



# Annual Report 2008/09

*trustee services*



*births, deaths and  
marriages*

*court and tribunal  
services*



*legal, legislative,  
policy and Aboriginal  
justice services*

*advocacy, guardianship  
and administration services*

# Annual Report 2008/09

## Department of the Attorney General **Statement of Compliance**

For the year ending 30 June 2009

Hon Christian Porter MLA  
Attorney General

In accordance with section 63 of the *Financial Management Act 2006*, I hereby submit for your information and presentation to Parliament the Annual Report of the Department of the Attorney General for the financial year ending 30 June 2009.

The report has been prepared in accordance with the provisions of the *Financial Management Act 2006*.



Cheryl Gwilliam  
DIRECTOR GENERAL  
DEPARTMENT OF THE ATTORNEY GENERAL  
15 September 2009

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**Contact details**  
Level 12, 141 St Georges Terrace  
Perth WA 6000  
Phone: 9264 1600  
[www.dotag.wa.gov.au](http://www.dotag.wa.gov.au)

# Contents

Statement of compliance	1
<b>OVERVIEW</b>	<b>4</b>
<b>Director General's Executive Summary</b>	<b>4</b>
<b>Our Department</b>	<b>6</b>
Operational structure	6
Organisational structure	7
Operation locations	8
Legislation	8
Performance management framework	8
Changes to performance management framework	8
Shared responsibility with other agencies	9
<b>AGENCY PERFORMANCE</b>	<b>10</b>
<b>Our performance</b>	<b>10</b>
Financial summary	10
Financial targets	10
Key performance indicators	11
<b>Service 1: Courts and Tribunal services</b>	<b>12</b>
The service	12
Key achievements and challenges	12
Future direction	15
<b>Service 2: Advocacy, guardianship and administration services</b>	<b>16</b>
The service	16
Key achievements and challenges	16
Future directions	17
<b>Service 3: Trustee services</b>	<b>18</b>
The service	18
Key achievements and challenges	18
Future direction	18

<b>Service 4: Births, Deaths and Marriages</b>	<b>19</b>
The service	19
Key achievements and challenges	19
Future direction	20
<b>Service 5: Services to Government</b>	<b>21</b>
The services	21
Key achievements and challenges	21
Future direction	24
<b>Organisational improvements</b>	<b>25</b>
<b>SIGNIFICANT ISSUES IMPACTING THE AGENCY</b>	<b>27</b>
<b>DISCLOSURES AND LEGAL COMPLIANCE</b>	<b>29</b>
Statement of Certification	29
Independent audit opinion	30
Financial Statements	32
Certification of performance indicators	73
Key performance indicators	74
Notes to performance indicators	92
Legal Aid	96
Ministerial directives	105
Other financial disclosures	105
Governance Disclosures	108
Other Legal Requirements	109
Government Policy Requirements	112
Other	113
Appendices	114

## OVERVIEW

### DIRECTOR GENERAL'S EXECUTIVE SUMMARY

## A changing environment

**C**lear changes have occurred to the environment in which the Department of the Attorney General operates. The three key factors impacting on the work of the agency in 2008/09 were:

- A new policy agenda following the election of the Barnett Government in September 2008
- A marked contraction of the economic and financial wellbeing of Western Australia
- Changing community needs to counter disadvantage

The Department provided policy, legal and legislative advice on a range of election commitments made by the incoming Government. Truth in Sentencing laws were enacted, leading to the cessation of the automatic one-third discount of offenders' sentences. Legislation was developed for mandatory sentences for assaults on police and specified public officers, toughening penalties for graffiti and widening the scope of child exploitation offences.

The department undertook policy work in the areas of prohibited behaviour orders, the use of lasers and throwing of rocks at vehicles, repealing prostitution laws, making juries more representative of the community and strengthening of the fines enforcement regime as well as a review of arson offences. These major projects, largely undertaken this year, will translate into legislation in future years.

The Government's focus on law and order reform will continue to give major direction to the Department's work.

The Department met all its commitments to Government for 2008/09 efficiency dividends and lifted the yield from fines enforcement by 16 per cent. Although the year was marked by resourcing constraints as a result of the global financial crisis, the Department continued to meet demands for increased service delivery from its various operating arms.

The courts further reduced case waiting times in most jurisdictions, ensuring swifter justice for the Western Australian community. This trend is the result of reforms to court administration, case listings, enhanced court facilities, alternative dispute resolution and growth in the magistracy.

Demands for advocacy, guardianship and trustee services continued to increase, generated by rises in dementia and other disabilities among an ageing population. The Public Advocate undertook considerable work to prepare for new laws on consent to medical treatment.

Western Australia's Public Trustee services and business model were transformed during the year with the development of a more responsive level of customer service, new investment funds and fee schedules that came into effect from 1 July 2009.

The Department continues to utilise technology to improve services. The Registry of Births, Deaths and Marriages started the conversion of historical paper-based records to digitised data. In courts across the State, the enhancement of audio-visual facilities made a major impact, especially in isolating vulnerable witnesses from courtrooms, reducing the need to travel large distances in remote localities and assisting judicial processes.

Assistance and compensation to victims of crime received high priority. Criminal injuries compensation grew 16 per cent in the year. The number of victims receiving direct support, such as

counselling, increased 27 per cent and help for child witnesses rose 17 per cent. The Department continues to work to meet the needs of hurt or disadvantaged people.

Aboriginal communities are often characterised by disadvantage, coupled with long-term over-representation in the justice system. The Department continued its work on many fronts during the year in addressing issues with Aboriginal people. Further local justice strategies were tackled through Indigenous partnerships with government agencies and support services dedicated to Aboriginal clients were expanded.

The State Solicitor's Office met many and diverse demands for quality legal services to government, helping to deliver outcomes ranging from the facilitation of major infrastructure projects to a new pay deal for teachers. Similarly Parliamentary Counsel's Office drafted a significant number Acts for government including the Act to establish the Royalties for Regions fund.

The staff of the Department are to be commended for their ongoing professionalism in maintaining high standards of performance in the best tradition of serving the community at large.

I would also like record my thanks to the Attorney General for the strategic advice and direction he has provided since the Barnett Government's election in September 2008. I look forward to the Department continuing to make a major contribution in developing and implementing the Government's law and order reforms.



Cheryl Gwilliam  
**Director General**

## Our Department

### Operational structure

The Department of the Attorney General was established on 1 February 2006 in response to a State Government decision to split the functions of the former Department of Justice into two agencies. The department reports to the Attorney General Christian Porter and is led by Director General Cheryl Gwilliam.

### Our key services

- the administration of courts and tribunals
- the registration of births, deaths and marriages
- advocacy, guardianship and administration services
- trustee services
- legal, legislative, policy and multi-agency co-ordination services to Government

