Tuesday, 10 June 2014

Department of the Attorney General

Question No. 1: The Standing Committee on Estimates and Financial Operations asked

We refer to Budget Paper Two, page 432, the Department will increase spending on tariffs, fees and charges by \$829,000 in 2016-17 and \$3.1 million in 2017-18, and ask—

(a) What services are driving the increase in costs for tariffs, fees and charges in 2016-17 and 2017

Answer: The Department reviewed and increased its tariffs, fees and charges as part of the 2014-15 budget process resulting in additional revenues of \$829,000 in 2016-17 and \$3.1 million in 2017-18, with a corresponding increase in expense limits.

(b) Why there is no cost associated in 2014-15 or 2015-16?

Answer: Decreases in demand are expected to offset the increases in tariffs fees and charges for 2014-15 and 2015-16. As a result total revenue and cost settings did not require any adjustment.

Tuesday, 10 June 2014

Department of the Attorney General

Question No. 2: The Standing Committee on Estimates and Financial Operations asked -

We have noticed that there are a number of spending changes have different costs between different publications, and ask -

(a) The 2013-14 Government mid-year Financial Projection Statement, page 123 and Budget Paper Two, page 432, the changes to Browse project were estimated to save \$5.7 million over four years in the mid-year review. The Budget papers show a saving of \$5.1 million. The different estimates occur in 2013-14 and 2014-15. The estimates for 2015-16 and 2016-17 are unchanged. What developments were responsible for the change in the estimated savings?

Answer: As part of the 2014-15 Budget process, the Department was advised that implementation costs for the Browse Project incurred or committed before the Government announcement could be reinstated. The Department sought funding to recover costs associated with the Browse Liquefied Natural Gas Precinct (the Browse Project) provided by the State Solicitor's Office. Funding of \$0.437 million for two contracted Full Time Equivalents (FTE's) and legal briefing costs for the Browse project in 2013-14 were approved. In addition, the reinstatement of \$0.1 million in 2014-15 for costs incurred for one contracted FTE in relation to the Browse project was approved to allow the contracted resource to provide services until the end of contract.

b) The 2013-14 Government Mid-Year Financial Projection Statement, page 123, and Budget Paper Two, page 432, spending on State and Commonwealth expensive cases was estimated to cost \$2.0 million in 2013-14 in the mid-year review, but only \$1.0 million in the budget papers. What developments were responsible for the change in the cost of expensive cases?

Answer: The 2013-14 Government Mid-Year Financial Projections Statement refers to an amount of \$2 million which is made up of \$1 million of State funded expenditure and \$1 million in Commonwealth funded expenditure. The \$1 million figure provided under Budget Paper No 2 refers to State funded expenditure only.

Hon. Michael Mischin MLC ATTORNEY GENERAL

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Tuesday, 10 June 2014

Department of the Attorney General

Question No. 3: The Standing Committee on Estimates and Financial Operations asked –

We refer to Budget Paper Two, page 435, for 2014-15, the Fines Enforcement Registry aims to satisfy 35% of fines and costs within 12 months and 57% of infringements within 12 months, and ask—

(a) What is the current value of fines and infringements outstanding?

Answer: Court fines \$149.3 million, Infringements \$132.6 million, as at 20 June 2014.

(b) Where are those values located on the Department's balance sheet?

Answer: Fines and infringements are collected and administered by the Department of the Attorney General on behalf of Government. These assets are neither controlled by, nor integral to the Department in carrying out its functions, and therefore they do not form part of the Department's balance sheet. Administered assets and liabilities are reported only in the Department's financial statements, forming part of notes to the financial statements (Notes 2 (d), 42 and 43).

Tuesday, 10 June 2014

Department of the Attorney General

Question No. 4: The Standing Committee on Estimates and Financial Operations asked -

We refer to Budget Paper Two, page 441, The Asset Investment Program Efficiency measure is expected to reduce asset investment spending by \$2.1 million over four years (starting in 2014-15), and ask –

(a) What involvement did the Department have in the calculation of its contribution to the Asset Investment Program Efficiency Measure?

Answer: The Department was not involved in the calculation of its contribution to the Asset Investment Program Efficiency Measure.

(b) When Does the Department intend to finalise the implications of that measure on individual projects?

Answer: The Department intends to finalise the implications of that measure for the 2014-15 mid-year review.

Tuesday, 10 June 2014

Department of the Attorney General

Question No. 5: The Standing Committee on Estimates and Financial Operations asked –

We refer to Budget Paper Two, pager 442, the Treasurer is intending to assume liabilities from the Department worth \$27.8 million in 2013-14 and each of the presented years, and ask—

(a) What liabilities will the Treasurer Assume?

