several criteria of customer satisfaction, including aspects of reliability and customer attributes.
2. A total of 401 clients were surveyed yielding a sampling precision of +/- 4.9 at a 95% confidence interval.

EXTENT TO WHICH TRUST MANAGEMENT SERVICES MEET THE NEEDS OF CUSTOMERS



## 2004/05 PERFORMANCE INDICATORS

### 10.2 Number of estates relative to the number of adult (18 years and over) deaths in Western Australia

This indicator measures the Public Trust Office's performance in the market to monitor its success in providing an estate administration service for all Western Australians.

The Public Trustee administers estates regardless of whether it is appointed executor or not. Some estates do not require formal administration but still require work to get assets registered in the survivor or beneficiaries name, eg joint assets and/or nominal bank accounts.

This indicator represents the number of estates/deaths reported as a percent of the number of adult deaths in WA.

In 2004/05, 1,716 estates were referred to the office and 16% of all estates of people who died in 2004/05 were referred to the Public Trustee, either as executor of the estate or the beneficiaries of the estate sought the assistance of the office. The Public Trust Office aimed to reach a target of 15%.

*Notes: The actual number of adult deaths in Western Australian for 2003/04 has been amended. This number was previously reported as 11,571.*

### 10.3 Extent to which the Public Trustee maintains a market share in drawing wills naming the Public Trustee as executor

The Public Trustee operates in a commercial environment offering services that can be provided by numerous professional service providers.

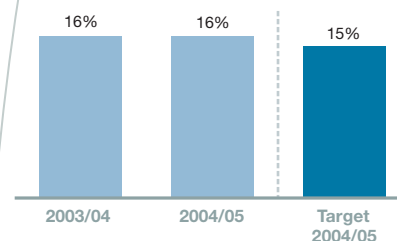
This indicator represents the number of people who died during the year who had a will prepared naming the Public Trustee as executor. It is shown as a percent of the total number of adult deaths in WA.

In 2004/05, the Public Trustee administered 1,460 estates that named the Public Trustee as executor. The Public Trustee's market share for this period was 13%.

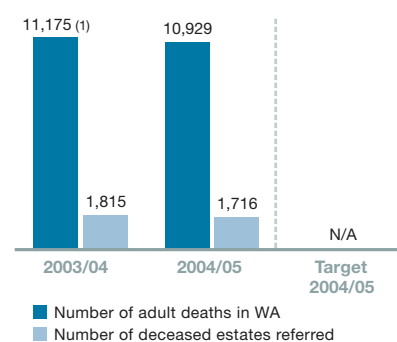
#### Notes:

1. The actual percentage for 2003/04 has been amended. This number was previously reported as 13%.
2. The actual number of adult deaths in Western Australian for 2003/04 has been amended. This number was previously reported as 11,571.

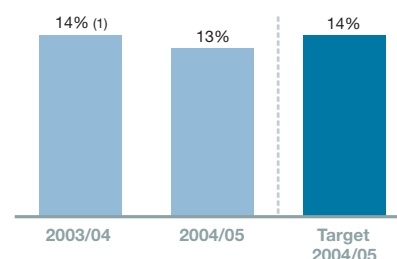
**NUMBER OF ESTATES RELATIVE TO THE NUMBER OF ADULT (18 YEARS AND OVER) DEATHS IN WESTERN AUSTRALIA**



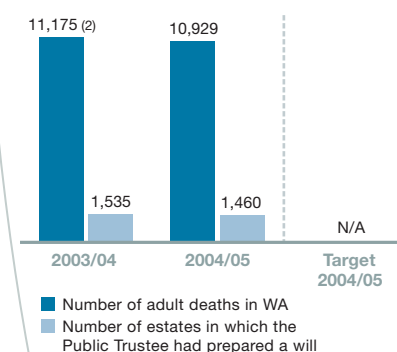
**NUMBER OF ADULT DEATHS IN WA  
NUMBER OF DECEASED ESTATES REFERRED**



**EXTENT TO WHICH PUBLIC TRUSTEE MAINTAINS A MARKET SHARE IN DRAWING WILLS NAMING THE PUBLIC TRUSTEE AS EXECUTOR**



**NUMBER OF ADULT DEATHS IN WA  
NUMBER OF ESTATES IN WHICH THE PUBLIC TRUSTEE HAD PREPARED A WILL**



## 2004/05 PERFORMANCE INDICATORS

### 10.4 Percent of estates finalised within 12 months of being reported

This indicator provides a measure of success, from a client's perspective, of the average time taken to administer an estate.

Issues such as life interests, taxation, family disputes and testator family maintenance actions contribute to the time taken to close an estate, which are outside the control of the Public Trust Office.

The average time taken to complete an estate, if completed within 12 months, was 5.64 months, based on the date of final completion.

**Notes:**

1. The improved result across all three parameters is largely due to the reduction in deceased estate files allocated.

### EFFICIENCY INDICATORS

### 10.5 Cost per trust managed

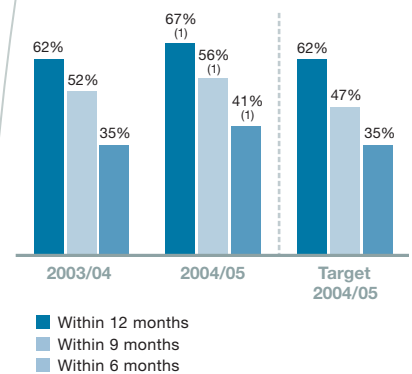
This indicator measures the cost of managing a trust, calculated by dividing the total cost of providing trust management services by the number of trusts under management.

This indicator is presented in an index format. The base index of 100 was set in 1994/95.

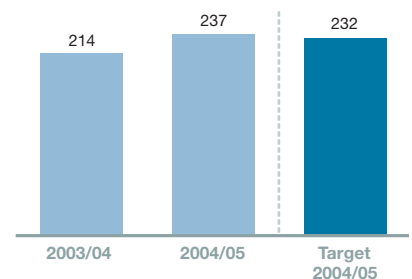
**Notes:**

1. The Public Trustee's client demand for Trust Management services is subject to market forces, which directly affects cost efficiencies.

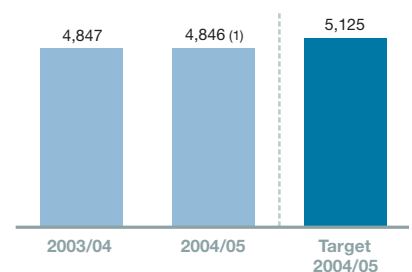
**PERCENT OF ESTATES  
FINALISED WITHIN 12 MONTHS  
OF BEING REPORTED**



**COST PER TRUST MANAGED**



**NUMBER OF TRUSTS MANAGED**



## 2004/05 PERFORMANCE INDICATORS

### 10.6 Cost per deceased estate administered and cost per will prepared

The deceased estate administration service comprises two main cost areas, which have been separated in this indicator to provide a clear indication of the costs involved.

This indicator is presented in an index format. The base index of 100 was set in 1994/95.

**Note:**

1. The unit cost reduction is directly proportional to the increase in all estates administered (includes both deceased estates and estate related trusts).

#### Number of deceased estates administered

**Notes:**

1. Due to an improvement in automated reporting, the number of deceased estates administered now includes all deceased estates, as well as estate related trusts which were previously not included.

#### Cost per will prepared

**Notes:**

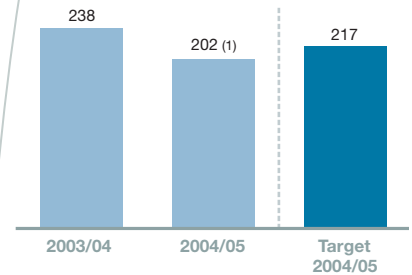
1. The index cost has exceeded the target due to a combination of a 14% increase in costs and a 6% reduction in the wills drawn.

#### Number of wills prepared

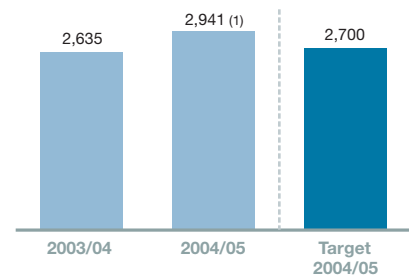
**Notes:**

1. Wills drawn did not reach target due to increased competition from DIY will kits.

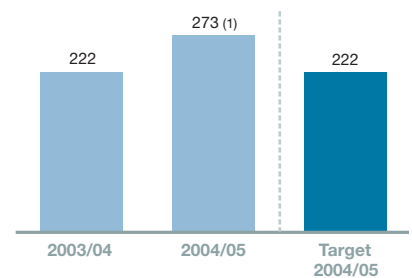
#### COST PER DECEASED ESTATE ADMINISTERED



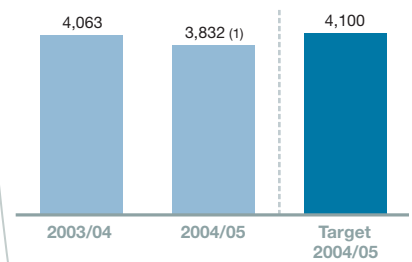
#### NUMBER OF DECEASED ESTATES ADMINISTERED



#### COST PER WILL PREPARED



#### NUMBER OF WILLS PREPARED



# 2004/05 PERFORMANCE INDICATORS

## REGISTRY SERVICES

The security, integrity and preservation of birth, death and marriage records are essential components of an orderly community.

### SERVICE 11: REGISTRATION SERVICES

#### Service Description

To create and ensure permanent storage of birth, death and marriage records that enables the public to obtain documentary proof of key life events for legal, personal and historical purposes and that enables approved organisations to obtain authorised information for research and records.

#### EFFECTIVENESS INDICATORS

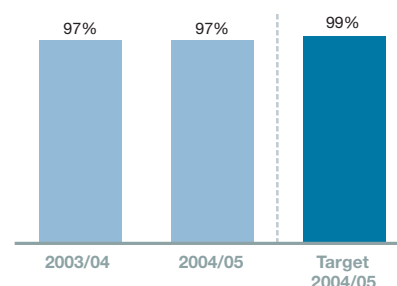
##### 11.1 Extent to which source information is recorded error-free

This indicator measures the percent of new registrations accurately recorded by the registry, excluding incorrect source information provided by customers. It is a key performance indicator because the registry is the creator and custodian of vital records and the public must have confidence that records are accurate and reliable.

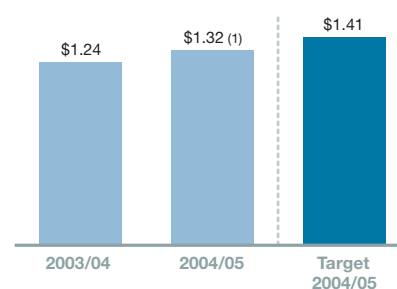
Only the number of registry errors in death registrations is used to calculate this indicator because immediate feedback is provided if an error is evident in the death certificate, which is always needed for estate settlement. Any errors made on birth or marriage certificates are not immediately detected, as these certificates may not be requested for many years after registration. As the processes for recording births, deaths and marriages are identical; the number of errors in death registrations is considered representative of all three registration types.

The computerised registration system (WARS) counts the number of death registrations corrected as a result of staff data entry errors and divides this count by the total number of deaths registered for the year. The result (ie erroneous registrations) is expressed as a percent. The percent of death registrations for the year that were not corrected is displayed.

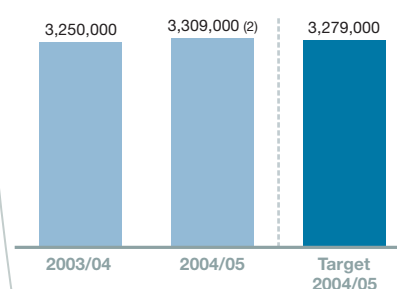
EXTENT TO WHICH SOURCE INFORMATION IS RECORDED ERROR FREE



AVERAGE COST OF CREATING, MAINTAINING, ISSUING INFORMATION FROM AND STORING EACH RECORD



NUMBER OF REGISTRATION SERVICES INCLUDING RECORDS HELD IN STORAGE



#### EFFICIENCY INDICATORS

##### 11.2 Average cost of creating, maintaining, issuing information from and storing each record

The registry has maintained a database of birth, death and marriage records since it was established in 1841. These are either in paper registers, on microfilm or computer. This indicator measures the unit cost of creating, amending and issuing information and storing records indefinitely.

To obtain this measure, the total cost of registration services is divided by the total number of registration services provided including records held in storage.

#### Notes:

1. The variance between the 2004/05 target and actual is principally the result of underspending of project funds for the electronic back-capture of early birth, death, marriage and change of name registrations.
2. The 2004/05 actuals were above target due to the higher than anticipated demand for certificates, arising mainly from a change in Passport Office identification requirements.

# 2004/05 PERFORMANCE INDICATORS

## SERVICE 12: CIVIL MARRIAGES

### Service description

To provide facilities for civil marriage ceremonies in a registry office, as an alternative to marriage by other celebrants. This output contributes to an orderly community by offering marriage services performed in accordance with the *Marriage Act 1961 (Commonwealth)*.

### EFFECTIVENESS INDICATORS

#### 12.1 Extent to which the registry provides an alternative to marriage by a minister of religion or other civil celebrant

This indicator identifies the percent of couples married in Western Australia who choose a ceremony performed in a registry office rather than a church or private venue.

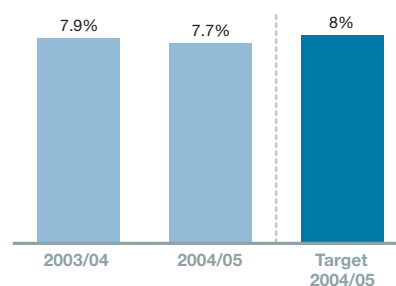
It is a key performance indicator because it measures the extent to which the registry provides an alternative ceremony and venue. The registry's objective is not to generate market share or to compete with other marriage celebrants. It exists only to provide an alternative marriage ceremony.

This indicator is calculated by dividing the number of marriages performed in all registry offices by the total number of marriages performed by all types of celebrants. The result is expressed as a percent.

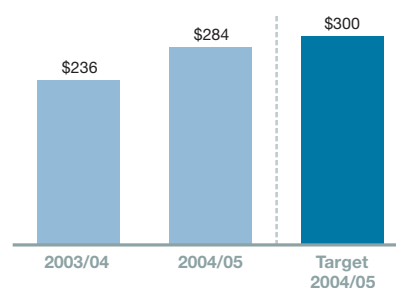
*Note: 2003/04 — Marriages registered 10,389; Registry ceremonies 819*

*2004/05 — Marriages registered 10,868; Registry ceremonies 833*

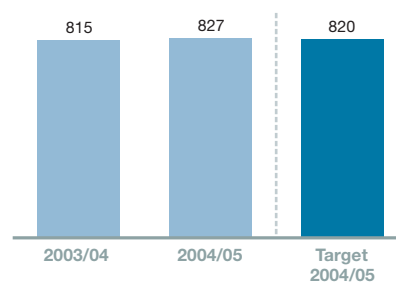
PERCENT OF ALL MARRIAGES PERFORMED BY REGISTRY CELEBRANTS



AVERAGE COST PER MARRIAGE PERFORMED



NUMBER OF CIVIL MARRIAGES PERFORMED IN THE PERTH OFFICE



### EFFICIENCY INDICATORS

#### 12.2 Average cost per marriage performed

This indicator provides a unit cost of performing a marriage in the Perth registry office. Regional registrars rarely perform marriages and the office does not bear any costs associated with registry work in courthouses.

The total cost of providing civil marriage services is divided by the number of marriages performed. The number of marriages performed has been extracted from the registry's computer database.

*Note: Cost per marriage can vary considerably because of the relatively small number of marriages performed (i.e. a small variation in the numbers can have a disproportionate effect on the performance indicator). The difference between the 2004/05 target and 2004/05 actual is due to a combination of both a greater than expected number of marriages being performed and lower than expected costs.*



# 2004/05 PERFORMANCE INDICATORS

## LEGAL AID

### SERVICE 14: LEGAL AID SERVICES

#### Service description

Services are provided through Legal Aid WA to ensure *“The community and target groups have access to, and are provided quality legal services”*.

This is achieved through the provision of a range of services designed to meet the different needs of the community and specific target groups.