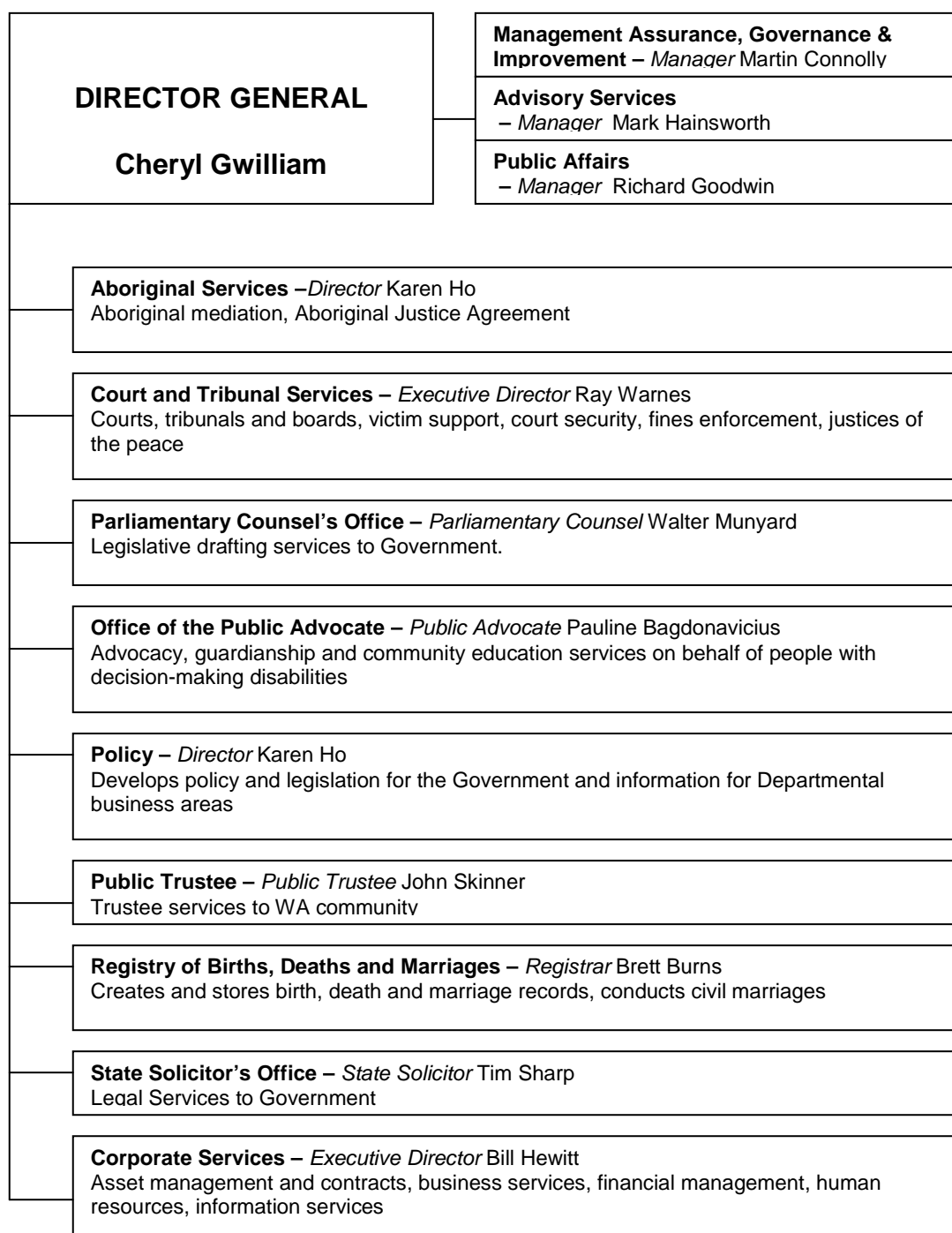
### Our corporate support service delivery

Corporate support is not only provided to operational areas within the Department but, to varying degrees, to other organisations:

- Department of Corrective Services
- Director of Public Prosecutions
- Law Reform Commission
- Information Commissioner
- Parliamentary Inspector of the Crime and Corruption Commission
- Legal Aid Commission
- Solicitor General

## Organisational structure

The following diagram depicts the structure of the Department of the Attorney General at 30 June 2009. The divisional heads, with the managers of Advisory Services and Public Affairs, are members of the corporate executive committee.





## Operational locations

The Department of the Attorney General's head office operates from 141 St Georges Terrace, Perth. Other service locations, such as courthouses, are located throughout WA. See appendix 2.

## Legislation

A total of eight Acts came into force in 2008-09 which the Department of the Attorney General is responsible for administering on behalf of the Attorney General:

- *Acts Amendment (Justice) Act 2008*
- *Bail Amendment Act 2008*
- *Public Trustee and Trustee Companies Legislation Amendment Act 2008*
- *Legal Profession Act 2008*
- *Criminal Law Amendment (Homicide) Act 2008*
- *Sentencing Legislation (Transitional Provisions) Amendment Act 2008*
- *Fines, Penalties and Infringement Notices Enforcement Amendment (Compensation) Act 2009*
- *Statutes (Repeals and Miscellaneous Amendments) Act 2009*

## Performance management framework

### Government Goal

Outcomes based service delivery: greater focus on achieving results in key service delivery areas for benefit of all Western Australians.

### Our Outcome

The right to justice and safety for all people in WA is preserved and enhanced.

### Our services delivered

The Department's reporting structure for performance indicators for 2008/09:

1. Court and tribunal services
2. Advocacy, guardianship and administration services
3. Trustee services
4. Births, deaths and marriages
5. Services to government
6. Legal Aid Assistance\*

\* The Legal Aid Commission is partly-funded through the Department of the Attorney General and its key performance indicators appear in the Department's annual report. However, the Commission reports directly to Parliament on its agency performance so this information is not included in the Department's annual report.

## Changes to the Department's Outcome Based Management Structure

The Department's Outcome Based Management framework for 2008-09 was unchanged although some key performance indicators will alter in 2009-10.

## Shared responsibilities with other agencies

Through collaboration with other Government agencies, the Department provides vital justice-related services to the community. This includes:

**Aboriginal Services** - providing the co-ordination of the State's Aboriginal Justice Agreement, a planning and partnership framework that brings together Aboriginal people, Government and non-Government agencies to identify and address issues at a local, regional and State level.

**Registry of Births, Deaths and Marriages** - working with other government agencies in the protection of personal identity data from fraud.

**Court and Tribunal Services** - co-ordinating cross-agency work supporting victims of crime.

**Policy Directorate** - provides leadership in strategic policy and legislation development across the law reform agenda. This included co-ordinating a government response and implementation of recommendations of the review of the Crime and Corruption Commission with respect to its organised crime function.

**Parliamentary Counsel** - provides comprehensive legislative drafting and related services to the Government and its departments and agencies.

**Public Advocate** - working with a range of State Government agencies and organisations to strengthen the rights of people with decision-making disabilities.

**Public Trustee** - works with numerous federal and state government agencies to ensure accessible, effective and timely delivery of trustee and legal services to its clients, namely elderly or vulnerable Western Australians including people with intellectual or mental disabilities. These agencies include the Public Advocate, Department for Child Protection, Disabilities Service Commission, Centrelink, Department for Communities, Landgate, GESB, Legal Aid, WA Police and the various courts and tribunals.

**State Solicitor's Office** - provides broad-based legal services to the Government, its departments and agencies.

# AGENCY PERFORMANCE

## OUR PERFORMANCE

### Financial summary

Services	Budget 2008/09 \$000	Actual Exp 2008/09 \$000
1. Court and tribunal services	259,247	326,002
2. Advocacy, guardianship and administration services	3,154	3,613
3. Trustee services	13,749	16,581
4. Births, deaths and marriages	6,222	5,715
5. Services to Government	62,657	70,833
6. Legal aid assistance	24,422	26,303
<b>TOTAL</b>	<b>369,451</b>	<b>449,047</b>

### Financial targets

Item	Target 08/09 \$000	Actual 08/09 \$000	Variation	Comment
<b>Total Cost of Services (i.e. endorsed expense limit)</b>	369,451	449,047	22%	A significant increase in the value of the judicial pension liability was the main driver for the variation. Authorised adjustments accounted for much of the remaining variation. Increased costs were also incurred in relation to the staff leave liability, depreciation and resources received free of charge.
<b>Net Cost of Services (details in the Income Statement)</b>	284,463	348,483	23%	The variance was due to a significant increase in the judicial pension liability. The Department also funded a range of authorised adjustments from its existing cash reserves which further contributed to this variance.
<b>Total Equity (details in the Balance Sheet)</b>	379,201	369,897	(2.4)%	
<b>Net Increase / Decrease in Cash Held (details in Cash Flow Statement)</b>	0	(11,535)		Decrease is due to the use of existing cash balances to fund essential services rather than obtaining supplementary appropriations.
<b>Full Time Equivalent (FTE) staff level (Excludes Legal Aid)</b>	1,886	1743.18	(7.57)%	The FTE is below budget due to filling times arising from turnover.