Answer: The liability that the Treasurer is intending to assume of \$27.8 million in 2013-14 and each of the presented years is the liability of the Judges Pension Scheme (a defined benefit plan). The Judges Pension Scheme is included as an employee expense of the Department with a corresponding liability assumed by the Treasurer and is estimated based on actuarial assessments.

(b) Under what legislation will the Treasurer assume those liabilities?

Answer: The Treasurer assumes the obligations of the Judges Pension Scheme in accordance with Treasurer's Instruction 1101, Section 11 (b) of the Judges' Salaries and Pensions Act 1950 and the *Financial Management Act 2006*.

Tuesday, 10 June 2014

Department of the Attorney General

Question No. 6: The Standing Committee on Estimates and Financial Operations asked –

(a) Why was the demand for a night court not ascertained before funding was allocated?

Answer: The night court was part of the Rapid Justice Election Commitment made by the Liberal Party.

(b) Was a business case submitted before the funding was allocated? If so, please provide a copy of the business case to the Committee.

Answer: The night court was part of the Rapid Justice Election Commitment made by the Liberal Party.

Tuesday, 10 June 2014

Department of the Attorney General

Question No. 7: The Standing Committee on Estimates and Financial Operations asked -

We refer to Budget Paper Two, page 434, the Magistrates Court will start sitting on Sundays to deal with bail and remand decisions. [LA Estimates p.4] The Department has estimated that about 30 people will appear in the Sunday court. Of the estimated 30 people, how many are estimated to require an appearance in court to apply for bail under the Bail Act 1982 and how many can apply for bail from authorised police officers?

Answer: Persons who are arrested and processed at the Perth Police Complex in Northbridge who are eligible to be bailed by authorised police officers will continue to be bailed without requiring a court appearance or lockup detention. The estimate of 30 people appearing in the Sunday court refers to persons where bail is either refused by the authorised police officer or the authorised police officer is unable to consider bail (For example schedule 2 offenders).

Tuesday, 10 June 2014

Department of the Attorney General

Question No. 8: The Standing Committee on Estimates and Financial Operations asked –

We refer to Budget Paper Three, page 81, the Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014 was identified as a risk to the financial outlook. The financial impact of the Bill was uncertain and was not reflected in the 2014-15 Budget estimates, and ask—

(a) Has the Department quantified the impact of the Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014?

Answer: Yes.

(b) If so, what are those impacts and when were those impacts finalised?

Answer: The Department undertook an analysis of the proposed amendment in June 2013 and determined that there would be approximately 200 convictions per year that will be subject to mandatory sentencing.

Tuesday, 10 June 2014

Department of the Attorney General

Question No. 9: Hon Adele Farina MLC asked -

a) What increase, in terms of access hours to Duty Lawyer Services, will the additional \$359,000 provide?

Answer: The additional funding will contribute towards an additional four duty lawyers, along with some of the funding previously allocated towards night court duty lawyer services. Duty lawyers are generally available at court from 8.30am and will continue to provide representation until all clients seeking representation on the relevant list have had their matters dispensed with by the court. The majority of duty lawyers will have matters to follow-up on behalf of clients after court. The precise number of hours that a duty lawyer will be available to provide services will vary according to the length of the court list on any given day and the location of the court. It is not uncommon for some circuit courts in remote areas to have very long lists and sit until early evening.

b) How many additional members of the public seeking Duty Lawyer services do you expect to benefit from the increase in funding?

Answer: The State has funded the additional duty lawyer positions in response to the additional demand created by the withdrawal of the Commonwealth funded Aboriginal Legal Service of WA ("ALSWA") from duty lawyer services in Magistrate's Courts in metropolitan and regional WA. As a consequence, Legal Aid WA is now providing duty lawyer services for clients who were previously represented by ALSWA. On this basis it is unlikely that there will be a significant increase in number of members of the public who receive duty lawyer services as a result of the increase in funding.

- c) How much of the additional funding will be spent in the South West electoral region?

 Answer: Nil.
- d) How many additional hours of access to duty lawyer services will this provide in the South West electoral region?

Answer: Nil.

Tuesday, 10 June 2014

Department of the Attorney General

Question 10: Hon Adele Farina MLC asks:

I refer to Budget Paper Two, page 433, "Service Summary", line item Courts and Tribunal services, and ask—

(a) Given the total increase in the budget to deliver Courts and Tribunal services is just 0.9%, well below inflation, how will current service levels be maintained in the coming year?