Services include:

- general information and advice to the community, eg via a telephone information service or, where necessary, via a duty lawyer service;
- legal assistance, for example, offering advice and self-help services to clients to help them resolve a legal problem, or providing an out-reach preliminary consultation service;
- community and education services, for example, publications and self-help kits;
- legal representation where, in special circumstances and when no other solution is considered appropriate, a person may be recognised as in need of assistance; and
- alternative dispute resolution process for family disputes.

Determining the type and extent of assistance provided to people is critical to Legal Aid’s operations. Decisions about the appropriateness of the service provided is regulated by policies and procedures relating to clients means, the nature and seriousness of their legal problem and the availability of resources.

#### EFFECTIVENESS INDICATORS

##### 14.1 The extent to which legal services are accessible to the general community and target groups

The two key aspects of the outcome sought by Legal Aid WA as a result of the services provided are “access to legal services” and “service quality”.

Access to legal services is measured by Legal Aid WA in terms of the extent to which legal services are made available to the general community and to target groups.

The quality of legal services is measured by Legal Aid WA in terms of client satisfaction with particular aspects of service delivery, for example the effect the assistance had in helping them understand their legal situation, and how well they believed the lawyer represented them in court.

The purpose of reporting the following performance indicators is to enable government and the community to monitor the effectiveness and efficiency of Legal Aid WA in achieving its agreed outcomes.

## 2004/05 PERFORMANCE INDICATORS

### Key effectiveness indicators

Key Effectiveness Indicators	2003 Actual	2004 Actual	2005 Target	2005 Actual	Reasons for Significant Variance
Community Services where no eligibility restrictions apply to regulate access as a percentage of total services provided	71%	70%	77%	72%	Target for 2005 reported incorrectly as 77%.
Target group services – applications approved for a grant of aid as a percentage of all applications received	65%	65%	64%	65%	Correct target for 2005 should be 72%.
Percentage of clients satisfied with service provided – Criminal law	71%	-	75%	72%	
Percentage of clients satisfied with online and print publications	90%	80%	80%	84%	Increase in satisfaction influenced by ease of comprehension and relevance of content of website.

### Explanatory notes for effectiveness indicators

1. Services where no eligibility criteria apply to regulate access include telephone information services, community education services, and duty lawyer services.
2. Applicants for a grant of aid must satisfy certain criteria.
3. In areas of family law only, some applicants are assisted via a grant of aid to pursue a resolution through non-litigation options.
4. Telephone information and community education services include telephone information service both in Perth metropolitan and regional areas, policy advice sessions, community legal education and training, face to face consultation, and Family Court information services.
5. Legal advice services include minor assistance where a solicitor or paralegal (under the supervision of a solicitor) provides personal assistance of up to three hours in drafting negotiation letters, applications and court documentation in most areas of law for non-complex matters.
6. Figures for legal representation services represent the number of cases where legal representation is supplied. A case is defined as an application for aid where a grant has been made.

### Technical notes for effectiveness indicators

#### Survey methodology

Each year Legal Aid undertakes an annual client satisfaction survey, alternating between family law and criminal law clients. Criminal law clients were surveyed for the 2004/05 year. Where possible, the surveys were designed to allow meaningful comparisons to be made to the most recent criminal law customer satisfaction surveys, which were conducted for inclusion in the *2002-2003 Annual Report*.

#### Questionnaire

The questionnaires were designed to balance the conflicting needs of maintaining compatibility with previous years' surveys and improving the questionnaire structure. This year's surveys were heavily based on those used in previous years. The survey instrument continues to use five point scales (with one being very negative, and five being very positive).

This was the fourth year that the *Online and Print Publications Users Community Legal Centres Survey* was run. The only change to the questionnaire from last year was the addition of two questions dealing the Community Legal Centre's *Bulletin* newsletter, produced by Legal Aid to keep the sector informed of relevant developments. The additional questions were drafted by Legal Aid WA and were modified where appropriate by Data Analysis Australia with the agreement of Legal Aid WA. These questions add a new dimension to the Community Legal Centre's survey. Although the changes mean that care must be taken when comparing this year's results to last year's, it was felt the changes would provide useful information from a key stakeholder group.

## 2004/05 PERFORMANCE INDICATORS

### Survey population

The target populations for the Duty Lawyer, Legal Advice, Grants of Aid and Drug Court surveys were those clients who received these respective types of assistance from Legal Aid WA in these between 1 May 2004 and 30 April 2005. The target population sizes were 4,633 for Duty Lawyer, 599 for Legal Advice, 502 for Grants of Aid and 109 for the Drug Court.

The *Online and Print Publications Users Community Legal Centres Survey* was conducted as a census of all Community Legal Centres in Western Australia. The list of the Community Legal Centres was provided by Legal Aid WA. For each centre, Legal Aid WA also provided a contact name of the most appropriate person to answer the questionnaire on the centre's behalf.

### Sample sizes

The sample sizes for the four criminal law client groups' satisfaction surveys were designed to balance the requirements of obtaining accuracy to within about 5% and having sufficient sample sizes for each survey group, which allows both valid statistical analysis at individual survey level and the ability to make comparisons between the surveys. The requirements of surveying a target of 400 clients in total also had to be satisfied.

When examining the client lists for the surveys, it was found that the number of clients who appeared in the Drug Court in the past 18 months was very small.

There were only 108 clients of the Drug Court with valid phone numbers, which resulted in 17 successful interviews. It was decided to include all 17 in the sample. The remainder of the sample of 400 was allocated proportional to the square root of the population size between Duty Lawyer, Legal Advice and Grants of Aid. Each of the samples was selected randomly.

As the number of interviews required was dependent on the number of Drug Court interviews, slightly more than 400 interviews were conducted to ensure that the minimum requirements were met. The estimated level of accuracy obtained from the target sample sizes was 4.4%, assuming a satisfaction level of 70% for each client group. The accuracy levels for the individual surveys are higher, but still within acceptable error bounds. The achieved overall level was 4.8%. The following table shows the breakdown of the sample into the four survey areas, after adjusting for the low number of successful Drug Court interviews.

**Table 1. Sample sizes and resulting levels of accuracy**

Client Group	Population size (N)	Sample size (n)	Level of Accuracy
Duty Lawyer	4,633	208	±5.8%
Legal Advice	599	100	±8.9%
Grants of Aid	502	79	±7.9%
Drug Court	109	17	±19.7%
<b>Total</b>	<b>5,843</b>	<b>400</b>	<b>±4.8%</b>

There were 30 Community Legal Centres to be surveyed in the *Online and Print Publications Users Community Legal Centres Survey*.

The survey rate for criminal law clients was 58% and an 87% response rate was achieved for community legal centres.

### Survey implementation

To sustain a comparable methodology to past client satisfaction surveys, telephone interviewing was adopted using a computer-aided telephone interviewing (CATI) system. The CATI system is scripted to guide the interviewer through the survey so that interviewer bias is minimised and data quality is improved over paper-based alternatives. The interviewers made three attempts to contact each client selected in the survey before deeming that client non-contactable and replacing them with the next client in the sampling list.

Since the *Online and Print Publications Users Survey* was targeted at agencies instead of individual respondents, pre-contact was made via email and fax to explain the survey and allow agencies time to consider their answers and discuss them with colleagues. Staff were asked not to fill in the surveys and return them, but to have the answers ready for when a fieldworker contacted them to conduct a telephone interview. Centres that had not heard of, or used, Legal Aid WA's online and print publications were screened out of the survey. The CATI system was also used to conduct this survey.

## 2004/05 PERFORMANCE INDICATORS

### Estimation methodology

Satisfaction levels were calculated as the sum of the non-missing responses on the positive side of neutral (ie, agree and strongly disagree), expressed as a percentage of the total number of responses, excluding “not applicables”. The “not applicables” were excluded from the denominator because their inclusion can artificially deflate the observed satisfaction levels. This methodology is consistent with that used in 2002/2003.

The denominator in the percentage is not always equal to the sample size. This is because the denominator is calculated as the number of responses to that particular question, and each question could have different numbers of responses due to clients refusing to answer a particular question, or being skipped past the question due to an earlier response.

### EFFICIENCY INDICATORS

The efficiency of Legal Aid WA in providing services is measured in terms of the cost per occasion of service for each of the following business service outputs.

### SERVICE 1: LEGAL AID ASSISTANCE (i)

#### Key efficiency indicators

Key Efficiency Indicators	2003 Actual	2004 Actual	2005 Target	2005 Actual	Reasons for Significant Variance
<b>State Law:</b>					
Cost per telephone advisory call	13	14	12	13	
Cost per face to face information advice	25	21	21	21	
Cost per duty lawyer service	70	70	76	78	
Cost per legal advice service	82	97	102	99	
Cost per minor assistance service	228	197	210	203	
Cost per assessment of a grant of aid	157	123	120	143	Increase due to unanticipated time required in assessing civil grants, in particular Department of Community Development abuse cases
Cost per legal representation	1,558	1,575	1,591	1,818	Increase due to case mix shift to more superior court work involving more complex issues and higher fees
<b>Commonwealth Law:</b>					
Average cost per call	17	18	14	18	Increase influenced by 22% lower than projected calls
Average cost per service: face to face information	20	20	19	26	Impacted by new family court rules relating to pre-action procedures increasing length of service and the commencement of the new Family Court Services program in March 2005
Average cost per service: duty lawyer service	58	47	56	88	Increase influenced by a more time intensive service delivered at the Family Court since March 2005 (services are 150% more expensive).
Average cost per legal advice	67	75	80	94	Increase due to a 17% reduction in outputs again due to impact of new family court rules and influence of the new Family Court Services program in March 2005

## 2004/05 PERFORMANCE INDICATORS

Key Efficiency Indicators	2003 Actual	2004 Actual	2005 Target	2005 Actual	Reasons for Significant Variance
<b>Commonwealth Law (cont):</b>					
Average cost per minor assistance	140	132	160	178	Increase influenced by an increase in the complexity of services and high staff turnover resulting in increased induction and training costs with reduced outputs of 15%
Average cost per application processed	583	433	421	487	Increase influenced by a reduction in applications received and increase in grants for primary dispute resolution involving intensive screening.
Average cost per legal representation	2,842	2,570	2,512	2,716	Increase due to a 6% increase in the private practitioner fee scale from September 2004
Average cost per child support service	1,082	1,100	1,033	1,394	Increase influenced by a 14% decrease in outputs as a result of unfilled extended staff leave.

- (i) The community and target groups require access to and the provision of quality legal services. This service contributes to an orderly community by responding to demand for legal assistance through application of priority guidelines. This is achieved through the provision of eligibility and merit tests to enable legal representation to be provided to legally aided clients by grants of aid and assignment of cases to in-house or private practitioners. Legal advice, duty lawyer services and community legal education is provided to assist the wider community to access fair solutions to legal problems at the earliest opportunity. Minor assistance service is designed to provide hands on help to clients in progressing their own legal matter.

# FINANCIAL STATEMENTS



# FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## STATEMENT OF CERTIFICATION

The accompanying financial statements of the Department of Justice have been prepared in compliance with the provisions of the *Financial Administration and Audit Act 1985* from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2005 and the financial position as at 30 June 2005.

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



**Graeme Doyle**

**A/Director Financial Management**

Principal Accounting Officer

1 August 2005



**Colin Murphy**

**Accountable Officer**

1 August 2005



# FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

DEPARTMENT OF JUSTICE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2005

### Audit Opinion

In my opinion,

- (i) the controls exercised by the Department of Justice provide reasonable assurance that the receipt and expenditure of moneys, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (ii) the financial statements are based on proper accounts and present fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia and the Treasurer's Instructions, the financial position of the Department at 30 June 2005 and its financial performance and cash flows for the year ended on that date.

### Scope

#### **The Director General's Role**

The Director General is responsible for keeping proper accounts and maintaining adequate systems of internal control, preparing the financial statements, and complying with the *Financial Administration and Audit Act 1985* (the Act) and other relevant written law.

The financial statements consist of the Statement of Financial Performance, Statement of Financial Position, Statement of Cash Flows, Schedule of Expenses and Revenues by Service, Summary of Consolidated Fund Appropriations and Revenue Estimates, and the Notes to the Financial Statements.

#### **Summary of my Role**

As required by the Act, I have independently audited the accounts and financial statements to express an opinion on the controls and financial statements. This was done by looking at a sample of the evidence.

An audit does not guarantee that every amount and disclosure in the financial statements is error free. The term "reasonable assurance" recognises that an audit does not examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the financial statements.



D D R PEARSON  
AUDITOR GENERAL

30 September 2005

## STATEMENT OF FINANCIAL PERFORMANCE

FOR THE YEAR ENDED 30 JUNE 2005

	Note	2005 \$'000	2004 \$'000
<b>COST OF SERVICES</b>			
<b>Expenses from ordinary activities</b>			
Employee expenses	4	345,530	299,532
Supplies and services	5	134,014	124,448
Depreciation and amortisation	6	25,951	24,039
Borrowing costs expense	7	1,390	1,406
Accommodation expenses	8	19,229	18,560
Grants and subsidies	9	44,520	40,314
Capital user charge	10	51,868	53,046
Other expenses from ordinary activities	12	65,038	58,456
<b>Total cost of services</b>		687,540	619,801
<b>Revenues from ordinary activities</b>			
Revenue from operating activities			
User charges and fees	13	43,782	39,952
Commonwealth grants and contributions	14	13,478	12,011
Revenue from non-operating activities			
Proceeds from disposal of non-current assets	11	38	102
Other revenues from ordinary activities	15	17,208	17,572
<b>Total revenues from ordinary activities</b>		74,506	69,637
<b>NET COST OF SERVICES</b>		613,034	550,164
<b>REVENUES FROM STATE GOVERNMENT</b>	16		
Output appropriations		575,046	526,367
Liabilities assumed by the Treasurer		23,718	16,673
Resources received free of charge		4,724	3,927
<b>Total revenues from State Government</b>		603,488	546,967
<b>CHANGE IN NET ASSETS RESULTING FROM OPERATIONS</b>			
Net increase in asset revaluation reserve	26	(9,546) 53,795	(3,197) 13,422
<b>Total revenues, expenses and valuation adjustments recognised directly in equity</b>		53,795	13,422
<b>TOTAL CHANGES IN EQUITY OTHER THAN THOSE RESULTING FROM TRANSACTIONS WITH WA STATE GOVERNMENT AS OWNERS</b>		44,249	10,225

The Statement of Financial Performance should be read in conjunction with the accompanying notes.

## STATEMENT OF FINANCIAL POSITION

AS AT 30 JUNE 2005

	Note	2005 \$000	2004 \$000
<b>Current assets</b>			
Cash assets	27	13,967	24,452
Restricted cash assets	17	-	9,163
Receivables	18	6,715	6,759
Amounts receivable for services	19	23,314	23,345
Other assets	20	2,146	650
<b>Total Current Assets</b>		46,142	64,369
<b>Non-Current Assets</b>			
Amounts receivable for services	19	34,982	28,588
Property, plant, equipment and vehicles	21	734,971	677,096
<b>Total Non-Current Assets</b>		769,953	705,684
<b>TOTAL ASSETS</b>		816,095	770,053
<b>Current Liabilities</b>			
Payables	22	21,920	24,750
Interest bearing liabilities	23	190	171
Provisions	24	45,996	45,222
Other liabilities	25	109	8,867
<b>Total Current Liabilities</b>		68,215	79,010
<b>Non-Current Liabilities</b>			
Interest bearing liabilities	23	12,809	12,999
Provisions	24	33,173	26,538
<b>Total Non-Current Liabilities</b>		45,982	39,537
<b>Total Liabilities</b>		114,197	118,547
<b>Equity</b>	26		
Contributed equity		37,876	31,733
Reserves		562,421	508,626
Accumulated surplus		101,601	111,147
<b>Total Equity</b>		701,898	651,506
<b>TOTAL LIABILITIES AND EQUITY</b>		816,095	770,053

The Statement of Financial Position should be read in conjunction with the accompanying notes.

# STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED 30 JUNE 2005

	Note	2005 \$000	2004 \$000
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Service appropriations		546,263	500,366
Capital contributions		6,143	4,689
Holding account drawdowns		22,420	19,936
<b>Net cash provided by State Government</b>		574,826	524,991
<b>Utilised as follows:</b>			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Payments to employees		(282,795)	(239,974)
Payments to suppliers		(302,362)	(272,249)
Borrowing costs		(1,391)	(1,408)
Capital user charge		(51,868)	(53,047)
GST payments		(25,157)	(23,750)
<b>Receipts</b>			
Receipts from services		74,167	70,695
GST receipts		25,502	22,747
<b>Net cash used in operating activities</b>	27 (c)	(563,904)	(496,986)
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Proceeds from sale of non-current physical assets		38	102
Purchase of non-current physical assets		(30,437)	(28,082)
<b>Net cash used in investing activities</b>		(30,399)	(27,980)
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Finance lease payments		(171)	(153)
<b>Net cash used in financing activities</b>		(171)	(153)
<b>Net (decrease)/increase in cash held</b>		(19,648)	(128)
Cash assets at the beginning of the financial year		33,615	33,743
Cash assets transferred from other sources		-	-
<b>CASH ASSETS AT THE END OF THE FINANCIAL YEAR</b>	27 (a)	13,967	33,615

The Statement of Cash Flows should be read in conjunction with the accompanying notes.

# SCHEDULE OF EXPENSES AND REVENUES BY SERVICE

FOR THE YEAR ENDED 30 JUNE 2005

	SERVICE 1		SERVICE 2		SERVICE 3		SERVICE 4	
	Judiciary & Judicial Support		Case Processing		Enforcement of Criminal & Civil Court Orders		Admin of Victim Support & Counselling Services	
	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000
<b>COST OF SERVICES</b>								
<b>Expenses from ordinary activities</b>								
Employee expenses	60,728	49,251	36,417	30,728	2,650	3,984	3,284	2,884
Depreciation and amortisation expense	-	1	6,467	6,368	298	309	4	4
Borrowing costs expense	-	-	1,389	1,293	-	113	-	-
Capital user charge	-	-	13,813	14,570	796	840	-	-
Other expenses from ordinary activities	2,619	2,719	69,868	61,517	3,712	4,687	1,431	1,400
Corporate overheads reallocated to outputs	46	41	11,827	10,566	847	756	376	336
<b>Total cost of services</b>	<b>63,393</b>	<b>52,012</b>	<b>139,781</b>	<b>125,042</b>	<b>8,303</b>	<b>10,689</b>	<b>5,095</b>	<b>4,624</b>
<b>Revenue from ordinary activities</b>								
Sales	(9)	2	30,106	27,604	13,352	11,559	12	3
Corporate overheads reallocated to outputs	1	1	172	231	12	17	5	7
Proceeds from disposal of non-current assets	-	-	-	2	-	-	-	-
<b>Total revenues from ordinary activities</b>	<b>(8)</b>	<b>3</b>	<b>30,278</b>	<b>27,837</b>	<b>13,364</b>	<b>11,576</b>	<b>17</b>	<b>10</b>
<b>NET COST OF SERVICES</b>	<b>63,401</b>	<b>52,009</b>	<b>109,503</b>	<b>97,205</b>	<b>(5,061)</b>	<b>(887)</b>	<b>5,078</b>	<b>4,614</b>
<b>REVENUES FROM STATE GOVERNMENT</b>								
Service Appropriations	32,491	32,481	104,693	102,135	1,064	885	4,025	3,951
Liabilities assumed by the Treasurer	22,316	15,510	176	219	12	16	7	8
Resources received free of charge	-	-	2,242	2,189	-	-	-	-
Corporate overheads reallocated to outputs	-	-	22	23	2	2	1	1
<b>Total revenues from State Government</b>	<b>54,807</b>	<b>47,991</b>	<b>107,133</b>	<b>104,566</b>	<b>1,078</b>	<b>903</b>	<b>4,033</b>	<b>3,960</b>
<b>Change in net assets resulting from operations</b>	<b>(8,594)</b>	<b>(4,018)</b>	<b>(2,370)</b>	<b>7,361</b>	<b>6,139</b>	<b>1,790</b>	<b>(1,045)</b>	<b>(654)</b>

The Output Schedule of Expenses and Revenues should be read in conjunction with the accompanying notes.

# SCHEDULE OF EXPENSES AND REVENUES BY SERVICE

FOR THE YEAR ENDED 30 JUNE 2005

	SERVICE 5		SERVICE 6		SERVICE 7		SERVICE 8	
	Legal Services		Preparation of Legislation		Adult Offenders Managed		Juvenile Offenders Managed	
	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000
<b>COST OF SERVICES</b>								
<b>Expenses from ordinary activities</b>								
Employee expenses	16,095	13,872	3,434	3,120	161,800	138,710	29,440	27,339
Depreciation and amortisation expense	28	34	11	9	15,194	13,778	926	1,122
Borrowing costs expense	-	-	-	-	-	-	-	-
Capital user charge	10	11	6	2	34,595	32,894	2,133	4,248
Other expenses from ordinary activities	5,241	5,266	806	737	118,532	109,459	11,299	10,882
Corporate overheads reallocated to outputs	1,172	1,215	479	495	23,694	21,923	4,179	3,837
<b>Total cost of services</b>	<b>22,546</b>	<b>20,398</b>	<b>4,736</b>	<b>4,363</b>	<b>353,815</b>	<b>316,764</b>	<b>47,977</b>	<b>47,428</b>
<b>Revenue from ordinary activities</b>								
Sales	3,963	4,355	15	6	11,295	10,555	935	1,009
Corporate overheads reallocated to outputs	24	33	9	13	306	474	64	92
Proceeds from disposal of non-current assets	-	-	-	-	10	53	-	-
<b>Total revenues from ordinary activities</b>	<b>3,987</b>	<b>4,388</b>	<b>24</b>	<b>19</b>	<b>11,611</b>	<b>11,082</b>	<b>999</b>	<b>1,101</b>
<b>NET COST OF SERVICES</b>	<b>18,559</b>	<b>16,010</b>	<b>4,712</b>	<b>4,344</b>	<b>342,204</b>	<b>305,682</b>	<b>46,978</b>	<b>46,327</b>
<b>REVENUES FROM STATE GOVERNMENT</b>								
Service Appropriations	18,650	17,771	4,846	4,307	332,993	298,949	53,065	44,626
Liabilities assumed by the Treasurer	60	67	14	12	530	632	120	102
Resources received free of charge	16	14	4	3	2,415	1,679	21	19
Corporate overheads reallocated to outputs	4	4	1	1	54	58	10	10
<b>Total revenues from State Government</b>	<b>18,730</b>	<b>17,856</b>	<b>4,865</b>	<b>4,323</b>	<b>335,992</b>	<b>301,318</b>	<b>53,216</b>	<b>44,757</b>
<b>Change in net assets resulting from operations</b>	<b>171</b>	<b>1,846</b>	<b>153</b>	<b>(21)</b>	<b>(6,212)</b>	<b>(4,364)</b>	<b>6,238</b>	<b>(1,570)</b>

The Output Schedule of Expenses and Revenues should be read in conjunction with the accompanying notes.

# SCHEDULE OF EXPENSES AND REVENUES BY SERVICE

FOR THE YEAR ENDED 30 JUNE 2005

	<b>SERVICE 9</b> <b>Advocacy and</b> <b>Guardianship</b> <b>Services</b>		<b>SERVICE 10</b> <b>Trustee</b> <b>Services</b>		<b>SERVICE 11</b> <b>Registration</b> <b>Services</b>		<b>SERVICE 12</b> <b>Civil</b> <b>Marriages</b>	
	<b>2005</b> <b>\$'000</b>	<b>2004</b> <b>\$'000</b>	<b>2005</b> <b>\$'000</b>	<b>2004</b> <b>\$'000</b>	<b>2005</b> <b>\$'000</b>	<b>2004</b> <b>\$'000</b>	<b>2005</b> <b>\$'000</b>	<b>2004</b> <b>\$'000</b>
<b>COST OF SERVICES</b>								
<b>Expenses from ordinary activities</b>								
Employee expenses	1,605	1,390	7,982	7,423	1,978	1,862	103	99
Depreciation and amortisation expense	31	31	258	254	314	319	13	13
Borrowing costs expense	-	-	-	-	-	-	-	-
Capital user charge	2	4	35	56	37	63	2	3
Other expenses from ordinary activities	515	335	2,655	2,706	1,450	1,186	39	48
Corporate overheads reallocated to outputs	272	267	1,077	1,019	603	587	77	28
<b>Total cost of services</b>	<b>2,425</b>	<b>2,027</b>	<b>12,007</b>	<b>11,458</b>	<b>4,382</b>	<b>4,017</b>	<b>234</b>	<b>191</b>
<b>Revenue from ordinary activities</b>								
Sales	12	17	8,586	8,918	5,351	4,421	238	188
Corporate overheads reallocated to outputs	5	7	15	22	11	16	2	1
Proceeds from disposal of non-current assets	-	-	-	-	-	-	-	-
<b>Total revenues from ordinary activities</b>	<b>17</b>	<b>24</b>	<b>8,601</b>	<b>8,940</b>	<b>5,362</b>	<b>4,437</b>	<b>240</b>	<b>189</b>
<b>NET COST OF SERVICES</b>	<b>2,408</b>	<b>2,003</b>	<b>3,406</b>	<b>2,518</b>	<b>(980)</b>	<b>(420)</b>	<b>(6)</b>	<b>2</b>
<b>REVENUES FROM</b> <b>STATE GOVERNMENT</b>								
Service Appropriations	2,343	2,070	3,224	3,657	13	729	2	35
Liabilities assumed by the Treasurer	6	7	387	-	8	10	-	-
Resources received free of charge	1	1	-	-	4	4	-	-
Corporate overheads reallocated to outputs	1	1	3	3	1	1	-	-
<b>Total revenues from</b> <b>State Government</b>	<b>2,351</b>	<b>2,079</b>	<b>3,614</b>	<b>3,660</b>	<b>26</b>	<b>744</b>	<b>2</b>	<b>35</b>
<b>Change in net assets</b> <b>resulting from operations</b>	<b>(57)</b>	<b>76</b>	<b>208</b>	<b>1,142</b>	<b>1,006</b>	<b>1,164</b>	<b>8</b>	<b>33</b>

The Output Schedule of Expenses and Revenues should be read in conjunction with the accompanying notes.

# SCHEDULE OF EXPENSES AND REVENUES BY SERVICE

FOR THE YEAR ENDED 30 JUNE 2005

	<b>SERVICE 13</b>		<b>SERVICE 14</b>		<b>OVERHEADS</b>			
	<b>Support Services Other Govt Agencies</b>		<b>Legal Aid</b>		<b>Corporate Overheads</b>		<b>Total</b>	
	<b>2005 \$'000</b>	<b>2004 \$'000</b>	<b>2005 \$'000</b>	<b>2004 \$'000</b>	<b>2005 \$'000</b>	<b>2004 \$'000</b>	<b>2005 \$'000</b>	<b>2004 \$'000</b>
<b>COST OF SERVICES</b>								
<b>Expenses from ordinary activities</b>								
Employee expenses	2,468	2,026	-	-	17,546	16,844	345,530	299,532
Depreciation and amortisation expense	79	68	-	-	2,328	1,729	25,951	24,039
Borrowing costs expense	-	-	-	-	1	-	1,390	1,406
Capital user charge	8	6	-	-	431	349	51,868	53,046
Other expenses from ordinary activities	2,545	3,215	17,746	15,473	24,343	22,148	262,801	241,778
Corporate overheads reallocated to outputs	-	-	-	-	(44,649)	(41,070)	-	-
<b>Total cost of services</b>	<b>5,100</b>	<b>5,315</b>	<b>17,746</b>	<b>15,473</b>	<b>-</b>	<b>-</b>	<b>687,540</b>	<b>619,801</b>
<b>Revenue from ordinary activities</b>								
Sales	12	29	-	-	600	869	74,468	69,535
Corporate overheads reallocated to outputs	-	-	-	-	(626)	(914)	-	-
Proceeds from disposal of non-current assets	2	3	-	-	26	44	38	102
<b>Total revenues from ordinary activities</b>	<b>14</b>	<b>32</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(1)</b>	<b>74,506</b>	<b>69,637</b>
<b>NET COST OF SERVICES</b>	<b>5,086</b>	<b>5,283</b>	<b>17,746</b>	<b>15,473</b>	<b>-</b>	<b>1</b>	<b>613,034</b>	<b>550,164</b>
<b>REVENUES FROM STATE GOVERNMENT</b>								
Service Appropriations	219	242	17,418	14,529			575,046	526,367
Liabilities assumed by the Treasurer	4	4	-	-	78	86	23,718	16,673
Resources received free of charge	-	-	-	-	21	18	4,724	3,927
Corporate overheads reallocated to outputs	-	-	-	-	(99)	(104)	-	-
<b>Total revenues from State Government</b>	<b>223</b>	<b>246</b>	<b>17,418</b>	<b>14,529</b>	<b>-</b>	<b>-</b>	<b>603,488</b>	<b>546,967</b>
<b>Change in net assets resulting from operations</b>	<b>(4,863)</b>	<b>(5,037)</b>	<b>(328)</b>	<b>(944)</b>	<b>-</b>	<b>(1)</b>	<b>(9,546)</b>	<b>(3,197)</b>

The Output Schedule of Expenses and Revenues should be read in conjunction with the accompanying notes.



# SUMMARY OF CONSOLIDATED FUND APPROPRIATIONS AND REVENUE ESTIMATES

FOR THE YEAR ENDED 30 JUNE 2005

	2005 Estimate \$'000	2005 Actual \$'000	Variation \$'000	2005 Actual \$'000	2004 Actual \$'000	Variation \$'000
<b>PURCHASE OF SERVICES</b>						
Item 61 Net amount appropriated to deliver services	500,898	524,456	23,558	524,456	483,848	40,608
Amount Authorised by Other Statutes						
<i>Salaries and Allowances Act 1975</i>	16,159	16,300	141	16,300	14,700	1,600
<i>Children's Court of Western Australia Act 1988</i>	269	269	-	269	280	(11)
<i>Criminal Injuries Compensation Act 1985</i>	16,871	18,800	1,929	18,800	15,300	3,500
<i>District Court of Western Australia Act 1969</i>	6,793	7,300	507	7,300	6,100	1,200
<i>Judge's Salaries and Pensions Act 1950</i>	6,035	6,800	765	6,800	5,840	960
<i>Solicitor General Act 1969</i>	280	280	-	280	269	11
<i>Suitors Fund Act 1964</i>	30	30	-	30	30	-
<i>Town Planning and Development Act 1928</i>	811	811	-	811	-	811
Total appropriations provided to deliver services	548,146	575,046	26,900	575,046	526,367	47,868
<b>CAPITAL</b>						
Item 139 Capital Contribution	21,465	6,143	(15,322)	6,143	4,689	1,454
<b>GRAND TOTAL OF APPROPRIATIONS</b>	569,611	581,189	11,578	581,189	531,056	49,322
<b>Details of Expenses by Service</b>						
Service 1 - Judiciary and judicial support	47,772	63,393	15,621	63,393	52,012	11,381
Service 2 - Case processing	133,225	139,781	6,556	139,781	125,042	14,739
Service 3 - Enforcement of criminal and civil court orders	10,657	8,303	(2,354)	8,303	10,689	(2,386)
Service 4 - Administration of victim support and counselling services	4,478	5,095	617	5,095	4,624	471
Service 5 - Legal services	22,223	22,546	323	22,546	20,398	2,148
Service 6 - Preparation of legislation	4,678	4,736	58	4,736	4,363	373
Service 7 - Adult offenders managed	322,973	353,815	30,842	353,815	316,764	37,051
Service 8 - Juvenile offenders managed	48,836	47,977	(859)	47,977	47,428	549
Service 9 - Advocacy and guardianship services	2,344	2,425	81	2,425	2,027	398
Service 10 - Trustee services	11,820	12,007	187	12,007	11,458	549
Service 11 - Registration services	4,615	4,382	(233)	4,382	4,017	365
Service 12 - Civil marriages	246	234	(12)	234	191	43
Service 13 - Support services to other Government agencies	3,311	5,100	1,789	5,100	5,315	(215)
Service 14 - Legal aid assistance	15,150	17,746	2,596	17,746	15,473	2,273
<b>Total cost of services</b>	632,328	687,540	55,212	687,540	619,801	67,739
<b>Less total revenues from ordinary activities</b>	(68,150)	(74,506)	(6,356)	(74,506)	(69,637)	(4,869)
<b>Net cost of services</b>	564,178	613,034	48,856	613,034	550,164	62,870
<i>Adjustments</i>	(16,032)	(37,988)	(21,956)	(37,988)	(23,797)	(14,191)
<b>Total appropriations provided to purchase services</b>	548,146	575,046	26,900	575,046	526,367	48,679

# SUMMARY OF CONSOLIDATED FUND APPROPRIATIONS AND REVENUE ESTIMATES

FOR THE YEAR ENDED 30 JUNE 2005

	2005 Estimate \$'000	2005 Actual \$'000	Variation \$'000	2005 Actual \$'000	2004 Actual \$'000	Variation \$'000
<b>Capital Expenditure</b>						
Purchase of non-current assets	44,810	30,437	(14,373)	30,437	16,984	13,453
Adjustment for other funding sources	23,345	24,332	987	24,332	12,295	12,037
<b>Capital Contribution (appropriation)</b>	21,465	6,105	(13,386)	6,105	4,689	25,490
<b>DETAILS OF REVENUE ESTIMATES</b>						
<b>FINES</b>						
Judicial fines and penalties	16,406	24,873	8,467	24,873	17,744	7,129
Infringement penalties	250	408	158	408	355	53
<b>Total Administered Revenue Estimates</b>	16,656	25,281	8,625	25,281	18,099	7,182

Explanations of variations between the current year estimates and actual results, and the actual results compared with the immediately preceding year, are set out in Note 41.