## **Key performance indicators**

In most cases, time to trial for both civil and criminal court cases improved on last year's result and met or bettered targets. Improvement was particularly evident in the District Court where overall the time to trial improved by almost 30 per cent on last year. Results for the Coroner's Court were also better than last year with a significant improvement in both time to trial and time to finalise non trial matters.

Client satisfaction in services such as those provided by the State Solicitor's Office, the Public Trustee, the Office of the Parliamentary Counsel and the Public Advocate was also predominantly at target levels.

The complete details of key performance indicators are provided in section 4 - Disclosures and Legal Compliance.

## Service 1 | Court and tribunal services

### The Service

**The provision of court facilities and services to the community, including court counselling, administration and judicial support staff that allow criminal and civil cases to be determined by a court or tribunal**

### Objectives for 2008/09

- provide high quality court services for all court users
- enhance Aboriginal services
- improve government and community relations
- invest in court infrastructure

### Key Achievements and Challenges

#### Court services

##### Timely justice

The Department works with the judiciary to ensure the delivery of justice is fair, effective and efficient. Reducing court backlogs has been a high priority in recent years.

The introduction of the specialised Stirling Gardens Magistrates Court at the Supreme Court in 2007 to manage indictable criminal matters, alongside criminal case conferencing, has cut the time a criminal matter is active in the Supreme Court. The median timeframe to trial for a criminal matter dropped from 33 to 26 weeks in 2008/09.

In the District Court, a range of listing reforms implemented throughout the year together with better facilities in its new building in Perth, including more jury courtrooms, video courts and remote witness rooms, has reduced the median time to trial from 47 weeks at June 2008 to 33 weeks a year later. This improves timely access to justice for accused and victims involved in serious criminal trials.

The Magistrates Court engaged additional regional magistrates and staff during 2008 to meet growing demand. Due to these appointments, and changes to listing practices, court listing intervals in the South-West decreased significantly from 51 weeks in the Bunbury Court two years ago to 17 weeks in June 2009. Kimberley listing intervals dropped from 29 weeks in Broome and 52 weeks in Kununurra in 2007 to 10 and 11 weeks respectively in June 2009.

The Children's Court gave priority to matters arising from child abuse cases in remote Kimberley communities, ensuring that the waiting time to trial was minimised. In total 38 cases were dealt with at Broome and Kununurra Courts. The Children's Court collaborated with the Department for Child Protection and the Legal Aid Commission to improve the mediation process where the protection and care of children is a concern.

An inter-agency and judicial taskforce, which cut the time to finalise sexual offence cases in the Kimberley in 2007 and 2008, reported on its work in May 2009.

## **Increased workload**

The Court of Appeal experienced an increase in lodgements and reduced the number of matters within its backlog figures.

In the Supreme Court, new civil lodgements increased 32 per cent.

Overall the Family Court received 2439 applications for final orders in relation to children and property matters filed in 2008/09. Its innovative case management for child-related proceedings continued to evolve as a way of handling high risk cases.

The court took two steps to achieve safer outcomes for children and other vulnerable people. The Family Court, Magistrate's Courts and other agencies agreed to share information on cases which involve family violence. A senior child protection worker was permanently placed at the Family Court following a spate of child abuse notifications in 2007/08.

Since the start of 2008 Indigenous family liaison officers have assisted in 132 Family Court cases involving Aboriginal children.

In the District Court, the lodgement of new civil cases increased by 20 per cent in the past year, increasing future demand on the court's case management and judicial resources.

During the reporting period, the State Administrative Tribunal received 5961 new applications, a five per cent increase. The largest rise was in the guardianship and administration area. Despite this, the Tribunal completed 85 per cent of these matters within eight weeks of lodgement. The Human Rights stream had the largest increase with a 15 per cent increase in applications.

The criminal workload at the Children's Court continues to grow at about 10 per cent annually. State-wide criminal lodgements totalled 15,223 and finalisation 14,508 for 2008/09, up 1182 and 1530 respectively.

The Coroner's Court dealt with 2442 reportable deaths in 2008/09 and finalised a total of 2411 files. Its counselling service made 5216 contacts with families, up 60 per cent on the previous year. During 2008/09 extra temporary staff assigned to the State Coroner helped finalise more files and the conduct of 11 more inquests compared with 2007/08. The backlog of files declined 15 per cent to 515.

## **Diversions courts and education**

A network of family violence courts across the metropolitan area was completed in the second half of 2008 when Armadale and Perth opened. Others operate at Joondalup, Rockingham, Midland and Fremantle. Geraldton also has such a court. These courts offer offenders options to modify their violent behaviour before sentencing in an attempt to break a cycle of family disruption.

In 2008/09, 4073 new victims of family violence were helped and 253 men were referred for assessment to participate in the court's criminal case management program. One hundred and fifty-two were accepted, with half finishing by 30 June.

The Department produced a comprehensive community education kit for use by Aboriginal liaison officers in courts throughout the state to help explain the justice system to Indigenous clients. The kit covers a range of topics such as going to court, jury service, bail, surety, fines and infringements, extraordinary driver's licences and the Aboriginal Justice Agreement.

## **Reviews**

A parliamentary committee reported favourably in May 2009 on its examination of the jurisdiction and operation of the State Administrative Tribunal, making 25 findings and 60 recommendations to which the Government will respond later in 2009.

A report on the Coroner's Office, completed in August 2008 by an interstate coroner, will provide important information for a review of the *Coroners Act 1996* by the WA Law Reform Commission due to be finalised in 2010.

## Government and community relations

### Support services for victims

The Department provided counselling and support to 3982 new adult victims of crime across the state in 2008/09 (827 Aboriginal) compared to 4038 in 2007/08 (744 Aboriginal). Special attention was paid to the victims of the recent increase in sexual assault crimes prosecuted in the Kimberley.

In the year to 30 June, 179 adult victims of serious sexual assault were referred for assistance under a pilot program set up in early 2008 by the Department and the Director of Public Prosecutions.

The Department created a dedicated website for victims of crime, launched in March 2009. Guided by a reference group for victims, the website identified the range of advice, counselling and other services for victims and explained the criminal justice system, including police and court processes.

More than 11,000 hours of service were provided by a growing band of volunteers who supported victims and child witnesses.

### Compensation for victims

More victims of crime applied for criminal injuries compensation in 2008/09. The Office of Criminal Injuries Compensation accepted 1491 lodgements, a rise of 16 per cent on the previous year. The office finalised 1327 applications in the financial year, up five per cent in a year.

More than \$84 million was awarded to victims of crime during the year.

### Witness services

The number of child witnesses receiving specialist attention increased from 819 in 2007/08 to 963 in 2008/09.

A total of 134 complainant witnesses received a range of services including information about court hearings, advocacy, liaison, court preparation and support at the time of trial.

Since March 2009 the police and the Department of Child Protection have had access to child witness facilities in Bunbury Court for video recording disclosure interviews. Children alleging abuse are interviewed in a secure location away from the police station.

### Offender release

Through the State Review Board Secretariat, the Department continues to support the operations of the State's three offender releasing authorities, the Prisoners Review Board, Supervised Release Review Board and Mentally Impaired Accused Review Board.

The Prisoners Review Board considered 8505 matters during the year. The number of prisoners eligible for parole was 3051 with 1957 being granted parole, 855 denied and the balance being deferred for later consideration.

The Mentally Impaired Accused Review Board dealt with 104 matters while the Supervised Release Review Board dealt with 655.

### Justices of the Peace

The number of Justices of the Peace (JPs) remained steady, with a total number of 3288 at 30 June, compared to 3339 at the same time last year. Following the tragic death of Warburton Aboriginal elder Mr Ward, the Department began to address issues around the role of JPs and the level of training provided to them.

### Fines and enforcement

The number of outstanding court-imposed and infringement fines registered at the Fines Enforcement Registry (FER) increased nine per cent in 2008/09. Significantly registered court-imposed fines jumped 18 per cent while infringements rose 14 per cent. Court-imposed fines are usually larger and more resource-intensive to enforce. FER collected \$65.2 million this financial year, a rise of 16 per cent.