Answer: The 2013-14 budget for Court and Tribunal Services was \$374,523,000. Additional funds were provided to the budget over the course of the financial year to address additional costs associated with:

- The Rayney Appeal;
- Coroner's Court costs for the removal of bodies and health services;
- Rent increases for the Supreme Court; and
- PathWest and Chemcentre costs.

From the 2013-14 budget to the 2014-15 budget estimate of \$379,131,000 there has been an increase of 1.2%. The 2014-15 budget estimate includes the value of expected efficiency and procurement savings. It is not expected that the current levels of service will be affected.

Tuesday, 10 June 2014

Department of the Attorney General

Question No. 11: Hon Adele Farina MLC asked -

(a) What will be the total budget allocation for each of the Courts in the South West electoral region and what was the total budget allocation for each of those Courts in the 2013/14 financial year?

Answer: The 2014/15 budget for the courts in the South West electoral region is yet to be confirmed but is expected to be similar to 2013/14. The table below provides the budget allocation for each court in the 2013/14 financial year:

I	
	2013/14
Court	Budget
Albany ¹	\$1,428,306
Bunbury ²	\$2,935,372
Busselton	\$674,469
Collie	\$314,574
Katanning	\$233,512
Mandurah ³	\$1,188,682
Manjimup	\$321,173
Narrogin	\$288,532
TOTAL	\$7,384,620

¹ This includes the cost of a magistrate who presides at the Albany court and who circuits to Narrogin, Katanning, Mount Barker and Ravensthorpe.

³ This includes the cost of one magistrate who presides at the Mandurah Court.

² This includes the cost of three magistrates who preside at the Bunbury court and who circuit to Busselton, Collie, Margaret River, Manjimup, Bridgetown, Donnybrook and Harvey.

Tuesday, 10 June 2014

Department of the Attorney General

Question No. 12: Hon Adele Farina MLC asked -

(a) What will be the total cost of Magistrates Court sittings on Sundays for 2014/15?

Answer: \$916,032

(b) Will video link technology be available to allow those in regional areas awaiting bail and remand decisions to benefit from the additional sitting days?

Answer: Yes, in those locations where video facilities are available.

(c) If yes, is that video link technology currently available and if not when will it be available?

Answer: The capacity to video link to the following police locations currently exists for the Sunday court at Northbridge from 6 July 2014:

- Cue
- Fitzroy Crossing
- Halls Creek
- Laverton
- Newman
- Tom Price
- Wiluna
- Wyndham
- Bidyadanga
- Blackstone;
- Djarindjin/Dampier Peninsula
- Jigalong
- Warakurna
- Warburton
- Warmun

Western Australia Police has advised that the need from the locations listed above is low and they are exploring the installation of low cost video conferencing infrastructure at regional centres that operate a 24/7 lockup so that they may link in with the Sunday Court. Any additional lockups identified by police as in need of such infrastructure will be brought on line through an incremental process subsequent to 6 July 2014.

Tuesday, 10 June 2014

Department of the Attorney General

Question No. 13: Hon Adele Farina MLC asked -

(a) When will the enhanced measure for the enforcement of fines and infringements be expanded to the whole of regional Western Australia?

Answer: Enhanced measures for the enforcement of fines and infringements were implemented in the metropolitan area in August 2013. The initiative will be reviewed and evaluated after three years of operation which may inform a decision on whether to expand the enhanced measures to regional Western Australia. In May 2013, operations were expanded into the South West using existing funding.

(b) What will the cost be in 2014/15 to implement the enhanced measures?

Answer: The total 2014/15 budget allocation for enhanced measures is \$1.888 million.

(c) What increase in the payment of fines is expected in 2014/15 as a result of the measures, in both percentage and dollar terms?

Answer: Since the start of the initiative in August 2013 there has been a total of \$80.2 million in payments from debtors; for the same period in 2012/13 debtors made payments of \$72.0 million. This growth in payments can be attributed to the direct activities of the enhanced enforcement sanctions, indirectly from increased media exposure and a 2% increase in registered fines and infringements. It is not possible to measure the exact payments that are being generated from the enhanced enforcement sanctions.

Tuesday, 10 June 2014

Department of the Attorney General

Question 14: Hon Adele Farina MLC asked -

a) What is the dollar value of the December 2013 reduction in Commonwealth Government funding for ALSWA and community legal centres?

Answer: Community legal centres in WA received a funding reduction of \$150,000. ALSWA is fully funded by the Commonwealth and not within the scope of the State Budget.

b) Which community legal centres will be affected?