The summary of Consolidated Fund Appropriations, Variance to Budget and Actual should be read in conjunction with the accompanying notes.

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## 1 Department of Justice mission and funding

The Department is responsible for the leadership, support and provision of a diverse range of justice services, including:

- Providing administrative and support services, technical facilities and accommodation to State courts and tribunals.
- Providing support, assistance, advice and counselling to victims of crime.
- Managing adult and juvenile offenders in custody and in the community.
- Providing legal services to Government and its agencies.
- Translating Government policy into laws that are easily understood.
- Providing services to ensure that the best interests of people with decision-making disabilities are represented at hearings and to promote and protect their rights in the community.
- Making trustee services available.
- Registering births, deaths and marriages.
- Providing information and support to the Parole Board and Supervised Release Review Board.
- Regulating State-based corporate bodies such as Friendly Societies.

The Department is predominantly funded by Parliamentary Appropriations.

The Department's Financial Statements encompass all funds through which the Department controls resources to carry on its functions.

## 2 Significant accounting policies

The following accounting policies have been adopted in the preparation of the financial statements. Unless otherwise stated these policies are consistent with those adopted in the previous year.

### (a) General statement

The financial statements constitute a general purpose financial report which has been prepared in accordance with Accounting Standards, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board, and Urgent Issues Group (UIG) Consensus Views as applied by the Treasurer's Instructions. Several of these are modified by the Treasurer's Instructions to vary application, disclosure, format and wording. The *Financial Administration and Audit Act* and the Treasurer's Instructions are legislative provisions governing the preparation of financial statements and take precedence over Australian Accounting Standards, Statements of Accounting Concepts and other authoritative pronouncements of the Accounting Standards Board, and UIG Consensus Views. The modifications are intended to fulfil the requirements of general application to the public sector, together with the need for greater disclosure and also to satisfy accountability requirements.

If any such modification has a material or significant financial effect upon the reported results, details of that modification and where practicable, the resulting financial effect is disclosed in individual notes to these financial statements.

### (b) Basis of accounting

The financial statements have been prepared in accordance with Accounting Standard AAS 29 "Financial Reporting by Government Departments".

The statements have been prepared on the accrual basis of accounting using the historical cost convention, except for certain assets and liabilities which, as noted, are measured at fair value.

### (c) Administered transactions

Administered assets, liabilities, expenses and revenues are not integral to the Department in carrying out its functions and are disclosed in the notes to the financial statements, forming part of the general purpose financial report of the Department. The administered items are disclosed on the same basis as is described above for the financial statements of the Department. The administered assets, liabilities, expenses and revenues are those which the Government requires the Department to administer on its behalf. The assets do not render any service potential or future economic benefits to the Department, the liabilities do not require any future sacrifice of service potential or future economic benefits of the Department, and the expenses and revenues are not attributable to the Department.

As the administered assets, liabilities, expenses and revenues are not recognised in the principal financial statements of the Department, the disclosure requirements of Accounting Standard AASB 1033 "Presentation and Disclosure of Financial Instruments", are not applied to administered transactions.

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## Administered assets

Administered assets are not controlled by the Department but are administered on behalf of the Government.

These assets include receivables in relation to:

- Supreme and District Court fines and forfeitures
- Petty Sessions fines

Outstanding fines and costs include:

- (a) District and Supreme Court and those which are referred to the Fines Enforcement Registry (FER) for action and are outstanding as at 30 June; and
- (b) Petty Sessional fines which are outstanding in each Court and have not been referred to FER as at 30 June.

Infringement penalty details are not included as the State Solicitor provided an opinion that infringements form no liability or obligation to pay until a Court has ordered the offender to pay the penalty.

## Provision for unrecoverable debts — administered transactions

The provision in respect of Court fees and fines outstanding and referred to the FER, is based on the recovery history of Court Fees and Fines managed by the FER.

### (d) Service appropriations

Services appropriations are recognised as revenues in the period in which the Department gains control of the appropriated funds. The Department gains control of appropriated funds at the time those funds are deposited into the Department's bank account or credited to the holding account held at the Department of Treasury and Finance. Refer to note 16 for further commentary on services appropriations.

### (e) Contributed equity

Under UIG 38, "Contributions by Owners Made to Wholly-Owned Public Sector Entities", transfers in the nature of equity contributions must be designated by the Government (owners) as contributions by owners (at the time of, or prior to transfer) before such transfers can be recognised as equity contributions in the financial statements. Capital contributions (appropriations) have been designated as contributions by owners and have been credited directly to Contributed Equity in the Statement of Financial Position. Capital appropriations which are repayable to the Treasurer are recognised as liabilities. Refer to note 26 for further commentary on the application of UIG 38 and TI 955.

### (f) Net appropriation determination

Pursuant to section 23A of the *Financial Administration and Audit Act*, the Department has entered into a net appropriation arrangement with the Treasurer, where the proceeds from services are retained by the Department. Items covered by the agreement include commonwealth recoups, court fees, births deaths and marriage registration fees, sale of personal prisoner services, sale of prison produce surplus to requirements, proceeds from Public Trustee fees, Public Trust common fund interest revenues, legal services, workers compensation recoups, criminal injuries awards and other miscellaneous revenues.

In accordance with the determination, the Department retained \$74.51 million in 2005 (\$69.63 million in 2004). Retained revenues may only be applied to the services specified in the 2004/2005 Budget Statements.

### (g) Grants and other contributions revenue

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

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## (h) Revenue recognition

Revenue is recognised where it can be reliably measured, in the period to which it relates. However, where there is not an established pattern of income flow, revenue is recognised on a cash receipts basis. Criminal injuries revenue is recognised at the time payment is received.

Outstanding criminal injuries recoveries are not recognised as debts, as the future economic benefits are minimal and cannot be reliably measured. Criminal Injuries recoveries include awards pursuant to the Criminal Injuries Compensation Acts of 1970 and 1982 together with amounts recorded under the *Criminal Injuries Compensation Act 1985*. Recoveries pursued as at 30 June 2005 were \$63.9 million (2004 – \$57.6 million).

## (i) Depreciation of non-current assets

All non-current assets with a value of more than \$5,000 and a useful life of more than 2 years are systematically depreciated over their useful lives in a manner which reflects the consumption of their future economic benefits. Furniture items are mostly under this limit and are expensed in the year of purchase. Library and livestock purchases are also expensed in the year of purchase.

Depreciation is calculated on the straight line basis, using rates which are reviewed annually. Expected useful lives for each class of depreciable assets are:

– Buildings	50 years
– Leasehold improvements	10 years
– Information technology systems	5 years
– Plant, equipment and vehicles	4-15 years

Building and information technology projects are reported as 'Works In Progress' until commissioned.

## (j) Revaluation of land, buildings and infrastructure

The Department has a policy of revaluing land and buildings to fair value, on an annual basis, under AASB 1041 (5)(b). The annual revaluations are undertaken by the Department of Land Information and movements are recognised in the financial statements. See notes 21 and 26.

## (k) Leases

The Department's rights and obligations under finance leases, which are leases that effectively transfer to the Department substantially all of the risks and benefits incident to ownership of the leased items, are initially recognised as assets and liabilities equal to the present value of the minimum lease payments. The assets are disclosed as leased buildings and are depreciated to the Statement of Financial Performance over the period during which the Department is expected to benefit from the use of the leased assets. Minimum lease payments are allocated between interest expense and reduction of the lease liability, according to the interest rate implicit in the lease.

Finance lease liabilities are allocated between current and non-current components. The principal component of lease payments due on or before the end of the succeeding year is disclosed as a current liability, and the remainder of the lease liability is disclosed as a non-current liability.

The Department has entered into a number of operating lease arrangements, for buildings through the Department of Housing and Works, for passenger and light commercial motor vehicles through the State Supply Commission and for office equipment where the lessors effectively retain all of the risks and benefits incidental to ownership of the items held under the operating leases. Equal instalments of the lease payments are charged to the Statement of Financial Performance over the lease term as this is representative of the pattern of benefits to be derived from the leased property.

Refer to notes 7, 23 and 29 (b).

## (l) Cash

For the purposes of the Statement of Cash Flows, cash includes cash assets and restricted cash assets.

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## (m) Accrued salaries

The accrued salaries suspense account (refer note 17) consists of amounts paid annually into a suspense account over a period of 10 financial years to largely meet the additional cash outflow in each eleventh year when 27 pays occur in that year instead of the normal 26. No interest is received on this account. The 27th pay occurred during 2004/05.

Accrued salaries (refer note 25) represent the amount due to staff but unpaid at the end of the financial year, if the end of the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a few days of the financial year end. The Department considers the carrying amount of accrued salaries to be equivalent to the net fair value. The last pay day in 2004/05 was 30 June, therefore no accrual was necessary in this financial year.

## (n) Receivables

Receivables are recognised at the amounts receivable as they are due for settlement no more than 30 days from the date of recognition.

Collectability of receivables are reviewed on an ongoing basis. Debts which are known to be uncollectible are written off. A provision for doubtful debts is raised where some doubt as to collection exists.

## (o) Expenditure carried forward

- (i) Software – Significant costs associated with the acquisition or development of computer software are capitalised and amortised on a straight line basis over the periods of the expected benefit, which is usually five years.
- (ii) Web site costs – Costs in relation to web sites controlled by the Department are charged as expenses in the period in which they are incurred.

## (p) Payables

Payables, including accruals not yet billed, are recognised when the Department becomes obliged to make future payments as a result of a purchase of assets or services. Payables are generally settled within 30 days.

## (q) Employee entitlements

### Annual leave

This benefit is recognised at the reporting date in respect to employees' services up to that date and is measured at the anticipated amounts expected to be paid when the liabilities are settled.

### Long service leave

A liability for long service leave is recognised, and is measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date. Consideration is given, when assessing expected future payments, to expected future wage and salary levels including relevant on costs, experience of employee departures and periods of service. Expected future payments are discounted using interest rates to obtain the estimated future cash outflows. The long service leave liability is based on a shorthand method provided by Price Waterhouse Coopers Actuaries in December 2004.

The method of measurement of the liability is consistent with the requirements of Australian Accounting Standards Board AASB 1028 "Employee Benefits".

## (r) Superannuation

Staff may contribute to the Superannuation and Family Benefits Act scheme, a defined benefits pension scheme now closed to new members, or to the Gold State Superannuation Scheme, a defined benefit and lump sum scheme now also closed to new members. All staff who do not contribute to either of these schemes become non-contributory members of the West State Superannuation Scheme, an accumulation fund complying with the *Commonwealth Government's Superannuation Guarantee (Administration) Act 1992*. All of these schemes are administered by the Government Employees Superannuation Board (GESB).

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

The superannuation expense is comprised of the following elements:

- (i) change in the unfunded employer's liability in respect of current employees who are members of the Superannuation and Family Benefits Act Scheme and current employees who accrued a benefit on transfer from that Scheme to the Gold State Superannuation Scheme; and
- (ii) employer contributions paid to the Gold State Superannuation Scheme and West State Superannuation Scheme.

The superannuation expense does not include payment of pensions to retirees as this does not constitute part of the cost of services provided by the Department in the current year.

A revenue "Liabilities assumed by the Treasurer" equivalent to (i) is recognised under Revenues from Government in the Statement of Financial Performance as the unfunded liability is assumed by the Treasurer. The GESB makes the benefit payments and is recouped by the Treasurer.

From 1 July 2001 employer contributions were paid to the GESB in respect of the Gold State Superannuation Scheme and the West State Superannuation Scheme. Prior to 1 July 2001, the unfunded liability in respect of these Schemes was assumed by the Treasurer. An amount equivalent to the employer contributions which would have been paid to the Gold State Superannuation Scheme and the West State Superannuation Scheme if the Department had made concurrent employer contributions to those Schemes, was included in superannuation expense. This amount was also included in the revenue item "Liabilities assumed by the Treasurer".

## **(s) Judges' pensions**

All Judges' pension benefits are met by the Treasurer. Judges are entitled to pensions of 60% of their final salary after 10 years service and proportionate pensions for lesser service. Spouses of Judges are entitled to pensions of five-eighths of the Judges pension entitlement on the Judges death. The liability for Judge's pensions as at 30 June 2005 was calculated by Price Waterhouse Coopers Actuaries.

The Government Employees Superannuation Board (GESB) have responsibility for the administration of the Judges' Pension Scheme. GESB initially incur the cost of the pensions and then recoup the amount from the Consolidated Fund (Department of Treasury and Finance). The expense for Judges' pensions is included as an employee expense of the Department with a corresponding liability assumed by the Treasurer.

The expense reflects the increase in the liability at the Department of Treasury and Finance.

## **(t) Resources Received Free of Charge or For Nominal Value**

Resources received free of charge or for nominal value that can be reliably measured are recognised as revenues and as assets or expenses as appropriate at fair value.

## **(u) Comparative figures**

Comparative figures are, where appropriate, reclassified so as to be comparable with the figures presented in the current financial year.

## **(v) Rounding of Amounts**

Amounts in the financial statements have been rounded to the nearest thousand dollars, or in certain cases, to the nearest dollar.

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## 3 Services of the Department

Information about the Department's services is set out in the schedule of Expenses and Revenues by Service. Information about the Department's administered expenses, revenues, assets and liabilities is set out in notes 38, 39 and 40.

The services of the Department are:

### (1) Judiciary and judicial support

Service relates to financing the cost of judicial officers (including their support staff) to serve the community in the determination of cases brought before courts and tribunals.

### (2) Case processing

Case processing refers to all resources and services provided by the Court Services Division (the administrative arm of courts) to advance cases from lodgement to the point of finalisation. This includes up to the point of trial before a judicial officer.

### (3) Enforcement of criminal and civil court orders

The enforcement of criminal and civil orders demonstrates to the community and the judiciary, the practical application of enforcing orders of the court. This allows clients and the community in general to have confidence in Court Services to effectively and efficiently enforce orders made in criminal and civil jurisdictions. This includes the services of the Fines Enforcement Registry, the Sheriff's Office and also other jurisdictional enforcement officers.

### (4) Administration of victim support and counselling services

The Court Services Division has responsibility to the wider community for providing support and counselling services through the Victim Support Service and the Coroner's Office. Counselling information and support is provided to victims of crime who are traumatised by a criminal event that they have experienced and to people who have experienced an unexpected loss of a loved one due to a sudden death.

### (5) Legal services

The Crown Solicitor's Office provides a broad-based legal service to the Government, its departments, instrumentalities and agencies. This includes the conduct of litigation, the provision of legal advice, representation as counsel in courts and tribunals and preparation of legal documents.

### (6) Preparation of legislation

This service contributes to an orderly community through the preparation of legislation for the Government of Western Australia and its departments and agencies in order to give effect to the Government's legislative program.

### (7) Adult offenders managed

The custody, containment, care, well being and rehabilitation of adult offenders and their reintegration into and reparation to the community, managed through prisons and the supervision of offenders in the community. This includes the provision of remedial programs, further education and employment skills, sentencing reports, assessment reports outlining offender's suitability for release or their progress in the community to releasing authorities such as the parole board, providing policy advice, infrastructure management and planning and collaborating with other agencies.

### (8) Juvenile offenders managed

Juvenile offenders are managed in custody, and in the community to fulfil the orders of the courts and through diversion from court programs. Juveniles participate in remedial, educational and rehabilitation programs that address their offending behaviour.



# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## **(9) Advocacy and guardianship services**

To advocate for the best interests of people with decision-making disabilities both at hearings of the Guardianship and Administration Board to decide the need for a Guardian and/or Administrator and in the community and to investigate complaints or allegations of abuse, exploitation or neglect. To act as Guardian, when appointed by the Guardianship and Administration Board.

## **(10) Trustee services**

The Public Trustee provides a fund management and investment service through the operations of the Common Fund, an at call investment facility which is backed by the State Government, and acts as financial administrator pursuant to the orders of courts and tribunals. It also administers the estates of people who die with or without a will, in accordance with the terms of the will or the relevant law and under the authority of the Supreme Court.

## **(11) Registration services**

This involves the creation and permanent storage of birth, death and marriage records, which enables members of the public to obtain documentary proof of these events for legal, personal and historical records. Approved organisations are also able to obtain authorised information for research and records.

## **(12) Civil marriages**

The provision of facilities for the conduct of civil marriages as an alternative to marriage by other celebrants.

## **(13) Support services to other Government agencies**

This service specifies those services directly provided by the Department of Justice which support outcomes and services of other Government Agencies.

## **(14) Legal aid assistance**

The Community and target groups require access to and the provision of quality legal services. This service contributes to an orderly community by regulating demand for legal assistance through the application of priority guidelines, eligibility and merit tests to enable legal representation to be provided to legally aided clients by grants of aid and assignment of cases to in-house or private practitioners. Legal advice, duty lawyer services and community education is provided to assist the wider community to access fair solutions to legal problems at the earliest opportunity.

## **CORPORATE SERVICES**

Corporate services costs have been allocated on a service level agreement basis to services.

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## 4 Employee expenses

Wages and salaries	
Superannuation	
Long Service Leave	
Annual Leave	
Judges' pensions - liability assumed by the Treasurer	
Other related staff expenses (i)	

2005 \$'000	2004 \$'000
246,417	217,734
26,184	23,815
9,806	7,161
25,223	21,627
22,206	15,373
15,694	13,822
345,530	299,532

(i) Includes superannuation and other employment on-costs associated with the recognition of annual and long service leave liability. The related on-costs liability is included in employee entitlement liabilities at note 24.

## 5 Supplies and services

Services and contracts	
Resources free of charge	
Goods and supplies purchased	

96,573	92,000
4,723	3,926
32,718	28,522
134,014	124,448

## 6 Depreciation and amortisation

### Depreciation

Buildings	
IT systems	
Plant, equipment and vehicles	
Total depreciation	

17,626	16,145
5,042	4,882
2,091	1,931
24,759	22,958

### Amortisation

Leased buildings	
Leasehold improvements	
Total amortisation	

215	215
977	866
1,192	1,081
25,951	24,039

## 7 Borrowing costs expense

Finance lease finance charges	
-------------------------------	--

1,390	1,406
-------	-------

## 8 Accommodation expenses

Building rental operating lease expenses	
--	--

19,229	18,560
--------	--------

## 9 Grants and subsidies

Criminal injuries	
Offenders gratuities	
Government organisations	
Other grants and subsidies	

19,202	15,736
4,473	4,095
17,810	15,856
3,035	4,627
44,520	40,314

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

	2005 \$'000	2004 \$'000
<b>10 Capital user charge</b>		
Capital user charge expense for the year	51,868	53,046
A capital user charge rate of 8% has been set by the Government and represents the opportunity cost of capital invested in the net assets of the Department used in the provision of services. The charge is calculated on the net assets adjusted to take account of exempt assets. Payments are made to the Department of Treasury and Finance on a quarterly basis.		
<b>11 Net (loss)/gain on disposal of non-current assets</b>		
<b>Disposal of Non-Current Assets</b>		
Gross proceeds on disposal	38	102
<b>Loss on Disposal of Non-Current Assets</b>		
Plant, equipment and vehicles	(100)	(60)
Buildings	(270)	-
Net (loss)/profit	(370)	(60)
<b>12 Other expenses from ordinary activities</b>		
Building repairs and maintenance	15,737	13,903
Electricity and water	5,778	5,277
Communication expenses	8,719	8,296
Plant, equipment and vehicle operating lease expenses	4,916	3,870
Plant, equipment and vehicle repairs and maintenance	4,487	4,812
Vehicle hire, fuel, registration and management fees	3,039	2,036
Insurance	1,678	1,399
Carrying amount of disposed non-current assets	408	162
Other expenses	20,276	18,701
	65,038	58,456
<b>13 User charges and fees</b>		
Legal Services State Solicitors Office	2,765	2,933
Public Trust Office fees	7,428	7,180
Births, deaths and marriage fees	5,586	4,608
Licenses	142	150
Court fees	27,620	24,894
Miscellaneous fees and charges	241	187
	43,782	39,952
<b>14 Commonwealth grants and contributions</b>		
<b>Recurrent</b>		
Commonwealth recoup for Family Court and court fees	12,200	10,788
Commonwealth recoup other	1,278	1,223
	13,478	12,011

The Department received contributions from various sources for specific purposes. As at 30 June 2005, contributions of \$45,121 recognised as revenues in the operating statement have yet to be spent in the manner specified by the contributor.

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## 15 Other revenues from ordinary activities

	2005 \$'000	2004 \$'000
Sale of produce and goods	2,281	2,024
Canteen sales	4,238	3,517
Public Trust Office - common fund surplus	1,092	1,632
Recoup of salaries and workers compensation	4,080	4,418
Residential recoveries	1,235	1,145
Recoup of telephones, postage and other reimbursements	1,097	911
Criminal injuries – recoups	1,040	1,171
Other miscellaneous revenue	2,145	2,754
	17,208	17,572

## 16 Revenues from State Government

Appropriation revenue received during the year:

Service appropriations (1)	575,046	526,367
	575,046	526,367

Liabilities assumed by the Treasurer during the financial year (2)

Superannuation – employees	1,512	1,300
Judges' pensions	22,206	15,373
	23,718	16,673

Resources received free of charge (3)

Determined on the basis of the following estimates provided by agencies.

Treasury / Housing & Works (Commercial Property Branch)

– notional management fee	131	109
Department of Land Information		
– services for valuation services, land registration and information	164	173

Health Department of Western Australia

– provision of medical, health, dental services and forensic services for post mortems	4,429	3,645
	4,724	3,927

(1) Service appropriations are accrual amounts reflecting the full price cost of services delivered. The appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises the depreciation expense for the year and any agreed increase in leave liability during the year.

(2) The assumption of the superannuation liability by the Treasurer is only a notional revenue to offset the notional superannuation expense reported in respect of current employees who are members of the pension scheme and current employees who have a transfer benefit entitlement under the Gold State Superannuation scheme.

(3) Where assets or services have been received free of charge or for nominal consideration, the department recognises revenues equivalent to the fair value of the assets and/or the fair value of those services that can be reliably determined and which would have been purchased if not donated, and those fair values shall be recognised as assets or expenses, as applicable.

(4) The Office of the Auditor General now charges a fee for auditing the financial statements and performance indicators. The fee for the 2004/05 audit (\$152,000) will be due and payable in the 2005/06 financial year.

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## 17 Restricted cash assets

### Current

Accrued salaries suspense account

The 2004/05 financial year included 27 pays. Amount previously held in the salaries suspense account was used for the purpose of meeting the 27th pay.

## 18 Receivables

### Current

Trade debtors  
GST Receivable

The Department does not have any significant exposure to any individual customer or counterparty.

## 19 Amounts receivable for services

Current  
Non-current

This asset represents the non-cash component of service appropriations. It is restricted in that it can only be used for asset replacement or payment of leave liability.

## 20 Other assets

### Current

Prepayments

## 21 Property, plant, equipment and vehicles

### Land

At fair value (1)

### Buildings

At fair value (1)  
Accumulated depreciation

### Leased buildings

At cost  
Accumulated depreciation

### Leasehold improvements

At cost  
Accumulated depreciation

	2005 \$'000	2004 \$'000
	-	9,163
	-	9,163
	3,271	2,970
	3,444	3,789
	6,715	6,759
	23,314	23,345
	34,982	28,588
	58,296	51,933
	2,146	650
	97,831	95,015
	97,831	95,015
	885,279	815,239
	(314,900)	(285,859)
	570,379	529,380
	10,739	10,739
	(867)	(652)
	9,872	10,087
	11,644	10,378
	(7,133)	(6,155)
	4,511	4,223



# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## Leasehold improvements

Carrying amount at beginning of year

Additions

Depreciation

Carrying amount at end of year

## IT systems

Carrying amount at beginning of year

Additions

Disposals

Depreciation

Carrying amount at end of year

## Plant, equipment and vehicles

Carrying amount at beginning of year

Additions

Disposals

Depreciation

Carrying amount at end of year

## Work in progress

Carrying amount at beginning of year

Additions

Transfers to non current assets

Carrying amount at end of year

## 22 Payables

### Current

Trade and other creditors

## 23 Interest bearing liabilities

### Finance lease liabilities

Current

Non current

	2005 \$'000	2004 \$'000
Leasehold improvements		
Carrying amount at beginning of year	4,223	4,661
Additions	1,266	428
Depreciation	(978)	(866)
Carrying amount at end of year	4,511	4,223
IT systems		
Carrying amount at beginning of year	12,684	12,450
Additions	47	5,116
Disposals	-	-
Depreciation	(5,042)	(4,882)
Carrying amount at end of year	7,689	12,684
Plant, equipment and vehicles		
Carrying amount at beginning of year	9,086	8,590
Additions	2,958	2,590
Disposals	(137)	(162)
Depreciation	(2,090)	(1,932)
Carrying amount at end of year	9,817	9,086
Work in progress		
Carrying amount at beginning of year	16,621	12,270
Additions	25,991	24,575
Transfers to non current assets	(7,741)	(20,224)
Carrying amount at end of year	34,871	16,621
22 Payables		
Current		
Trade and other creditors	21,920	24,750
23 Interest bearing liabilities		
Finance lease liabilities		
Current	190	171
Non current	12,809	12,999
	12,999	13,170

Lease liabilities are effectively secured as the rights to the leased assets revert to the lessor in the event of default.

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## 24 Provisions

### Employee entitlements

#### Current

Annual leave

Long service leave

#### Non-current

Long service leave

## 25 Other liabilities

Current

Accrued salaries and wages

Accrued interest

The last pay day of the 2004/05 financial year was on 30 June 2005. Therefore it was not necessary to take up an accrual at year end

Accrued salaries and wages are settled within a few days of the financial year end. The carrying amount is equivalent to the net fair value.

## 26 Equity

Equity represents the residual interest in the net assets of the Department.

The Government holds the equity interest in the Department on behalf of the community. The asset revaluation reserve represents that portion of equity from the revaluation of non-current assets.

### Contributed equity

Opening balance

Capital contributions

Distributions to owner

Closing balance

Distributions to owner represents non reciprocal transfers of land assets from the Department of Justice to other Government Agencies.

### Reserves

#### Asset Revaluation Reserve

##### Land

Opening balance

Net revaluation increment

Closing balance

	2005 \$'000	2004 \$'000
	19,931	19,927
	26,065	25,295
	45,996	45,222
	33,173	26,538
	79,169	71,760
	-	8,757
	109	110
	109	8,867
	31,733	28,733
	6,143	4,690
	-	(1,690)
	37,876	31,733
	91,980	80,875
	2,815	11,105
	94,795	91,980



# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## Buildings

Opening balance  
Net revaluation increment

Closing balance

Total asset revaluation reserve

The asset revaluation reserve is used to record increments and decrements on the revaluation of non-current assets, as described in accounting policy note 2 (j).

## Accumulated surplus/(deficiency)

Opening balance  
Operating (Deficit) / Surplus

Closing balance

Total equity

	2005 \$'000	2004 \$'000
Opening balance	416,646	414,329
Net revaluation increment	50,980	2,317
Closing balance	467,626	416,646
Total asset revaluation reserve	562,421	508,626
Opening balance	111,147	114,344
Operating (Deficit) / Surplus	(9,546)	(3,197)
Closing balance	101,601	111,147
Total equity	701,898	651,506
Cash at the end of the financial year as shown in the Statement of Cash Flows is reconciled to the related items in the Statement of Financial Position as follows:		
Cash assets - operating account	13,427	23,968
Cash assets - permanent and temporary advances	540	484
	13,967	24,452
Restricted cash assets (note 17)	-	9,163
	13,967	33,615

## 27 Notes to the Statement of Cash Flows

### (a) Reconciliation of cash

Cash at the end of the financial year as shown in the Statement of Cash Flows is reconciled to the related items in the Statement of Financial Position as follows:

Cash assets - operating account  
Cash assets - permanent and temporary advances

Restricted cash assets (note 17)

### (b) Non-cash financing and investing activities

During the financial year, there were no assets/liabilities transferred/assumed to/from other government agencies not reflected in the Statement of Cash Flows.

From 1 July 2000 the Government Employees Superannuation Board (GESB) assumed responsibility for the administration of the Judges' Pension Scheme. Under the new arrangement, the GESB initially incur the cost of the pensions and then recoup the amount from the Consolidated Fund (Treasury). The liability transferred to Treasury is not reflected in the Statement of Cash Flows.

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## (c) Reconciliation of net cost of services to net cash flows used in operating activities

Net cost of services (Statement of Financial Performance)

### Non-cash items:

Depreciation expense

Superannuation and judges pensions expense

Resources received free of charge

Written down value of property, plant and equipment disposals

### (Increase)/decrease in assets:

Receivables

Other current assets

### Increase/(decrease) in liabilities:

Payables

Provisions

Other liabilities

Change in GST in receivables/payables

Net cash used in operating activities

(d) At the reporting date, the Department had fully drawn on all financing facilities, details of which are disclosed in the financial statements.

## 28 Resources provided free of charge

During the year the following resources were provided to other agencies free of charge for functions outside the normal operations of the Department.

Corporate support provided by the Department to:

Law Reform Commission

Office of the Director of Public Prosecutions

Equal Opportunity Commissioner

Office of the Information Commissioner

Parliamentary Inspector CCC

Legal services provided by the State Solicitor's Office to:

Other Government Agencies

## 29 Commitments for expenditure

### (a) Capital expenditure commitments

Capital expenditure commitments, being contracted capital expenditure additional to the amounts reported in the financial statements, are payable as follows:

Within 1 year

Later than 1 year and not later than 5 years

The capital commitments include amounts for:

Land and buildings

Other

	2005 \$'000	2004 \$'000
Net cost of services (Statement of Financial Performance)	(613,034)	(550,164)
Non-cash items:		
Depreciation expense	25,951	24,039
Superannuation and judges pensions expense	23,718	16,673
Resources received free of charge	4,724	3,927
Written down value of property, plant and equipment disposals	370	60
(Increase)/decrease in assets:		
Receivables	(301)	1,057
Other current assets	(1,496)	66
Increase/(decrease) in liabilities:		
Payables	(2,831)	1,811
Provisions	7,408	3,477
Other liabilities	(8,758)	3,071
Change in GST in receivables/payables	345	(1,003)
Net cash used in operating activities	(563,904)	(496,986)
At the reporting date, the Department had fully drawn on all financing facilities, details of which are disclosed in the financial statements.		
Resources provided free of charge		
Corporate support provided by the Department to:		
Law Reform Commission	64	61
Office of the Director of Public Prosecutions	713	792
Equal Opportunity Commissioner	105	97
Office of the Information Commissioner	38	39
Parliamentary Inspector CCC	32	24
Legal services provided by the State Solicitor's Office to:		
Other Government Agencies	17,876	15,421
	18,828	16,434
Capital expenditure commitments		
Capital expenditure commitments, being contracted capital expenditure additional to the amounts reported in the financial statements, are payable as follows:		
Within 1 year	102,322	41,267
Later than 1 year and not later than 5 years	217,337	296,606
	319,659	337,873
The capital commitments include amounts for:		
Land and buildings	298,670	316,729
Other	20,989	21,144
	319,659	337,873



# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## (ii) Non cancellable operating leases

The Department leases certain premises, motor vehicles and items of plant and office equipment. The lease expenditure is expensed as it is incurred. At the reporting date the Department had the following obligations under operating leases.

Within 1 year

Later than 1 year and not later than 5 years

Later than 5 years

## (c) Other expenditure commitments

Contracted for at the reporting date but not recognised as liabilities are as follows:

Within 1 year

Later than 1 year and not later than 5 years

Other expenditure commitments include the Acacia Prison and Custodial contracts.