Since the fines enforcement system began in 1995, more 3.7 million fines worth \$894 million have been registered with FER. More than 80 per cent have been completed, to a value of \$647 million. Partially-completed fine payments have brought in an additional \$15 million to date. Most outstanding matters remain under active enforcement.

Centrepay deduction is now the most popular method of paying fines. Centrepay is a direct bill paying service for customers receiving payments from Centrelink, available in all WA Magistrates Courts. More than 8,500 people use this system, paying a total of nearly \$250,000 a fortnight.

Enactment of the *Fines, Penalties and Infringements Notices Enforcement Amendment (Compensation) Act 2009* allowed FER to credit 1,739 offenders who had spent a longer period of time in prison than required. The value of payments or credits to be applied to existing fines is \$1.2 million.

### **Civil and criminal enforcement**

An independent review of the delivery of civil and criminal enforcement services in 2007 identified major inconsistencies in services provided by private contractors, police and public sector employees. Key recommendations were implemented during 2008/09, including the amalgamation of the civil and criminal enforcement regimes, greater control of enforcement processes and improved information technology to manage civil processes. The Department went to tender for outsourcing services in the south of the State. It is planned to appoint a new single contractor by December 2009.

### **Infrastructure investments**

#### **Technology-delivered services**

During 2008/09, the Department further expanded e-business solutions and technology to enhance customer services and secure the safety of court users.

Developments included:

- a simplified and on-line application process for the Probate Office
- a portal to track the progress of civil enforcements
- intelligent closed circuit television systems or biometric access control systems in Rockingham Court, Perth Children's Court and the Supreme Court's AXA annex
- new or upgraded court audio-visual systems in Broome, Bunbury, Busselton, Carnarvon, Geraldton, Kalgoorlie, Rockingham, South Hedland, the State Administrative Tribunal, Children's Court, Manjimup, Merredin, Moora, Narrogin, Collie and Katanning
- video-conferencing at the police facility at Warmun and the mining registrar at Norseman
- building a case management system for the State's offender review boards
- a remote witness room at Jigalong.

In May 2009, the District Court deployed video links to Hakea Prison for accused involved in routine hearings.

#### **Future directions**

- completion of Central Law Courts building refurbishment in Perth
- awarding of civil and criminal enforcement tender
- completion of evaluation of Kalgoorlie-Boulder Community Court
- online enhancements such as deploying a case management system for the State Review Boards and more forms for electronic lodgement with courts
- more use of volunteers to assist victims and child witnesses at the Central Law Courts
- enhanced sanctions for fines enforcement
- evaluation of family violence courts planned for 2010/11
- improved JP training



## Service 2 | Advocacy, guardianship and administration services

### The Service

**Access to advocacy, investigation and guardianship services which protect and promote the financial interests and welfare of adults with decision-making disabilities**

#### Objectives for 2008/09

- provide investigation, advocacy and guardianship services through the Public Advocate and expand the community guardianship program
- undertake community education in guardianship, administration and enduring powers of guardianship
- expand services to Aboriginal people
- assess eligibility for application to *Redress WA* of the people for whom the Public Advocate is guardian
- introduce a new computerised case management system

#### Key achievements and challenges

##### Investigation and advocacy services

The Public Advocate carried out 1020 investigations into the personal or financial welfare of people with a decision-making disability in 2008/09, a 17 per cent increase on the previous year. Investigations referred by the State Administrative Tribunal accounted for the majority of these.

Of the investigations, 904 were new referrals, a rise of 19 per cent on 2007/08.

Investigators and guardians attended more than 650 State Administrative Tribunal hearings in 2008/09. At these hearings they advocated in the interests of proposed and represented persons.

##### Guardianship

###### Appointments

The increasing prevalence of dementia, due to the ageing population, continues to impact with new appointments of the Public Advocate, as guardian of last resort, increasing from 187 people in 2007/08 to 231 people in 2008/09, an increase of 23 per cent. This follows an increase of 64 per cent the previous year. At 30 June 2009, the Public Advocate was guardian for 484 people, compared to 380 people at the same time last year, an increase of 27 per cent. Additionally the Public Advocate made personal, medical or lifestyle decisions for 601 people in 2008/09, up from 475 in 2007/08.

###### Community guardianship

Another five volunteers were recruited as community guardians, bringing the total volunteers in the program to 14. These volunteers provide guardianship and advocacy services to people with decision-making disabilities who have few family members or friends. Seven volunteers have been appointed guardians by the State Administrative Tribunal.

###### Redress WA

Forty-nine applications were made to *Redress WA* for adults under the guardianship of the Public Advocate. *Redress WA* is the State Government compensation scheme for adults who, as children were abused and/or neglected in State care. With the assistance of the Departments for Child Protection and Communities, information was collated to support the applications, most of which were jointly prepared with the Public Trustee.

## Community education and access

### Education and information

Consistent with its legal obligations to provide education in guardianship, administration and enduring powers of attorney, the Public Advocate organised 20 training sessions and participated in 12 education sessions for people from the aged care, health and disability sectors. Of those who participated in surveys, the satisfaction levels among attendees reached 97 per cent.

The role of local government officers in preventing elder abuse was the subject of a seminar organised by the Alliance for the Prevention of Elder Abuse, of which the Public Advocate is a member.

A total of 4054 people contacted the Office of the Public Advocate, compared to 4,233 in 2007/08. Enduring Powers of Attorney continued to dominate enquiries, accounting for almost half the total enquiries this year.

### Regional services

Staff ran training sessions in regional towns including Bunbury, Kalgoorlie, Albany, Broome, Derby, Narrogin, Geraldton and Karratha. They also provided information on guardianship and administration as part of country health network education sessions in Northam, Bunbury, Karratha and Geraldton. Training sessions in the metropolitan area also attracted regional participants.

### Services to Aboriginal people

Of the regional training sessions, four were specifically targeted at raising awareness of guardianship, administration and the Office of the Public Advocate among Aboriginal service providers. A metropolitan session at the Statewide Indigenous Mental Health Service attracted 16 people from aged, community care and mental health fields. Education raised awareness of the role of the Office of the Public Advocate among key agencies servicing Aboriginal communities.

## Policy advice and leadership

### Enduring Power of Guardianship

Preparations have begun, in conjunction with the Department of Health, for the implementation of the *Acts Amendment (Consent to Medical Treatment) Act 2008*, which will occur in 2009/10. A draft form and guide were distributed to key stakeholder groups in June 2009 ahead of consultation sessions in July. Once implemented, the Act will enable adults with full legal capacity to appoint enduring guardians to make decisions regarding medical or other lifestyle issues if they lose capacity in the future. It will also enable people to prepare an advance health directive setting out their treatment wishes if they become incapacitated.

## Organisational improvement

### Case management

A new case management system was introduced in May 2009 to improve documentation and processing regarding investigations, guardianship and decision-making for clients.

## Future directions

- introduce enduring powers of guardianship and implement other aspects of the *Acts Amendment (Consent to Medical Treatment) Act 2008*
- continue to develop strategies to respond to the increasing demand for investigation, advocacy and guardianship services

## Service 3 | Trustee services

### The service

Provision of funds management services, trustee and financial administrator services for individuals pursuant to orders from courts or tribunals, preparation of Wills and Enduring Powers of Attorney and managing deceased estates

### Objectives for 2008/09

- implement reforms arising from changes to governing legislation for the Public Trustee, among them a new fee structure and new investment funds
- complete an upgrade of computer administration systems

### Key Achievements and Challenges

#### Developing business

During 2008/09 the Public Trustee developed a new fee structure. The changes, effective from 1 July 2009, were modelled against existing client data to ensure that individual client fees were equitable and, at the same time, would maintain the revenue base of the organisation. The Public Trustee will continue to provide a community service to those clients who cannot afford to pay.