Answer: Environmental Defender's Office.

c) Will the cuts be such that they will be unable to maintain their current level of service?

Answer: The Government is not able to provide an opinion on the future service delivery capacity of the Environmental Defender's Office.

d) How many people currently access the services of those community legal centres to be affected?

Answer: The Government does not maintain data on the number of people accessing the services of the Environmental Defender's Office.

Tuesday, 10 June 2014

Department of the Attorney General

Question No.15: Hon Adele Farina MLC asked -

(a) Much has been made of the enhanced measures for the enforcement of fines yet a lower percentage of fines will have been satisfied within twelve months this year than were satisfied last year, are the enhanced measures working?

Answer: The enhanced enforcement initiative began in August 2013 and therefore the outcomes of this activity have not been reflected in the key performance indicator result to date.

(b) Why has there been no improvement in the percentage of fines satisfied within twelve months since the introduction of the enhanced measures?

Answer: The key performance indicator (KPI) is measured as the number of fines that reach completion status within 12 months. For example, the KPI report for June 2014 is based on data between 1 July 2012 and 30 June 2013. As a result, any impact of the enhanced enforcement initiative on the KPI will not be reflected until at least 12 months has passed since the initiative's commencement in August 2013. Quarter 2 2014/15 will be the first full quarter where the KPI will take into account matters registered since the start of the initiative.

(c) Why is the budget target for 2014/15 the same for 2013/14 when the enhanced measures should be generating improvements?

Answer: The enhanced enforcement initiative targets the state's worst debtors who either have outstanding fines or infringements that total more than \$2,000. Many of these debtors have matters over 12 months old and in some cases many years outstanding. As a result of being over 12 months old when these matters are finalised they will not have an impact on the KPI. At the end of Q2 2014/15 and beyond we will be able to see if the enhanced enforcement has had an overall impact on matters finalised within 12 months. The initiative will be reviewed and evaluated after three years of operation.

Tuesday, 10 June 2014

Department of the Attorney General

Question 16: Hon Adele Farina MLC asked -

I refer to Budget Paper Two, page 435, "Outcomes and Key Effectiveness Indicators", line item percentage of eligible applicants who receive a grant of legal aid, and ask—

a) What was the amount of the average grant awarded in 2013?

Answer: \$3,461

b) What was the amount of the average grant awarded in 2008?

Answer: \$2,499

c) What was the total number of grants awarded in 2013?

Answer: 9,615

d) What was the total number of grants awarded in 2008?

Answer: 9,784

e) In 2013, how many grants were for criminal matters, how many for civil matters and how many for family matters?

Answer:

Criminal matters

5,644

Civil matters

424

Family matters

3,547

f) In 2008, how many grants were for criminal matters, how many for civil matters and how many for family matters?

Answer:

Criminal matters

5,999

Civil matters

186

Family matters

3,599

Tuesday, 10 June 2014

Department of the Attorney General

Ouestion No. 17: Hon Adele Farina MLC asked –

I refer to Budget Paper Two, page 437, "Services and Key Efficiency Indicators – Explanation of Significant Movements", and ask -

(a) Note 1 states there will be a reduction in the number of cases expected to be finalised in the District Court, what is the cause of this reduction?

Answer: The District Court is not expecting a reduction in actual case finalisations. Note 1 refers to a budget –v- budget comparison and the 2014/15 budget setting was amended to reflect the actual finalisation trend of recent years.

(b) How many cases appeared before the District Court in the South West electoral region in 2013?

Answer: The Western Australian Electoral Commission lists the following districts as falling within the boundary of the South West electoral region:

- Albany
- Bunbury
- Collie-Preston
- Dawesville
- Mandurah
- Murray-Wellington
- Vasse
- Warren-Blackwood

190 cases appeared before the District Court in the South West Electoral centres of Albany, Bunbury and Busselton District Courts.

Note 1: For cases heard by the District Court, Mandurah cases are committed to the Perth District. They are not included in the above statistic.

Note 2: A case is defined as one defendant with one or more charges having the same date of registration.

(c) How many of those cases in the South West Electoral district were finalised in 2013?

Answer: Of the 190 cases, 144 were finalised by District Courts in the South West electoral district (Albany, Bunbury and Busselton).

Tuesday, 10 June 2014 Department of the Attorney General

Ouestion No. 18: Hon. Adele Farina MLC asked -

a) Magistrates in the South West have recently expressed concern about long delays in notifications to clients about whether or not they have qualified for legal aid, what are the causes of these delays?