The 2003/04 figures have been updated for comparability to reflect a change in the calculation method using current rates on a 5 year basis.

## 30 Contingent liabilities

In addition to the liabilities incorporated into the financial statements the Department has the following contingent liabilities.

### (i) Litigations in progress

Claims against the Department of Justice from the general public and offenders.

None of the claims are covered by an insurance policy and any claims settled will have to be met by the Department.

### (ii) Disclosure regarding criminal injuries compensation.

Claims yet to be assessed

	2005 \$'000	2004 \$'000
	21,771	20,957
	28,667	40,608
	91	2
	50,529	61,567
	49,538	49,538
	150,254	153,242
	199,792	202,780
	464	510
	11,976	19,807

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## 31 Remuneration and retirement benefits of senior officers

The number of senior officers whose total of fees, salaries, superannuation and other benefits received, or due and receivable, for the financial year, falls within the following bands:

\$60,001 - \$70,000
\$90,001 - \$100,000
\$100,001 - \$110,000
\$110,001 - \$120,000
\$120,001 - \$130,000
\$130,001 - \$140,000
\$140,001 - \$150,000
\$150,001 - \$160,000
\$160,001 - \$170,000
\$220,001 - \$230,000
\$240,001 - \$250,000
\$250,001 - \$260,000
\$260,001 - \$270,000
\$280,001 - \$290,000
\$290,001 - \$300,000
\$310,001 - \$320,000
\$350,001 - \$360,000
\$390,001 - \$400,000
\$420,001 - \$430,000
\$480,001 - \$490,000

2005	2004
	1
	1
1	-
1	2
1	1
	2
1	-
3	
1	
	1
	-
1	1
	-
	-
	1
1	
1	
1	
	1
12	11
2,566	2,075

The total remuneration of senior officers is:

Senior officers are those who take part in the management of the organisation. Deemed to be Director General, Executive Directors and other Divisional Heads.

The superannuation included here represents the superannuation expense incurred by the Department in respect of senior officers.

No senior officers are members of the Superannuation and Family Benefits Act Scheme (Pension Scheme).

## 32 Related bodies

The Department had no related bodies during the financial year.

## 33 Affiliated bodies

The Department provided more than 50% of the total operational funds to the Legal Aid Commission of Western Australia during the 2005 financial year. The Commission is not subject to operational control by the Department and is therefore considered to be an affiliated body under the *Financial Administration and Audit Act*.

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## 34 Supplementary financial information

### Write-Offs

Revenue and debts to the State written off in accordance with Section 45 of the Financial Administration and Audit Act.

Accountable Officer  
Minister

Total losses and write offs

### Losses through theft, defaults and other causes

Losses of public moneys and property through theft, default or otherwise not covered by insurance.

## 35 Remuneration of Auditor

Remuneration to the Auditor General for the financial year is as follows:  
Auditing the financial statements and performance indicators

## 36 Impact of Adopting Australian Equivalents to IFRS

Reconciliation of total equity as presented under previous AGAAP to that under AIFRS

Total equity under previous AGAAP

### Adjustments to accumulated surplus:

Increase in long leave liability under IFRS (1)

Total equity under IFRS

The adjustments are explained as follows:

- (1) Under AASB 119, changes to Long Service Leave calculations include the need to separate on-costs (workers compensation and payroll tax are now classified as Other Employee Costs), and using a different method for determining the current and non-current provisions (all unconditional Long Service Leave is now classified as current). The calculation of Long Service Leave liability under IFRS continues to be on the same basis as AASB 1028 (i.e. on present value basis). The AASB has announced that a Government bond rate, as per AASB 1028, should be used in the calculation. A full review of the Long Service Leave liability was performed in December 2004 and adjustment was taken up in the 2004/05 financial year.

	2005 \$'000	2004 \$'000
	13,351	20,203
	-	-
	13,351	20,203
	4	1
	152	142

	30 June 2005 \$'000	1 July 2004 \$'000
	701,898	651,506
	-	(2,475)
	701,898	649,031

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## 37 Financial instruments

### (a) Interest rate risk exposure

The Department's exposure to interest rate risk, repricing maturities and the weighted average interest rates on financial instruments at balance date are as follows:

	Weighted average interest rate %	Floating interest rate \$'000	Fixed interest rate maturities			Non interest bearing \$'000	Total \$'000
			1 year or less \$'000	2 to 5 years \$'000	Over 5 years \$'000		
2005							
Financial assets							
Cash assets						13,967	13,967
Restricted cash assets						-	-
Receivables						6,715	6,715
Other assets						58,296	58,296
Total financial assets		-	-	-	-	78,978	78,978
Liabilities							
Payables						21,920	21,920
Finance lease liabilities	10.6		190	994	11,815		12,999
Provisions						79,169	79,169
Other liabilities						109	109
Total financial liabilities		-	190	994	11,815	101,198	114,197
Net financial asset/(liabilities)		-	(190)	(994)	(11,815)	(22,220)	(35,219)
2004							
Financial assets						92,307	92,307
Financial liabilities			171	895	12,104	105,377	118,547
Net financial assets/(liabilities)		-	(171)	(895)	(12,104)	(13,070)	(26,240)

### (b) Credit risk exposure

All financial assets are unsecured.

Amounts owing by other government agencies are guaranteed and therefore no credit risk exists in respect of those amounts. In respect of other financial assets the carrying amounts represents the Department's maximum exposure to credit risk in relation to those assets.

### (c) Net fair values

The carrying amount of financial assets and financial liabilities recorded in the financial statements are not materially different from their net fair values, determined in accordance with the accounting policies disclosed in note 2 to the financial statements.

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## 38 Administered expenses and revenues

### Expenses

Payments to Consolidated Fund	20,142	17,248
Transfer payments — Family court	12,200	10,791
Transfer payments — other government agencies	46,071	44,890
Other	283	180

### Total administered expenses

2005  
\$'000

2004  
\$'000

### Revenues

Judicial fines and penalties	24,873	17,744
Infringement penalties	408	355
Revenue for transfer — Family court	11,830	10,895
Revenue for transfer — other government agencies	46,410	45,751
Other	12	77

### Total administered revenues

## 39 Administered assets and liabilities

### Current assets

Administered assets are not controlled by the Department but are administered by it on behalf of the Government.

Cash and restricted cash assets

- Suitors Fund	13	39
- Departmental receipts in suspense	1,001	913
- Family Court	45	415
- Crime & Corruption	-	10
- Judicial Fines & Penalties	75	-
- Treasurer's Advance	(100)	109
	1,034	1,486

Receivables

- Petty Sessions - fines and costs	7,534	6,080
- Supreme and District Court fines & forfeitures	2,560	2,254
- Fines Enforcement Registry	65,388	65,468
- Children's Court	191	144
	75,673	73,946

Less: provision for doubtful debts

- Unrecoverable fees & fines — note 2 (c)	(36,172)	(39,627)
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Total administered current assets

### Current liabilities

- Payables	4	11
- Amounts due to the Treasurer (Appeals Cost Board)	1,000	1,100
	1,004	1,111

Net administered assets

39,531

34,694



# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## 40 Cashflows from administered transactions

Cash inflows from administered transactions	
Administered revenues received	
Cash outflows from administered transactions	
Transfer and other payments	
Administered revenues credited to Consolidated Fund	
Treasurer's Advance	
Net cash inflow/(outflow) from administered transactions	

2005 \$'000	2004 \$'000
78,351	75,855
(58,561)	(57,758)
(20,142)	(17,248)
(100)	250
(452)	1,099

## 41 Explanatory statement

The Summary of Consolidated Fund Appropriations and Revenue Estimates discloses appropriations and other statutes expenditure estimates, the actual expenditure and revenue estimates and payments into the Consolidated Fund, on an accrual basis.

The following explanations are provided in accordance with Treasurer's Instruction 945. Significant variations are considered to be those greater than 5% and \$300,000.

### (a) Details of authorisation to expend in advance of appropriation

To meet initiatives approved during the financial year and other unavoidable costs, supplementary appropriation requests were approved.

Delivery of Services	23,728
Capital contribution	(15,322)
	8,406

### Delivery of Services appropriation limits were increased for:

Additional funding as a result of the growth in prisoner numbers	18,545
Juvenile Justice Strategy	3,749
Response to Hooker Inquiry	1,280
CSA related wages outcome	1,825
Cabinet approved funding for certain expensive cases undertaken by the Legal Aid Commission	1,054
New Legal Aid Centres in Albany & Geraldton	764
Act of Grace Ex gratia Payments	758
Increase in capital user charge	607
Regional "Repay WA" Graffiti	554
State Administrative Tribunal	506
Reduction in District Court Backlog - Legal Aid	450
S25 Wooroloo Hospital Transfer	340
Revenue Adjustment - Public Trust Office	320
Native Title Legal Costs - State Solicitor's Office	300
Revised Strategy to counter repeat Drink Driving	250
Professional Standards Council	170
Community Legal Centres	49

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

		2005 \$'000
<b>These increases were offset by:</b>		
Expensed Capital Reflow		(4,447)
Procurement Savings - 2004/05		(2,375)
Public Trust Pension Scheme Adjustment		(392)
S25 transfer of procurement staff to DTF		(379)
Pathcentre services		(200)
<b>Increase in net amount appropriated to deliver outputs</b>		23,728
<b>(b) Significant variations between actual expenditure and budget estimates for 2004/2005</b>		
<b>RECURRENT</b>		
<b>Service 1 - Judiciary and Judicial Support</b>	Excess	15,621
Increase in expenditure is due mainly to a \$12.5 million increase in the provision for Judicial Pensions, and an increase of \$2.0 million in judicial remuneration increases under the Salaries and Allowances Tribunal.		
<b>Service 2 - Case Processing</b>	Excess	6,556
Increase in expenditure is due mainly to the implementation of the State Administrative Tribunal, and the incorrect original budget of jurors costs as mentioned below.		
<b>Service 3 - Enforcement of Criminal and Civil Court Orders</b>	Saving	2,354
Decrease in expenditure is due mainly to incorrect budgeting for jurors costs in the original budget. This should have been costed to Service 2 above.		
<b>Service 7 - Adult offenders managed</b>	Excess	30,842
The increased expenditure is due mainly to:		
(a) Higher prisoner load in the public prison system than budget position reflected in additional prisoner variable costs.		
(b) Higher salary costs than budgeted.		
(c) Higher than forecast workers compensation payments.		
(d) Contracted nursing services costs above budget.		
(e) Increased building maintenance costs.		
(f) Increased funding for the Hooker inquiry		
<b>Service 8 - Juvenile offenders managed</b>	Saving	859
Decrease in expenditure is mainly due to FRIT savings, and reallocation of output percentages.		
<b>Service 11 - Registration Services</b>	Saving	233
Decreased expenditure is due mainly to lower than expected spending on the new WARS system.		
<b>Service 13 - Support Services to Other Government Agencies</b>	Excess	1,789
Increase in expenditure is due mainly to increase in ex-gratia payments and additional initiatives for the Aboriginal Justice Agreement.		
<b>Service 14 - Legal Aid</b>	Excess	2,596
Increase in expenditure is due mainly to new Community Legal Centres and expensive cases.		

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## Retained revenue

A variety of reasons account for the additional revenue in 2004/05. These include:

- (a) Prison services sale of industry goods were above budget by 34% due to increased activity.
- (b) Public Trust Fees were above budget by 6% due to increased activity.
- (c) State Solicitor legal fees were 28% above budget due to higher chargeable work business activity.
- (d) Court Fees were 10% above the original budget due to court fee increases.
- (e) Family Court Grants from the Commonwealth were 22% higher than budget reflecting activity and cost increases.
- (f) Registry of Births, Deaths & Marriages Fees were above budget by 10% due to increased activity.
- (g) Recoups of Prisoner telephones (Arunta), salaries & wages, workers compensation, criminal injury, legal costs and residential recovery were above budget settings.

## Adjustments

Adjustments exceeded budget due mainly to an increase in the liabilities assumed by the Treasurer of \$11.6 million and movements in cash balances of \$10.5 million.

## CAPITAL

The 2004/05 Capital Works Program budget of \$70.5 million was to be financed from:

Appropriation for Services

Drawdowns from Holding account

Capital contribution

Internal funds and balances

## Reduction in capital contribution

Reflow of the Capital Works Program to outyears is due to the delay in the commencement of certain capital works projects until 2005/06. As a result, there is a reduction in the capital contribution for 2004/05.

Total payments for 2004/05 were \$54.5 million. This was financed from:

Appropriation for Services

Drawdowns from the Holding account

Capital contribution

Internal funds and balances

	2005 \$'000
Excess	6,356
Excess	21,956
Saving	11,504
	25,435
	23,345
	21,465
	225
	70,470
	(15,322)
	(15,322)
	20,988
	22,420
	6,143
	4,968
	54,519

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

2005  
\$'000

## Details of significant variances in capital expenditure from budget were as follows:

### CBD Courts construction and Central Law Courts refurbishment

Construction of the CBD Court Complex is expected to be provisioned under a Public Private Partnership (PPP) arrangement, with State funding for refurbishment of the Central Law Courts building.

Saving 12,086

### Juvenile accommodation strategy

Budget of \$3.8 million in 2005/06, delay in implementation of this project.

Saving 2,130

### Building infrastructure

Saving partly due to reduced spending resulting from over spend in 2004/05.

Saving 2,127

### Albany Justice Complex

Project received revised additional funding in 2004/05, due to problems with original contractor. Project expected to be completed in 2005/06.

Saving 1,704

### CSCS contract management system

Budget was not required for 2004/05 and subsequently requested to be carried forward to 2005/06.

Saving 1,059

### ICMS systems development

Revised schedule of deliverables for this project is due to technical issues relating to the integration of State Administration Tribunals. This resulted in a revised allocation of the ICMS budget being brought forward from 2005/06 into 2004/05.

Saving 914

### Corporate information management systems

The primary high cost activity associated with this project is the acquisition of an EDMRS. Following a revised approach by DTF for agencies procuring EDRMS solutions, the project schedule for this project has been revised; this has the implication of \$550,000 being deferred to 2005/06.

Saving 791

### Bandyup facilities redevelopment

Delays in securing statutory approvals have delayed forward works. This project to be completed in 2005/06.

Saving 586

### Financial management information system

Current work schedules will see an under expenditure for this project this financial year, with costs now scheduled to be expended in 2005/06.

Saving 542

### EGRP — structural upgrade and perimeter

This timetable for this project has been extended to occur in 2005/06 and the following out years.

Saving 500

### Automated sentence calculation

Project no longer required.

Saving 400

### WA registration system

The delay in planning around E-enabling of RBDM services has deferred the resulting expenditure to 2005/06 and out years

Saving 399

### CBD Courts Complex — planning and management

Certain consulting services budgeted for 2005/06 were brought forward to 2004/05. Funding for this project was revised during 2004/05 year.

Excess 1,471

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

		2005 \$'000
<b>Infrastructure upgrade</b>	Excess	1,152
The excess costs will be applied against the 2005/06 budget.		
<b>Community-based service information system (Stage 1 &amp; 2)</b>	Excess	984
Over expenditure in stage 1 and partial spending already occurring in stage 2 of this project will all be offset against the stage 2 budget for 2005/06.		
<b>Court security and custodial upgrade</b>	Excess	601
Funding was approved for this project during the 2004/05 financial year partially as a result of the Hooker Inquiry.		
<b>Corporate operational system – IT maintenance</b>	Excess	582
Under expenditure is due to a delay in the commencement in the new contract for outsourced IT services. Additional funding for this project is already in the 2005/06 budget.		
<b>Prisons additional capacity</b>	Excess	342
Additional male prisoner accommodation will be provided by the construction of minimum-security units at Bunbury and Wooroloo. Women's accommodation will be increased by the construction of 10 x four-bed self-care units at the Bandyup Prison. The funding was approved during the 2004/05 year due to the rapid prisoner number growth.		
<b>Supreme Court – upgrade of building services and fitout</b>	Excess	328
This work was required as a result of the Supreme Court breakout during the 2004/05 year. Funding has been provided.		
<b>Custodial &amp; CJJ system maintenance</b>	Excess	310
This is now under recurrent funding for the 2005/06 year.		
<b>CJS Broome expansion</b>	Excess	175
This work had a budget transferred from CJS Office Establishment during the 2004/05 year to offset the expenditure.		
<b>ADMINISTERED REVENUES</b>		
<b>Judicial fines and penalties – under budget revenue reflects the current performance levels in fines enforcement.</b>	Excess	8,467
<b>(c) Significant variations between actual outputs for the financial year and outputs for the immediately preceding financial year</b>		
<b>RECURRENT</b>		
<b>Service 1: Judiciary and judicial support</b>	Excess	11,382
Increase in expenditure is due mainly to an increase in the provision for Judicial Pensions, and increases in judicial remuneration under the Salaries and Allowances Tribunal.		
<b>Service 2: Case processing</b>	Excess	14,740
Increase in expenditure is due mainly to an increase in Criminal Injury Compensation payments, and additional costs for the Court Security & Custodial Services contract, and the Bell Resources trial. Also the implementation of the Magistrates Courts Reform package has increased expenses in addition to the formation of the State Administrative Tribunal.		