In June 2009 the Public Trustee entered into an agreement with the Attorney General for the 2009/10 financial year, covering matters such as the scale of fees and use of reserves.

Major upgrades to the Public Trustee's main corporate computer system, *Management Accounting Trustee Environment* (MATE), were completed with the successful delivery between October 2008 and June 2009.

#### Customer service delivery

A new executor assistance service was introduced to help private executors of a Will obtain a grant of probate. Private executor Wills and the enhanced wills deposit service (WA Wills Bank) began on 1 July 2009.

#### Investment performance

In conjunction with Mercer Australia Pty Ltd, the Public Trustee formed four cost-efficient and effective investment funds to meet the needs of its clients. These began on 1 July 2009.

#### Other achievements

For the past two years, the Public Trustee has been recognised as a Better Practice Agency by the Office of the Auditor General for quality and timely financial statements and good financial practice. The Public Trustee purchased an office property at 553 Hay St Perth as a strategic investment to provide long-term business accommodation and enable the potential redevelopment of Cathedral Square.

#### Future directions

- introduce innovations in customer service and business processes
- ensure fees remain responsive to market needs and position the Public Trustee to achieve self-funding by 2015
- enhance client relationships and consolidate market position
- continue to assist staff to meet the challenges of a new business environment
- preserve clients' investment through the Common Account by undertaking an upgrade of 553 Hay Street for eventual occupation

## Service 4 | Births, deaths and marriages

### The Service

Access to accurate, permanent and confidential records of births, deaths and marriages by the government and community

### Objectives for 2008/09

- continue a five-year conversion of historic records to electronic format
- increase the number of funeral directors registering deaths online

### Key Achievements and Challenges

#### Online services

##### Electronic conversion of records

The Department has commenced converting two million paper-based records stored in the Registry of Births, Deaths and Marriages to electronic format to guarantee their preservation, enhance their usefulness and improve the delivery of services. Birth and adoption records from 1973 to 1963 are at varying stages of being uploaded into the registry's database. The conversion project is expected to span five years.

##### Birth, death and marriage indexes

The range of historic indexes available on the Department's website was extended during 2008/09. Birth indexes are available for 1841-1932, death indexes 1841-1962 and marriage indexes 1841-1932.

##### Lodgement of death information

Online notification of deaths increased during 2008/09 with 53 per cent of funeral directors now submitting death registration information electronically.

#### Identity security

##### Certificate Validation Service

Identity security is a growing priority for the registry. More than 85,000 Western Australian birth, death and change-of-name certificates were validated against registry information during 2008/09. This service is used by Government and private organisations to help enhance the accuracy of enrolment.

##### Document Verification Service

The national Document Verification Service is one element of the Council of Australian Governments' National Identity Security Strategy. In April 2009 the Western Australian registry signed an interdepartmental agreement allowing Commonwealth, State and Territory governments to validate identity documents used for enrolment purposes.

##### Security paper

Improved security paper for official certificates was introduced in June 2009 and, when used in conjunction with the registry's validation services, will assist in deterring identity theft and forgery through tampering or counterfeiting.

##### Delivering customer service

The Department recorded a five per cent increase in the number of standard certificates issued during 2008/09.

Registration events during 2008/09 remained steady with 30,965 births, 12,954 deaths, 12,102 marriages and 4732 change of names registered.

A record 1018 wedding ceremonies were officiated at the Perth registry office during 2008/09.

### **Future directions**

- continue to convert old records to an electronic format
- expand the number of funeral directors lodging death registration information online
- improve change of name registration processes
- start a review of WA's ageing registration system to ensure it meets current and future business needs

## Service 5 | Services to Government

### The service

**Legal, legislation and policy services provided by the Department to support justice outcomes and activities of other Government agencies**

### Objectives for 2008/09

- provide policy advice to the Attorney General's portfolio
- undertake and co-ordinate strategic policy and legislative projects
- advance the Aboriginal Justice Agreement
- steer cross-agency justice initiatives
- assess and address the impact of policy and legislation on Aboriginal people
- continue to provide high-quality legal services and legislative drafting services

### Key achievements and challenges

#### Policy and legislative advice to Government

##### Law reform

The Department provided policy and legislative advice on a range of new measures proposed by the incoming State Government elected in September 2008. For example, so-called *Truth in Sentencing* laws were repealed, terminating an automatic one-third discount of offenders' sentences.

Legislation mandating custody for serious assaults on police and other public officers and broadening the scope of child exploitation offences was progressing through Parliament at the time of reporting.

Work began on toughening graffiti laws, changing the regulation of prostitution and introducing prohibited behaviour orders which can be imposed when sentencing a person with a record of anti-social behaviour.

Further reforms to sentencing laws are proposed to address parole and restrict discounting for guilty pleas.

##### Bail Act

The *Bail Amendment Act 2008* came into operation on 1 March 2009. Prior to proclamation, the Department made extensive preparations including drafting instructions for the associated regulations, IT system modifications and staff and JP training.

##### Cross-government collaboration

The Department co-ordinated cross-agency advice on the proposed organised crime function of the Corruption and Crime Commission.

The Department lodged a strategic plan with the Attorney General arising from the work of a cross-agency juvenile justice group. The plan awaits a Government response.

The agency contributed to various working groups established by the Council of Australian Governments, including reforms in Indigenous affairs and harmonisation of business regulation across the nation.

##### Community Court

An evaluation of the Kalgoorlie-Boulder Community Court started, identifying outcomes from this alternative approach under which Aboriginal offenders are dealt with by elders sitting with a magistrate.

## **Cross Border Justice Agreement**

The cross border justice scheme will facilitate the delivery of effective justice services to communities in the region where the borders of WA, SA and the NT meet. The scheme will enable police, magistrates, fines enforcement agencies, community corrections officers and prisons of one jurisdiction to deal with offences and offenders, from other participating jurisdictions. Western Australia, South Australia and the Northern Territory have all passed complementary legislation. Commonwealth legislation was expected to be passed by the end of August 2009.

The Department continued to work in collaboration with the Department of Corrective Services, the WA Police, SA and the NT, in preparation for the implementation of this initiative.

## **Services to Aboriginal communities and individuals**

### **Aboriginal Justice Agreement**

The Aboriginal Justice Agreement (AJA) is a planning and partnership framework that joins Aboriginal people with government and non-government agencies to identify and address justice issues at local, regional and state levels. The AJA program is co-ordinated by the Department's Aboriginal Services Directorate.

In 2008/09, 11 new local justice agreements were completed, bringing the total to 21. A further five regional justice forums have been established and a State Justice Plan is being developed by the State Aboriginal Justice Congress. See appendix 3.

Implementation of local and regional justice agreements has gathered momentum. For example, a wide range of government and non-government organisations have worked with youth and families to implement practical strategies to address community violence in the Mirrabooka area.

Recommendations from a case study evaluation of local AJA plans, completed in November 2008, are being implemented through a project steering group.

### **Dispute resolution**

Culturally appropriate dispute resolution services for Aboriginal and Torres Strait Islander peoples help address inter and intra-family feuding. The principles of mediation, conciliation, facilitation and negotiation are applied with proven procedures and practices. A major review of the program resulted in various reforms to its operation, including a name change to Aboriginal Mediation Services effective from 1 July 2009.

During 2008/09 the service received 101 inquiries, including 69 referrals to other agencies, five mediations and assistance to eight inter-agency meetings.

## **Legislative drafting to underpin good governance**

### **Parliamentary Counsel**

The Department completed a landmark project in which the Parliamentary Counsel's Office made every Act passed by the Parliament of Western Australia available to the public online and free of charge. All Acts are accessible in a searchable and printable PDF format on the State Law Publisher website in what the agency believes is an Australian first. This represents more than 6100 Acts and 110,000 pages of legislation captured back to 1832.