Answer: The budget for grants of aid is finite, with demand for grants as expressed through the number of applications always exceeding the level of available resources. For this reason, Legal Aid WA applies a stringent means and merits test to all applications for legal assistance. The assessment process is complex, taking into account a wide range of factors to ensure that the allocation of grants of aid is as equitable as possible. This process is undertaken manually by Legal Aid WA staff and is by its very nature time consuming. It is also noted that during the month of April 2014 there was a higher than normal number of applications for aid for criminal matters. This, along with the number of public holidays in April compounded the assessing time during that month.

b) What measures have been taken to minimise these delays?

Answer: In 2013 Legal Aid WA engaged an external reviewer to identify opportunities to improve the efficiency and timeliness of the assessing process. As a result of the review, Legal Aid WA is working towards the implementation improved online application technology for legal practitioners and pre-application interviews for persons who are intending to lodge applications personally.

c) Legal Aid will receive a net increase of 5 full time equivalent employees in 2014-15, will any of these additional employees be based in the South West electoral district, if yes where will they be based?

Answer: No.

d) In 2013-14 Legal Aid received a net increase of 29 full time equivalent employees, are any of these additional employees based in the South West electoral district, if yes where are they based?

Answer: The reference to the additional 29 FTEs reflects a retrospective adjustment to the FTE ceiling for Legal Aid WA to accommodate staff engaged under the Commonwealth funded Country Lawyers Program. Under the Country Lawyers Program, lawyers have been employed directly by Legal Aid WA but then seconded on most occasions to a community legal centre, ALSWA or Family Violence Prevention Legal Service. Within the South West Region, there are currently two lawyers engaged under the Country Lawyers Program with the Family Violence Prevention Legal Service in Albany.

Tuesday, 10 June 2014

Department of the Attorney General

Question number 19: Hon. Adele Farina MLC asked -

I refer to Budget Paper two, page 439, "Services and Key Efficiency Indicators – Legal Aid Assistance", and ask –

a) How many applications for legal aid assistance were made in the South West in 2011-12, 2012-13 and 2013-14?

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2011-12	2,135
2012-13	2,035
2013-14	2,117

b) For each of those years, how many of those applications were granted?

Answer:

2011-12	1,129
2012-13	1,184
2013-14	1,291

Tuesday, 10 June 2014

Department of the Attorney General

Question number 20: Hon. Adele Farina MLC asked -

I refer to Budget Paper two, page 439, "Services and Key Efficiency Indicators – Legal Aid Assistance", and ask –

a) How many duty lawyer services were performed in 2013-14?

Answer: 48,067 from 1 July 2013 to 19 June 2014.

b) How many of these were performed in Bunbury, Busselton and Albany?

Answer:

Bunbury

1,896

Busselton

448

Albany

872

c) How many were performed in Bunbury, Busselton and Albany in 2012-13?

Answer:

Bunbury

1,906

Busselton

317

Albany

890

Tuesday, 10 June 2014

Department of the Attorney General

Question number 21: Hon. Adele Farina MLC asked -

I refer to Budget Paper Two, page 439, "Services and Key Efficiency Indicators – Legal Aid Assistance", and ask –

a) Has Legal Aid secured the ongoing funding necessary for the Country Lawyers Program as listed as a challenge for 2013-14 in their Annual Report?

Answer: No.

Tuesday, 10 June 2014

Department of the Attorney General

Question number 22: Hon. Adele Farina MLC asked -

I refer to Budget Paper Two, page 439, "Services and Key Efficiency Indicators – Legal Aid Assistance", and ask –

a) How many vacant lawyer positions existed in regional Western Australian Legal Aid offices in each of 2011, 2012 and 2013?

Answer:

- 2011 Nil substantive vacancies.
- 2012 Nil substantive vacancies.
- 2013 1 vacancy from September 2013 to December 2013, backfilled periodically with an acting lawyer.
- b) Has there been a Country Lawyer specific graduate intake since 2012 and when is the next such intake planned?

Answer:

No, due to the withdrawal of the majority of Commonwealth funding supporting the Country Lawyers Program. No future graduate intakes for the Country Lawyers Program are currently planned.

Tuesday, 10 June 2014

Department of the Attorney General

Question number 23: Hon Adele Farina MLC asked -

I refer to Budget Paper Two, page 439, "Services and Key Efficiency Indicators – Legal Aid Assistance", and ask –

a) What state funding will be provided to the Bunbury Community Legal Centre in 2014-15?

Answer:

New base \$4

\$46,623

Component I \$8,026

Component II \$4,501