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

		2005 \$'000
<b>Service 3: Enforcement of criminal and civil court orders</b>	Saving	2,386
Savings resulting from the State Administrative Tribunal.		
<b>Service 4: Administration of victim support and counselling services</b>	Excess	471
Increase in expenditure is due to employee costs associated with staffing of the Counselling and Support Services for the Family Court, which was transferred to the Department in January 2004. Also the introduction of case assessment conferences.		
<b>Service 5: Legal services</b>	Excess	2,148
Increased expenditure associated with a heightened demand for legal services, particularly in major civil litigation.		
<b>Service 6: Preparation of legislation</b>	Excess	373
A record number of pages of Acts were passed by Parliament during the 2004 calendar year (4,528 pages). This exceeded the previous record of 3,545 pages passed in 2003.		
<b>Service 7: Adult offenders managed</b>	Excess	37,050
Increase in expenditure is mainly due to increases in the prisoner population, CSCS Contract, additional workers compensation costs and increased contracted nursing services costs.		
<b>Service 8: Juvenile offenders managed</b>	Excess	549
Increase in expenditure is mainly due to increases in the numbers of juveniles in custody and on community orders.		
<b>Service 9: Advocacy and guardianship services</b>	Excess	398
Increased expenditure is mainly due to the implementation of policies and procedures with the newly created State Administrative Tribunal, and the establishment of the Alliance for the Prevention of Elder Abuse in Western Australia.		
<b>Service 10: Trustee services</b>	Excess	549
Increase in expenditure is due mainly to imaging of wills, and carried over expenses including building renovations and trust accounting system enhancements.		
<b>Service 11: Registration services</b>	Excess	365
Increase in expenditure is due mainly to carried over expenses and the WARS project.		
<b>Service 13: Support services to other Government agencies</b>	Saving	215
Savings in expenditure is due mainly to the end of the Police Royal Commission.		
<b>Service 14: Legal Aid</b>	Excess	2,273
Increase in expenditure is due mainly to new Community Legal Centres and expensive cases.		
<b>CAPITAL</b>	Excess	5,224
Variations between actual expenditure for the current financial year and previous year is due to the nature of the capital works program in that allocations and project scope vary from year to year. An explanation on variations does not provide information that is useful for decision making and has therefore not been provided.		
<b>ADMINISTERED REVENUES</b>	Excess	7,129
<b>Judicial fines and penalties — current year's actual result reflects the current performance levels in fines enforcement.</b>		

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## 42 Trust and Treasurer's advance accounts

Account	2004/05				2003/04			
	Opening Balance	Receipts	Payments	Closing Balance	Opening Balance	Receipts	Payments	Closing Balance
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
1 Juvenile Justice Trust Account	1	-	-	1	1	3	3	1
2 Civil Court Judgement - Government Account	104	585	576	113	52	851	799	104
3 Land Acquisition Account	9,738	75,273	81,807	3,204	14,713	150,064	155,039	9,738
4 Suitor's Fund Account	39	13	39	13	1	142	104	39
5 Clerk of Courts Trust Account	2,610	35,258	35,092	2,776	3,152	34,636	35,178	2,610
6 Departmental Receipts in Suspense	905	49,889	49,797	997	44	46,681	45,820	905
7 Sheriff's and District Court Bailiff's Trust Account	92	858	848	102	181	1,446	1,535	92
8 Civil Action - Supreme and District Courts Account	2,812	6,447	3,003	6,256	2,516	2,374	2,078	2,812
9 Companies Liquidation Account	732	-	-	732	732	-	-	732
10 Prisoners Private Cash Trust Fund*	110	2,713	2,722	101	10	2,182	2,082	110
11 Department of Justice - Settlement Payments Account	3	8	9	2	3	8	8	3
12 Family Court - Commonwealth Advance Account	416	15,365	15,736	45	320	11,044	10,948	416
13 Appeal Costs Board - Treasurer's Advance Account	1,000	-	-	1,000	(850)	(150)	-	(1,000)
14 Crime and Corruption Commission	100	-	100	-	-	(100)	-	(100)

\* This does not include Acacia Prison which is managed under contract by AIMS Corporation.

### Purpose of trust accounts and Treasurer's advances

FOR THE YEAR ENDED 30 JUNE 2005

#### 1 Juvenile justice trust account

To hold monies in trust for children under the care of the Juvenile Justice Program and such other monies as are received from any person or organisation for the provision of amenities in Program facilities which house children, and for such other specific purposes as directed by the donors.

#### 2 Civil court judgements — Government account

To hold moneys arising from Civil Court Judgements made in favour of Government departments and authorities.

#### 3 Land acquisition account

To hold moneys for and on behalf of Government departments and authorities pending settlement of land acquisition.

#### 4 Suitor's fund account

To Hold Funds, in Accordance with section 4 of the *Suitors' Fund Act* (The Act), to meet the liability for costs of certain litigation and for incidental and other purposes pursuant to the Act.

#### 5 Clerk of Courts trust account

To hold moneys, collected in the course of court activities at courts of petty sessions and local courts throughout the state, for the disbursement to other parties.

#### 6 Departmental receipts in suspense

To hold funds pending identification of the purpose for which those monies were received pursuant to section 9 (2) (c) (iv) of the *Financial Administration and Audit Act*.

# NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2005

## 7 Sheriff and District Court bailiff's trust account

To hold monies collected or realised from the Execution by the Sheriff, Supreme Court or Bailiff District Court of Writs of fieri facias against Judgement Debtors in Civil Actions in the Supreme or District Courts of Western Australia.

## 8 Civil Action — Supreme and District courts account

To hold monies paid into the Supreme and District Courts in civil actions as ordered by the Supreme Court of Western Australia or District Court.

## 9 Companies liquidation account

To hold funds received by the Director General, Department of Justice from the Commissioner for Corporate Affairs pending payment pursuant to section 427 of the Companies (Western Australia) Code.

## 10 Prisoners private cash trust fund

To hold monies for and on behalf of prisoners.

## 11 Department of Justice — Settlement payments account

To hold monies received by the Department of Justice and Small Claims Tribunal as a consequence of actions to resolve disputes.

## 12 Family Court — Commonwealth advance account

To hold funds received from the commonwealth for the Establishment and Administration of the family court of Western Australia, in accordance with an agreement pursuant to section 41 (1) of the *Family Law Act*, pending transfer to the consolidated Revenue Fund.

## 13 Appeal Costs Board — Treasurer's advance account

A maximum expenditure advance of \$1,000,000 was approved by the Treasurer to provide a temporary advance for funding of the Suitor's Fund Act. The expenditures are subject to reimbursement from the consolidated fund via the Suitor's Fund Account.

## 14 Crime and Corruption Commission

Temporary advance of \$100,000 was repaid in July 2004.

## 43 Commonwealth Grant - Christmas and Cocos Island

### Opening balance

### RECEIPTS

Commonwealth reimbursements

Court fees

Total receipts

### PAYMENTS

Operating costs

Additional Services for Prisoner Costs

Total payments

### Closing balance

Operating costs are based on both actuals plus identified estimated services provided as agreed in the Standard Delivery Service Agreement signed by the Commonwealth and the State.

	2005 \$'000	2004 \$'000
Opening balance	58,270	19,114
RECEIPTS		
Commonwealth reimbursements	276,829	237,407
Court fees		-
Total receipts	276,829	237,407
PAYMENTS		
Operating costs	177,563	198,251
Additional Services for Prisoner Costs		-
Total payments	177,563	198,251
Closing balance	157,536	58,270



# APPENDICES



# APPENDIX 1

## NEW STRATEGIC FRAMEWORK

### OUR VALUES

#### ***Respect***

We respect everybody's right to have their basic needs met in a way that allows them to develop their potential. We respect the inherent dignity of all people at all times in all circumstances.

#### ***Integrity***

We are honest, open and accountable in all that we do. Our behaviour and procedures are governed by the legal system, agreed standards and codes of ethics and conduct.

#### ***Unity and diversity***

We value the richness that a diversity of views, backgrounds and experiences brings to our department and our society.

#### ***Justice***

The right to justice and safety govern our decisions and behaviours.

#### ***Collaboration***

We foster inter-dependent co-operation within the justice system and are responsive to diverse and changing conditions.

### OUR PURPOSE

Our purpose is to enhance the right to justice and safety for all people in Western Australia.

### OUR POSITION IN THE JUSTICE SYSTEM

We provide transformational leadership that fosters innovation and enhances the development and implementation of the justice system for all Western Australians.

### OUR APPROACH

We respond to the needs of a variety of client groups in the justice system and provide a range of services that have the potential to affect almost all Western Australians so that:

- the community and judiciary have assistance and infrastructure that enables cases to be effectively progressed, orders to be enforced and victims supported and counselled;
- the community and Government have access to accurate, permanent and confidential records of births, deaths and marriages;
- Government can best serve society by having effective legal advice and legislative preparation services;
- people with decision-making disabilities are protected;
- people have equitable access to trustee services;
- offending is reduced and the community feels safe and secure; and
- offenders' skills and knowledge are developed to enhance their integration within the community as law-abiding citizens.

Services are continuously improved to meet client needs that reflect the geographic, cultural and demographic diversity of the State. This includes developing better mechanisms for resolving justice issues, cross-government cooperation that supports better justice outcomes and developing more efficient business processes and integrated systems.

The Department is vigorously engaged in projecting future service demand; undertaking statistical analysis and scenario simulations that help it understand the external operating environment; and identifying trends and shifting client needs. This information is used to evaluate the relevance and effectiveness of our strategies, inform policy development and drive optimum service delivery.

# APPENDIX 1

## THE UNIQUE VALUE WE ADD

The Department of Justice has the capacity to coordinate stakeholders and integrate a diverse range of services Statewide. The Department applies a systemic perspective, knowledge and experience of the Western Australian justice system to lead and influence justice reform, practices and outcomes.

## OUR GOALS FOR ACHIEVEMENT

### 1. **Confidence**

Individuals and communities have confidence in the range of services provided by the Department of Justice.

### 2. **Diversity**

Across a diverse range of settings, our clients benefit from multi-disciplinary, cross-government approaches that enhance life conditions and justice services.

### 3. **Representation**

All groups are represented at appropriate levels in the justice system. Importantly, our priority is to ensure that:

- Aboriginal people's access to, and use of, justice services is increased; and
- Over representation of Aboriginal people as offenders and victims in the criminal justice system is decreased.

### 4. **Value for Money**

Clients of the Department of Justice experience a sustainable range of services and infrastructure that effectively and efficiently addresses their needs.

## OUR VISION FOR THE FUTURE OF WESTERN AUSTRALIAN SOCIETY

As our society changes, the Department of Justice is planning its services in anticipation of a future that has different attributes to the one in which we live today. We envision a future in which:

- We are proud of our State's justice system.
- We value, promote and demonstrate tolerance, sensitivity, understanding and fairness. All groups in our community, and Aboriginal people in particular, are actively involved in developing a fair justice system that continually adapts to meet our changing needs, expectations and aspirations.
- We have ready access to contemporary pathways and approaches that provide a range of reliable and relevant civil and criminal justice services. Our civil justice services contribute very positively to preserving our rights and enhancing our day-to-day lives.

New standards are being reached in developing integrated, cross-government approaches to effectively manage those who break the law and to reduce risks for our community.

Every day we enjoy our safety and security, with a peace of mind that frees us to prosper and realise our full potential. We find sensitive and meaningful ways to meet the needs of people who require their interests to be protected or whose lives have been affected directly or indirectly by crime.

Communities and government are joining forces, in a climate of mutual trust, to achieve common goals. We have confidence in each other's integrity and are keen to collaborate and unite in our efforts to address justice matters of concern or interest to us.

## HOW OUR CLIENTS PERCEIVE US

Currently, we do not have a shared understanding of how our clients and stakeholders perceive us. As part of the further development and deployment of the Strategic Framework, we need to identify and analyse existing and new information regarding client perceptions, to affirm and / or refine our goals.

# APPENDIX 2

## LEGISLATION

### LEGISLATION THE DEPARTMENT OF JUSTICE ADMINISTERS

*Acts Amendment (Equality of Status) Act 2003*  
*Anglican Church of Australia Act 1976*  
*Anglican Church of Australia Constitution Act 1960*  
*Anglican Church of Australia Lands Act 1914*  
*Anglican Church of Australia (Diocesan Trustees) Act 1888*  
*Anglican Church of Australia (Northern Diocese) Act 1961*  
*Anglican Church of Australia (Swanleigh Land and Endowments) Act 1979*  
*Australia Acts (Request) Act 1985 & 1999*  
*Commonwealth Places (Administration of Laws) Act 1970*  
*Companies (Acquisition of Shares) (Application of Laws) Act 1981*  
*Companies (Acquisition of Shares) (Western Australia) Code*  
*Companies (Administration) Act 1982*  
*Companies (Application of Laws) Act 1981*  
*Companies (Western Australia) Code*  
*Companies Act 1961*  
*Companies and Securities (Interpretation and Miscellaneous Provisions) 1981*  
*Companies and Securities (Application of Laws) Act 1981*  
*Companies and Securities (Interpretation and Miscellaneous Provisions) (Western Australia) Code*  
*Confederation of Western Australian Industry (Inc.) Act 1981*  
*Constitutional Powers (Coastal Waters) Act 1979*  
*Co-operative Schemes (Administrative Actions) Act 2001*  
*Co-operative and Provident Societies Act 1903*  
*Corporations (Administrative Actions) Act 2001*  
*Corporations (Ancillary Provisions) Act 2001*  
*Corporations (Commonwealth Powers) Act 2001*  
*Corporations (Consequential Amendments) Act (No.3)*  
*Corporations (Taxing) Act 1990*  
*Corporations (Western Australia) Act 1990*  
*Crimes at Sea Act 2000*  
*Crimes (Confiscation of Profits) Act 1988*  
*Crimes (Offences at Sea) Act 1979*  
*Criminal Code*  
*Criminal Code Amendment Act (No 2)*  
*Declarations and Attestations Act 1913*  
*Financial Transaction Reports Act 1995*  
*Foreign Judgments Act 1963*  
*Futures Industry (Application of Laws) Act 1986*  
*Goldfields Tattersalls Club (Inc.) Act 1986*  
*Highways (Liability for Straying Animals) Act 1983*  
*Law Reform Commission Act 1972*  
*Law Reform (Contributory Negligence and Tortfeasors' Contribution) Act 1947*  
*Law Reform (Miscellaneous Provisions) Act 1941*  
*Law Reform (Statute of Frauds) Act 1962*

*Law Society Public Purposes Trust Act 1985*  
*Legal Contribution Trust Act 1967*  
*Legal Aid Commission Act 1976*  
*Magistrates Court (Civil Proceedings) Act 2004*  
*Marketable Securities Transfer Act 1970*  
*Miscellaneous Regulations (validation) Act 1985*  
*Newspaper Libel and Registration Act 1884*  
*Newspaper Libel and Registration Act 1884 Amendment Act 1888*  
*Occupiers' Liability Act 1985*  
*Offenders (Legal Action) Act 2000*  
*Off-shore (Application of Laws) Act 2003*  
*Perth and Tattersall's Bowling and Recreation Club (Inc.) Act 1979*  
*Perth Anglican Church of Australia Collegiate School Act 1885*  
*Presbyterian Church Act 1908 & 1976*  
*Presbyterian Church of Australia Act 1901 & 1970*  
*Professional Standards Act 1997*  
*Public Notaries Act 1979*  
*Public Trustee Act 1941*  
*Royal Commission (Police) Act 2002*  
*Sale of Land Act 1970 (Part IVA)*  
*Sea-Carriage Documents Act 1997*  
*Securities Industry (Application of Laws) Act 1981*  
*Securities Industry (Release of Sureties) Act 1977*  
*Securities Industry (Western Australia) Code*  
*Securities Industry Act 1975*  
*Solicitor General Act 1969*  
*Special Investigation (Coal Contract) Act 1994*  
*Statutory Corporations (Liability of Directors) Act 1996*  
*Trustee Companies Act 1987*  
*Western Australian Trustees Limited (Mergers) Act 1989*  
*Warehousemen's Liens Act 1952*  
*Warrants for Goods Indorsement Act 1898*