In 2008/09, the Parliamentary Counsel's Office completed a number of significant drafting tasks. They included:

#### ***Sentencing Legislation (Transitional Provisions) Amendment Bill 2008***

This Bill, subsequently enacted, amended the *Sentencing Legislation Amendment and Repeal Act 2003* to remove the general requirement to reduce the fixed term of imprisonment by one third.

#### ***Road Traffic Amendment (Hoons) Bill 2009***

This Bill aims to:

- allow the Government to respond to community concern about dangerous drivers or “hoons”
- make it mandatory for police to impound a vehicle where practicable when a “hoon” offence occurs
- prescribe the length of impoundment and give courts the power to confiscate in extreme cases

#### ***Royalties for Regions Bill 2009***

This Bill aims to:

- provide a legislative framework for the operation of the Royalties for Regions Fund and the establishment of the Western Australian Regional Development Trust
- progress economic, business and social development in regional WA through use of the fund
- put an amount equating to 25 per cent of the State's forecast resources royalty revenue into the fund each financial year
- allow money from the fund to be spent on regional infrastructure, headworks (utility services), local government and community services

#### ***Co-operatives Bill 2009***

This Bill aims to:

- provide a single, plain-language law governing trading co-operatives in WA
- promotes co-operative philosophy, principles, practices and objectives
- facilitates finance and fund raising by co-operatives
- ensures directors of co-operatives are accountable to members

## **Legal services and advice to Government**

### **State Solicitor**

The State Solicitor's Office (SSO) continued to deliver quality legal services to Government and a broad range of Government clients. Some of the significant legal matters during 2008/2009 included:

#### **Teachers' Industrial Negotiations**

The SSO advised the Department of Education and Training during negotiations with the State School Teachers Union for a new industrial agreement.

#### **Tipperary Developments Ltd v the State**

SSO represented the State in an appeal by property developer Tipperary against a decision by Justice Murray in 2006 dismissing its action against the State. The Appeal was heard by the Court of Appeal in March 2009 and as at 30 June 2009 the judgment had not been delivered.

#### **Fiona Stanley Hospital Project**

After State Solicitor's advice on tendering, the Health and Works Departments awarded an initial construction contract in February 2009 for the Fiona Stanley Hospital. SSO remains involved in other contracting, related transactions and project management issues.

#### **Leighton Contractors v Public Transport Authority**

The SSO represented the Public Transport Authority against Leighton Contractors in a dispute over various matters arising from the Perth to Mandurah rail project.

#### **Oakajee Port Development**

The SSO helped the Government to negotiate a State Development Agreement with proponent Oakajee Port and Rail (OPR) for the massive new infrastructure project north of Geraldton. The agreement was signed in March 2009. The SSO is currently assisting with land access arrangements and project documentation.



### **Perth to Bunbury Highway**

The SSO is acting for the Western Australian Planning Commission and Main Roads WA in a number of claims for compensation for the resumption of land for the Perth to Bunbury highway.

### **Joondalup Health Campus**

The SSO advised relevant agencies on negotiations with Ramsay Health Care to expand the public and private services at Joondalup and extend existing arrangements. Negotiations resulted in contracts being signed in February 2009.

Other significant matters involving the SSO in 2008/09 included:

- consent determinations of native title for the Thalanyji People and Nyangumarta Part A
- assistance with a Heads of Agreement for the Kimberley Liquid Natural Gas (LNG) project
- assistance in negotiations relating to the establishment by the CSIRO of a radio telescope in the Mid West

### **Native Title**

SSO continued to represent the State in a number of significant claims lodged in the Federal Court and provide advice to agencies on native title.

It represented the State in future act proceedings under the right to negotiate procedures of the *Native Title Act 1993*. This included the grant of mining tenements under the *Mining Act 1978* and the grant of land titles under the *Land Administration Act 1997*.

The SSO acted for the State in a number of significant project negotiations, involving the negotiation and drafting of indigenous land-use agreements under the *Native Title Act 1993 (Cth)*. The SSO was involved in the State-wide development of template indigenous land use agreements to avoid the unnecessary extinguishment of native title.

### **Grants administration**

#### **Criminal Property Confiscation**

The Department administered the sixth round of the Criminal Property Confiscation Grants program in mid-2008. Forty-five community organisations and local governments shared in about \$3 million in funds. The incoming Government suspended the program pending a review.

#### **Award**

#### **Community Law Award**

The Department continued to support the Community Law Award presented by the Attorney General during Law Week to recognise outstanding pro bono legal services. However, no award was presented during 2008/09 due to the change in timing of Law Week from May to September.

### **Future directions**

- continue to implement the Government's criminal justice law reform agenda, including measures to combat graffiti and other forms of anti-social behaviour, address organised crime, reform key aspects of criminal procedure and sentencing
- evaluate the impact of the Aboriginal Justice Agreement (AJA)
- improve the Aboriginal Mediation Service, including the development of a culturally appropriate training manual in conflict resolution
- work with South Australia, the Northern Territory and the Commonwealth to enact WA's role in the Cross Border Justice Agreement under which a large outback area will be treated as one zone for legal and justice purposes.

## Overview | Organisational improvements

Improvements to the Department's operations often rely on the quality and innovation of its corporate support areas. During the year considerable emphasis was placed on enhancing the agency's workforce, building assets, business continuity and technology.

### Staff development

Significant advances were made in staffing management, both at corporate levels and within operational areas of the Department. Among the improvements were:

- More than 400 staff participated in corporate learning and development programs;
- An outstanding ninety per cent of staff took part in a new employee development system;
- More than a dozen graduates joined the agency as policy and project officers, participating in workplace rotation and formal training;
- A comprehensive workforce plan was adopted;
- Leadership and management training was escalated;
- Nine staff graduated from a courts administration certificate program;
- More than 20 women completed a program designed to enhance job growth;
- Improved HR management reports supplied key data to assist with strategic management of the Department's workforce;
- Aboriginal cultural awareness training was accessed by 127 employees;
- Building on recent progress, staff of the Public Trustee continued to focus on embracing a customer service culture.

### Business continuity

The Department is acutely aware of the need to ensure the delivery of its essential services to the community, no matter what circumstances it faces, and has continued its commitment to business continuity planning. This has been particularly relevant with the outbreak of the human swine flu pandemic. An analysis of the impact of the unavailability of staff, premises and systems has been completed. Priority areas to which staff and resources would be allocated have been identified. Continuity plans for 31 business areas have been completed. The Department's Pandemic Influenza Plan was also reviewed and aligned with the plans developed by the Office of State Security and Emergency Co-ordination.

### Corruption prevention

The Department promotes an organisational culture that ensures effective corruption prevention. During 2009 a revised *Corruption Prevention Policy* and *Corruption Prevention Reporting Procedures* were approved and the *Conflict of Interest and Outside Work Interests Policy* was also revised. Quarterly reporting on the offer and acceptance of gifts, benefits or other rewards by departmental staff was introduced. For more details, see page 50.

### Information technology

The core data network was upgraded to improve service between the Department's Perth and remote sites. Work started on an Information Communication Technology (ICT) disaster recovery strategy. A strategic project-based services contract was awarded and a tender issued for ICT infrastructure services for up to a decade.

### Record-keeping

Under its record-keeping action plan, the Department conducted a pilot of an electronic Document Records Management System (eDRMS) and then applied it in two business units. From 1 January

2009, the Department of Corrective Services assumed control of its own record-keeping, previously a shared responsibility.

### **Library**

The Department entered into a service level agreement with the Supreme Court for the delivery of library and information services to the judges, master and registrars of the court. A review of all library resource suppliers affirmed the continuity of supply of essential legal information resources at minimum cost.

### **Buildings**

The Department continued to address the long term accommodation needs of courts around the State. In 2008/09 the Department focused on the following projects:

- Refurbishment of the Central Law Courts building in Perth. The Coroner's Court and the civil and criminal registries of the Magistrates Court at Perth relocated to new accommodation within the building during the year. The refurbishment should be finished by the end of 2009.
- In its first full year of occupation of new purpose-built premises in Perth, the District Court conducted more than 530 civil and criminal trials and about 10,500 hearings. More than 48,000 documents were filed there and about 14,000 people attended for jury duty. An in-depth and independent review of the public private partnership which created the building found its broad benefits - capacity, functionality and user satisfaction - had been delivered well.
- The State Government acquired the Australia Post building, part of a heritage complex earmarked for redevelopment as court facilities, in Kalgoorlie. Considerable planning work has been done, with building scheduled to commence in 2011.

Refurbishment of International House in Perth was completed and the upgrading of accommodation in Westralia Square and the Central Law Courts continued. Long-term leasing of the May Holman Centre ceased.

Following completion of a \$750,000 upgrade, the courthouse adjoining the Harvey police station was officially opened by the Attorney General in January 2009.

### **Fleet management**

The Department implemented the new fuel efficiency policy in the selection of passenger vehicles for the agency fleet.

### **Language services**

The Department implemented new policy and procedures to guide departmental staff when dealing with members of the public who are unable to communicate effectively in spoken or written English.

## SIGNIFICANT ISSUES IMPACTING THE AGENCY

### Priorities address law, order and disadvantage

The new State Government was elected with a strong law and order focus and agenda. This gave clear direction to the Department's work in policy, legal and legislative advice and drafting. The Attorney General's portfolio has played a leading role in the early work of the Parliament in law reform and the justice system.

In turn this has required the Department to undertake a significant amount of policy and legislative development. As well as legislative projects such as "truth in sentencing", upcoming policy initiatives include changes to make juries more representative, enhanced fine enforcement measures and controls on criminal activities in organisations.

Nationally, the Council of Australian Governments (COAG) is driving a large reform agenda too. The Department continues to work on various COAG reforms, including participation in the Business Regulation and Competition Working Group and the Working Group on Indigenous Reform.

The Department is also continuing its endeavours to address over-representation of Aboriginal people on the social disadvantage scale as part of the national 'Closing the Gap' programs. The Department continues to review and improve service delivery for Aboriginal people and communities to address this inequity. Its leadership of Aboriginal justice agreements in Western Australia has aided almost two dozen communities across the State in adopting localised strategies to reduce criminal behaviour. The outcomes of this work will be formally assessed in the year ahead.

In the same vein, the Office of Native Title, integrated into the Department from 1 July 2009, should continue to progress land rights in Western Australia and thereby alleviate some of the underlying causes of Aboriginal disadvantage.

To meet the legislative demand in the new Parliament, where party alliances and independent representation are more diverse, extra responsibility may fall upon the Department. The Office of the Parliamentary Counsel may be required to expand its role to include drafting Bills for non-government members and amendments for parliamentary committees.

Changes in the community bring fresh expectations and new demands to parts of the Department. For instance, external trends indicating demographic changes, such as an ageing population, increased prevalence of mental illness, growth in multicultural communities and blended families, and breakdown of community and family ties, continue to increase the demand for, and complexity of, trust management and estate administration services. Not surprisingly, the number of clients of the Public Trustee, classified as represented persons, has increased by a third in the past four years.

More clients are requiring the services of the Public Trustee and they are likely to remain clients for a longer period of time. Social and economic trends have also resulted in population shifts with retirees choosing to change location and lifestyle which will impact how the Public Trustee delivers its services.

In 2008/09 the Public Trustee experienced a 14 per cent increase in the number of Trust clients and a 29 per cent increase in the number of Protective Management clients. Similar rises are occurring in the client base of the Public Advocate who is responsible for guardianship, advocacy and administration services.

The number of investigations increased by 17 per cent in 2008/09 and the number of new appointments as guardian of last resort increased by 23 per cent. The increasing number of people with dementia is one of the major causes of the increasing appointments. This trend is likely to continue with more new appointments occurring as a result of the increased prevalence of dementia.

A recent rise in the annual rate of birth registrations in Western Australia has added to the work of the Registry of Births, Deaths and Marriages. The ongoing challenge for the registry is to continue to add rigour to its processes in the face of a national and international crackdown on identity fraud. Responsive service, efficiency, vigilance and enhanced use of online services are critical to the registry keeping pace with community demands for services and information security.

Pressures on the State's network of courts and tribunals remains intense. Fair and timely justice remains paramount in securing the confidence of the community in the justice system. Fortunately much, although not all, of the central metropolitan court accommodation has been replaced or refurbished in the past few years, before the constraints of the global financial downturn took hold.

Combined with the judiciary's drive for improved listing measures and more use of mediation and pre-trial conferencing, the Department has worked to ensure accommodation enhancements add to efficiency and safety. Video technology and security screening are two areas of recent high priority that have provided immediate benefits, not only to the workflow of courts but to the many participants in the justice system such as remote and vulnerable witnesses and crime victims.

The global financial crisis and subsequent drop in state revenues has made it a challenging first budget for the Barnett Government. The budget has been carefully framed to protect the State's finances and the Government's budget surplus. Consequently, some capital works projects have been deferred, including work on new courthouses for Kalgoorlie and Carnarvon. At the same time, the Budget includes a range of initiatives that may assist our work. For instance, a focus on education for Indigenous children should improve school retention and future education prospects, and consequently decrease the likelihood of contact with the justice system.

The Department remains focused on assisting the Government in continuing to implement its substantial law and order policy and legislative reform agenda in an economic climate shaped by the global financial crisis.

## DISCLOSURES AND LEGAL COMPLIANCE

### Financial Statements

#### Certification of Financial Statements

The accompanying financial statements of the Department of the Attorney General have been prepared in compliance with the provisions of the Financial Management Act 2006 from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2009 and the financial position as at 30 June 2009.

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



**Alan Andersson**  
Chief Financial Officer  
9 September 2009



**Cheryl Gwilliam**  
Director General  
9 September 2009



# Auditor General

## INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

### DEPARTMENT OF THE ATTORNEY GENERAL FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2009

I have audited the accounts, financial statements, controls and key performance indicators of the Department of the Attorney General.

The financial statements comprise the Balance Sheet as at 30 June 2009, and the Income Statement, Statement of Changes in Equity, Cash Flow Statement, Schedule of Income and Expenses by Service, Schedule of Assets and Liabilities by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, a summary of significant accounting policies and other explanatory Notes.

The key performance indicators consist of key indicators of effectiveness and efficiency.

#### **Director General's Responsibility for the Financial Statements and Key Performance Indicators**

The Director General is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions, and the key performance indicators. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements and key performance indicators that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; making accounting estimates that are reasonable in the circumstances; and complying with the Financial Management Act 2006 and other relevant written law.

#### **Summary of my Role**

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements, controls and key performance indicators based on my audit. This was done by testing selected samples of the audit evidence. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion. Further information on my audit approach is provided in my audit practice statement. Refer [www.audit.wa.gov.au/pubs/AuditPracStatement\\_Feb09.pdf](http://www.audit.wa.gov.au/pubs/AuditPracStatement_Feb09.pdf).

An audit does not guarantee that every amount and disclosure in the financial statements and key performance indicators 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 and key performance indicators.

**Department of the Attorney General  
Financial Statements and Key Performance Indicators for the year ended 30 June 2009**

**Audit Opinion**

In my opinion,

- (i) the financial statements are based on proper accounts and present fairly the financial position of the Department of the Attorney General at 30 June 2009 and its financial performance and cash flows for the year ended on that date. They are in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions;
- (ii) the controls exercised by the Department provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (iii) the key performance indicators of the Department are relevant and appropriate to help users assess the Department's performance and fairly represent the indicated performance for the year ended 30 June 2009.