### LEGISLATION THE DEPARTMENT OF JUSTICE ADMINISTERS AND COMPLIES WITH

*Bail Act 1982*  
*Births, Deaths And Marriages Registration Act 1998*  
*Charitable Trusts Act 1962*  
*Children's Court of Western Australia Act 1988*  
*Community Protection (Offender Reporting) Act 2004*  
*Coroners Act 1920*  
*Coroners Act 1996*  
*Court Security and Custodial Services Act 1999*  
*Criminal Law (Mentally Impaired Defendants) Act 1996*  
*Criminal Procedure Act 2004*  
*Crown Suits Act 1947*  
*Director of Public Prosecutions Act 1991*  
*District Court of Western Australia Act 1969*  
*Electronic Transactions Act 2003*

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*Enforcement Act 1994*  
*Family Court Act 1997*  
*Fines, Penalties & Infringement Notices Enforcement Act 1994*  
*Guardianship & Administration Act 1990*  
*Interpretation Act 1984*  
*Juries Act 1957*  
*Justice of the Peace Act 2004*  
*Liquor Licensing Act 1988 (part of)*  
*Local Courts Act 1904*  
*Magistrates Court Act 2004*  
*Magistrate Court (Civil Proceedings) Act 2004*  
*Magisterial Districts Act 1886*  
*Married Women's Property Act 1892*  
*Offenders Community Corrections Act 2000*  
*Prisoners (Release For Deportation) Act 1989*  
*Prisons Act 1981*  
*Prostitution Act 2000 (part of)*  
*Public Trustee Act*  
*Recording of Proceedings Act 1980*  
*Reprints Act 1984*  
*Restraining Orders Act 1997*  
*Restraint of Debtors Act 1984*  
*Sentence Administration Act 2003*  
*Small Claims Tribunals Act 1974*  
*Spent Convictions Act 1988*  
*Suitors Fund Act 1964*  
*Vexatious Proceedings Restriction Act 2002*  
*Young Offenders Act 1994*

### LEGISLATION THE DEPARTMENT OF JUSTICE COMPLIES WITH ONLY

*Aboriginal Affairs Planning Authority Act 1972*  
*Administration Act 1903*  
*Adoption Act 1994*  
*Age of Majority Act 1972*  
*Anatomy Act 1930*  
*Archives Act 1983*  
*Artificial Conception Act 1985*  
*Associations Incorporations Act 1987*  
*Auction Sales Act 1973*  
*Bail Act 1982*  
*Bills of Sale Act 1899*  
*Business Names Act 1962*  
*Commonwealth Admiralty Act 1988*  
*Commonwealth Bankruptcy Act 1966*  
*Commonwealth Cheques Act 1986*  
*Commonwealth Child Support (Assessment) Act 1989*  
*Commonwealth Child Support (Registration and Collection) Act 1988*  
*Commonwealth Corporations Law (to Feb 2001)*  
*Commonwealth Crimes Act 1914*

*Commonwealth Currency Act 1965*  
*Commonwealth Disabilities Discrimination Act 1992*  
*Commonwealth Electronic Transactions Act 1999*  
*Commonwealth Family Law Act 1975*  
*Commonwealth Fringe Benefits Tax Act 1986*  
*Commonwealth GST Act 1999*  
*Commonwealth GST Act and Regulations 1999*  
*Commonwealth Income Tax Assessment Act 1936*  
*Commonwealth Insurance Act 1973*  
*Commonwealth International Transfer Of Prisoners Act 1997*  
*Commonwealth Life Insurance Act 1995*  
*Commonwealth Marriage Act 1961*  
*Commonwealth Migration Act 1958*  
*Commonwealth Native Title Act 1993*  
*Commonwealth Patents Act 1990*  
*Commonwealth Racial Discrimination Act 1975*  
*Commonwealth Trade Practices Act 1974*  
*Commonwealth Transfer Of Prisoners Act 1983*  
*Commonwealth Veterans Entitlements Act 1986*  
*Commonwealth Witness Protection Act 1994*  
*Commonwealth Workplace Relations Act 1996*  
*Commonwealth/International Chemical Munitions Treaty 1997*  
*Censorship Act 1996*  
*Charitable Trusts Act 1962*  
*Chattel Securities Act 1987*  
*Child Support (Adoption of Laws) Act 1990*  
*Child Welfare Act 1947*  
*Choice of Law (Limitation Periods) Act 1994*  
*Civil Judgements Enforcement Act 2004*  
*Criminal Appeals Act 2004*  
*Commercial Arbitration Act 1985*  
*Commercial Tenancy (Retail Shops) Agreement Act 1985*  
*Commercial Tribunal Act 1984*  
*Community Protection (Offender Reporting) Act 2004*  
*Companies (Acquisition of Shares) (Application of Laws) Act 1981*  
*Companies (Application of Laws) Act 1981*  
*Companies (Co-operative) Act 1943*  
*Companies (Western Australia) Code*  
*Companies Act 1961*  
*Control of Vehicles (Off-road Areas) Act 1978*  
*Courts Legislation Amendment and Repeal Act 2004*  
*Cremation Act 1929*  
*Criminal Injuries Compensation Act 1985*  
*Criminal Injuries Compensation Amendment Act 2004*  
*Criminal Investigations (Extra Territorial Offences) Act 1987*  
*Criminal Investigations (Identify People) Act 2002*  
*Criminal Procedure and Appeals (Consequential Provisions) Act 2004*  
*Criminal Property Confiscation Act 2000*  
*Criminal Property Confiscation (Consequential Provisions) Act 2000*  
*Debits Tax Act 1990*

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*Debits Tax Assessment Act 1990*  
*Debtors Act 1871*  
*Declarations and Attestations Act 1913*  
*Dental Act 1939*  
*Diesel and Alternative Fuels Grant Scheme 1999*  
*Disability Services Act 1993*  
*District Court of Western Australia Act 1969*  
*Dividing Fences Act 1961*  
*Dog Act 1976*  
*Domicile Act 1981*  
*Electoral Act 1907*  
*Employers Indemnity Supplementation Fund Act 1980*  
*Energy Grants Credit Scheme 2002*  
*Equal Opportunity Act 1984*  
*Escheat (Procedure) Act 1940*  
*Escheat 4&5 Will IV C23 as adopted by 7 Victory No 13*  
*Evidence Act 1906*  
*Fair Trading Act 1987*  
*Family Court (Orders of Registrars) Act 1997*  
*Fatal Accidents Act 1959*  
*Federal Courts (State Jurisdiction) Act 1999*  
*Financial Administration and Audit Act 1985*  
*Financial Institutions Duty Act 1983*  
*Enforcement Act 1994*  
*Firearms Act 1973*  
*First Home Owner Grant Act 2000*  
*Freedom of Information Act 1992*  
*Gender Reassignment Act 2000*  
*Guardianship and Administration Act 1990*  
*Health Act 1911*  
*Health Act 1981*  
*Health Services (Conciliation and Review) Act 1995*  
*Health Services (Quality Improvement) Act 1994*  
*Heritage of WA Act 1990*  
*Hire Purchase Act 1959*  
*Hospitals and Health Services Act 1927*  
*Industrial Relations Act 1979*  
*Inheritance (Family and Dependents Provision) Act 1972*  
*Inspector of Custodial Services Act 2003*  
*Interpretation Act 1984*  
*Judges Retirement Act 1937*  
*Juries Act 1957*  
*Jurisdiction of Courts (Cross-Vesting) Act 1987*  
*Land Administration Act 1997*  
*Land Tax Assessment Act 1976*  
*Law Reporting Act 1981*  
*Legal Practice Act 2003*  
*Legal Practitioners Act 1893*  
*Legal Representation of Infants Act 1977*  
*Library Board of Western Australia Act 1951*  
*Life Assurance Companies Act 1889*  
*Limitations Act 1935*  
*Liquor Licensing Act 1988*  
*Local Courts Act 1904*  
*Local Government Act 1995*  
*Medical Act 1894*  
*Mental Health Act 1996*  
*Metropolitan Region Town Planning Scheme Act 1959*  
*Minimum Conditions of Employment Act 1993*  
*Mining Act 1978*  
*Misuse Of Drugs Act 1981*  
*Native Title (State Provisions) Act 1999*  
*Non Contentious Probate Rules*  
*Nurses Act 1992*  
*Occupational Safety and Health Act 1984*  
*Occupational Therapists Registration Act 1980*  
*Official Prosecutions (Defendants' Costs) Act 1973*  
*Optical Dispensers Act 1966*  
*Parliamentary Commissioner Act 1971*  
*Parole Orders (Transfer) Act 1984*  
*Partnership Act 1895*  
*Payroll Tax Assessment Act 2002*  
*Pharmacy Act 1964*  
*Physiotherapists Act 1950*  
*Poisons Act 1964*  
*Prisoners (Interstate Transfer) Act 1983*  
*Prisoners (International Transfer) Act 2000*  
*Property Law Act 1969*  
*Psychologists Registration Act 1976*  
*Public and Bank Holidays Act 1972*  
*Public Sector Management Act 1994*  
*Public Sector Standards*  
*Public Works Act 1902*  
*Radiation Safety Act 1975*  
*Recording of Evidence Act 1975*  
*Registration of Deeds Act 1856*  
*Residential Tenancies Act 1987*  
*Retirement Villages Act 1992*  
*Salaries and Allowances Act 1975*  
*Sale of Land Act 1970*  
*Sentencing (Consequential Provisions) Act 1995*  
*Sentencing Act 1995*  
*Slander of Women Act 1990*  
*Stamp Act 1921*  
*State Administrative Tribunal Act 2004*  
*State Records Act 2000*  
*State Superannuation Act 2000*



## APPENDIX 3

**CONTRACTS**

Contracts awarded between 1 July 2004 and 30 June 2005:

Value	Number of Contracts
\$0 - \$19,999	10
\$20,000 - \$49,999	70
\$50,000 - \$99,999	40
\$100,000 - \$499,999	28
\$500,000 - \$999,999	3
\$1,000,000 +	7

Contracts awarded between 1 July 2004 and 30 June 2005 valued at more than \$100,000:

No	Contract Description	Vendors Recommended	Contract Value
2358	Consultancy Services for the PCO's Business Improvement Project	Michael Rubacki	\$100,000.00
2154	Public Relations Consultancy Services for Implementation of SAT	Mills Wilson Communication Consultants	\$120,000.00
2260	Consultancy for Industrial Relations Strategic Plan	Robert Laing	\$120,000.00
2292	Victim Support Services for the Esperance Region	Centrecare Goldfields	\$121,086.90
2330	Tractors For Karnet And Wooroloo	Bunbury Machinery, CJD Equipment Pty Ltd	\$122,650.65
2139	Provision of Copy Safe Polypropylene File Covers for the Supreme Court	Jaylon Industries Pty Ltd	\$144,000.00
2326	Victim Support Services for Carnarvon	Geraldton Centrecare Family Services	\$145,173.00
1977	Psychological Testing for Recruitment	Australian Institute of Forensic Psychology	\$150,000.00
2229	Provision of Child Witness Services for the Bunbury Region	Christine Larke	\$173,745.00
2048	Cleaning of Banksia Hill Detention Centre	Services Rendered Property Care	\$178,520.00
2240	Supply of Network Associates Software	Software Spectrum	\$185,366.50
2198	Provision of Optical Services to Offenders in Custody	OPSM Pty Ltd	\$200,000.00
2266	Provision of Assessment Services in the Perth Metropolitan Area	Cinzia Zuin, Claire Lynn, Daniela Barbuzza, Darryl Menaglio, David Charles Summerton, Mercurio Cicchini, Pact Corporate Health Services	\$225,000.00
2096	Purchase, Implementation and Support of an Automated Metadata Solution	Interwoven Australia Pty Ltd	\$226,595.00

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No	Contract Description	Vendors Recommended	Contract Value
2110	Removal of Bodies to the Nearest Morgues in Country Areas	Albany Funeral Directors Pty Ltd, Archer & Sons Funeral Homes, B D Coventry & Sons, Bethany Funeral Home, Darlingunaya Funeral Service, Dawsons Funeral Home, Derby Funeral Services, Esperance Funeral Services, Gascoyne Funeral Directors, Goldfields Funeral Directors Pty Ltd, J Keenan & Co, Laverton Undertakers, Leonora Funerals, Meekatharra Regional Contractors, Newman Funeral Service, Okuri Funeral Service, P & L Hogan Funeral Directors, Peaceful Cremation Services, Peter J Jackson Funeral Directors, Pilbara Funeral Services, Purslowe Funeral Homes, R Falkingham & Son, Richard Edward Daniels, William Barrett & Sons	\$230,000
6304	Freezer/Chiller Vehicle	Major Motors Pty Ltd	\$233,365.00
2115	Consultancy Support for the Criminal Justice Integration Board	Quadrant Group	\$240,000.00
2258	Implementation of Processes in Relation to Record Keeping Plan	DBR Group Pty Ltd	\$240,000.00
2313	Project Management Services in Relation to Implementation of a Corporate Information System	Junipers Pty Ltd	\$240,000.00
2161	Supply of Sun Servers	Sun Microsystems	\$249,972.00
2091	Accommodation and Related Services for Juvenile Custodial Services	Drug Arm WA Inc	\$285,213.60
2162	Multi-systemic Therapy Services	Multi Systemic Therapy Services	\$300,000.00
2183	Provision of Training Courses for Justices of the Peace	Central TAFE	\$310,500.00
2199	Supply Of Audiovisual Equipment	Audio Visual Imagination Pty Ltd	\$335,377.57
2372	Regional Prisons Change and Improvement Plan	John Mitchell & Associates	\$343,200.00
7303	Re-Entry Coordination Services - South West	Agencies for South West Accommodation Inc	\$346,500.00
2072	PABX for Hakea and Casuarina Prisons	Ericsson Corporate Networks	\$387,128.00
2216	Provision of Switchboard and Reception Services for DoJ Head Office	Drake Australia Pty Ltd	\$450,000.00
2376	SLA Religious and Spiritual Programs to Prisons in WA	Bunbury Diocesan Trustees, Christian & Missionary Alliance of Australia, Diocese of North West Australia, Perth Diocesan Trustees - Anglican Diocese Perth, Roman Catholic Archbishop of Perth, Uniting Church in Australia Property Trust (WA),	\$502,189.52



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No	Contract Description	Vendors Recommended	Contract Value
2364	Supply Of Garment and Linen Material — RFT 5004	Newway Supplies, Stewart & Heaton	\$600,000.00
7203	Re-Entry Coordination Services — Pilbara	Hedland CDEP Aboriginal Corporation	\$956,000.00
2004	Provision and Extended Maintenance of Printers for DoJ	JH Computer Services	\$1,100,000.00
16103	(Spirit) Request for Web-based Services	Pretzel Logic Pty Ltd	\$1,500,000.00
2275	Provision of Internal Audit Services	KPMG	\$2,500,000.00
2374	SLA Family Support Services Perth Metropolitan Area	Outcare Inc	\$2,637,079.50
8304	Supply of Intel Based Servers, Server Related Equipment and Statewide Warranty Services for the Department of Justice	Corporate Express Australia Ltd	\$4,000,000.00
5004	Total Apparel Management Uniform Service	Stewart & Heaton Clothing Co	\$4,565,030.00
7504	Department of Justice Microsoft Software Licensing	Software Spectrum Pty Ltd	\$7,983,000.00

## APPENDIX 4

### PUBLICATIONS

The Department of Justice has developed a comprehensive collection of publications, brochures and videos. In most cases, these are available from the Department at no cost or can be downloaded from *J-Net* at [www.justice.wa.gov.au](http://www.justice.wa.gov.au).

A complete list of publications is contained in the Department of Justice's 2005 Handbook, available by telephoning 9264 1832 or by downloading from *J-Net*.