COLIN MURPHY  
AUDITOR GENERAL  
14 September 2009



**DEPARTMENT OF THE ATTORNEY GENERAL**

**INCOME STATEMENT**

**FOR THE YEAR ENDED 30 JUNE 2009**

	Note	<b>2009</b>	<b>2008</b>
		<b>\$'000</b>	<b>\$'000</b>
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits expense	6	226,820	170,977
Supplies and services	7	73,950	65,861
Depreciation and amortisation	8	15,502	9,250
Finance costs	9	18,037	2,607
Accommodation expenses	10	18,546	20,614
Grants and subsidies	11	56,039	50,685
Other expenses	13	40,046	39,631
Loss on disposal of non-current assets	12	107	51
<b>Total cost of services</b>		<b>449,047</b>	<b>359,676</b>
<b>Income</b>			
Revenue			
User charges and fees	14	62,676	58,419
Commonwealth grants and contributions	15	14,613	13,452
Other revenues	16	23,275	25,320
<b>Total income other than income from State Government</b>		<b>100,564</b>	<b>97,191</b>
<b>NET COST OF SERVICES</b>		<b>348,483</b>	<b>262,485</b>
<b>INCOME FROM STATE GOVERNMENT</b>	17		
Service appropriations		276,438	251,720
Liabilities assumed by the Treasurer		46,526	13,157
Resources received free of charge		2,451	1,944
<b>Total income from State Government</b>		<b>325,415</b>	<b>266,821</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>		<b>(23,068)</b>	<b>4,336</b>

The Income Statement should be read in conjunction with the accompanying notes.

**DEPARTMENT OF THE ATTORNEY GENERAL**

**BALANCE SHEET  
AS AT 30 JUNE 2009**

		Note	2009	2008
			\$000	\$000
<b>ASSETS</b>				
<b>Current Assets</b>				
Cash and cash equivalents	28		5,924	18,160
Receivables	19		10,091	9,659
Amounts receivable for services	20		2,378	3,624
<b>Total Current Assets</b>			<b>18,393</b>	<b>31,443</b>
<b>Non-Current Assets</b>				
Restricted cash and cash equivalents	18		2,000	1,300
Amounts receivable for services	20		60,658	46,223
Property, plant, equipment and vehicles	21		568,707	545,027
Intangible assets	22		20,363	9,858
<b>Total Non-Current Assets</b>			<b>651,728</b>	<b>602,408</b>
<b>TOTAL ASSETS</b>			<b>670,121</b>	<b>633,851</b>
<b>LIABILITIES</b>				
<b>Current Liabilities</b>				
Payables	24		25,375	17,347
Borrowings	25		1,707	1,071
Provisions	26		33,701	23,972
<b>Total Current Liabilities</b>			<b>60,783</b>	<b>42,390</b>
<b>Non-Current Liabilities</b>				
Borrowings	25		223,497	223,779
Provisions	26		15,944	16,743
<b>Total Non-current Liabilities</b>			<b>239,441</b>	<b>240,522</b>
<b>Total Liabilities</b>			<b>300,224</b>	<b>282,912</b>
<b>NET ASSETS</b>			<b>369,897</b>	<b>350,939</b>
<b>EQUITY</b>				
	27			
Contributed equity			68,768	34,807
Reserves			259,293	251,228
Accumulated surplus			41,836	64,904
<b>Total Equity</b>			<b>369,897</b>	<b>350,939</b>

The Balance Sheet should be read in conjunction with the accompanying notes.

**DEPARTMENT OF THE ATTORNEY GENERAL**

**CASH FLOW STATEMENT  
FOR THE YEAR ENDED 30 JUNE 2009**

	Note	2009 \$000	2008 \$000
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Service appropriation		259,624	236,129
Capital contributions		33,961	25,222
Holding account drawdowns		3,624	3,510
<b>Net cash provided by State Government</b>		<b>297,209</b>	<b>264,861</b>
<b>Utilised as follows:</b>			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(154,707)	(139,730)
Supplies and services		(178,212)	(163,357)
Accommodation		(18,546)	(20,614)
Finance costs		(16,621)	(1,326)
GST payments on purchases		(18,042)	(13,669)
GST payments to taxation authority		(2,039)	(3,123)
<b>Receipts</b>			
Receipts from services		84,932	83,981
Commonwealth grants and contributions		14,613	13,434
GST receipts on sales		2,055	3,136
GST receipts from taxation authority		18,828	11,855
<b>Net cash used in operating activities</b>	28 (c)	<b>(267,739)</b>	<b>(229,413)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Proceeds from sale of non-current physical assets		4	71
Purchase of non-current physical assets		(40,098)	(25,258)
<b>Net cash provided by/(used in) investing activities</b>		<b>(40,094)</b>	<b>(25,187)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Finance lease payments		(911)	(235)
<b>Net cash provided by/(used in) financing activities</b>		<b>(911)</b>	<b>(235)</b>
<b>Net increase/(decrease) in cash and cash equivalents</b>		<b>(11,535)</b>	<b>10,026</b>
Cash and cash equivalents at the beginning of period		19,460	9,434
<b>CASH AND CASH EQUIVALENTS AT THE END OF PERIOD</b>	28 (a)	<b>7,925</b>	<b>19,460</b>

The cash flow statement should be read in conjunction with the accompanying notes.

**DEPARTMENT OF THE ATTORNEY GENERAL**

**STATEMENT OF CHANGES IN EQUITY  
FOR THE YEAR ENDED 30 JUNE 2009**

	Note	2009 \$000	2008 \$000
Balance of equity at start of period		350,939	300,505
<b>CONTRIBUTED EQUITY</b>			
Balance at start of period	27	34,807	8,437
Capital contribution		33,961	26,370
Balance at end of period		<u>68,768</u>	<u>34,807</u>
<b>RESERVES</b>			
<b>Asset revaluation reserve</b>			
Balance at start of period	27	251,228	232,755
Correction of prior period errors <sup>(a)</sup>		-	6,345
Gains from asset revaluation		8,065	12,128
Balance at end of period		<u>259,293</u>	<u>251,228</u>
<b>ACCUMULATED SURPLUS</b>			
Balance at start of period	27	64,904	59,313
Correction of prior period errors <sup>(a)</sup>		-	1,255
Surplus/(deficit) for the period		(23,068)	4,336
Balance at end of period		<u>41,836</u>	<u>64,904</u>
Balance of equity at end of period		<u><u>369,897</u></u>	<u><u>350,939</u></u>
Total income and expense for the period <sup>(b)</sup>		(15,003)	24,064

(a) Land that has been brought to account this financial year as this was previously excluded in the Western Australian Land Information Authority valuation.

(b) The aggregate net amount attributable to each category of equity is a deficit \$23,068,000 partly offset by gains from asset revaluation \$8,065,000 (2008: surplus \$5,591,000 plus gains from asset revaluation \$18,473,000).

The statement of changes in equity should be read in conjunction with the accompanying notes.

DEPARTMENT OF THE ATTORNEY GENERAL  
SCHEDULE OF INCOME AND EXPENSES BY SERVICE  
FOR THE YEAR ENDED 30 JUNE 2009

	2009	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009	2008
	Service 1		Service 2		Service 3		Service 4		Service 5		Service 6		Overheads			
	Court and Tribunal Services		Advocacy Guardianship and Administration Services		Trustee Services		Births Deaths and Marriages		Services to Government		Legal Aid Assistance		Corporate Overheads		Total	
	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's
<b>COST OF SERVICES</b>																
<b>Expenses</b>																
Employee benefits expense	160,474	113,821	2,515	2,142	11,465	9,811	2,619	2,302	38,029	35,055	-	-	11,718	7,846	226,820	170,977
Depreciation and amortisation expense	11,121	5,691	3	3	129	34	25	16	2,102	1,379	-	-	2,122	2,127	15,502	9,250
Finance cost	18,037	2,607	-	-	-	-	-	-	-	-	-	-	-	-	18,037	2,607
Other expenses	107,662	104,820	511	494	3,262	3,467	2,201	1,793	26,540	30,130	26,303	22,845	22,102	13,242	188,581	176,791
Loss on sale of assets	7	59	-	-	-	5	8	-	59	(3)	-	-	33	(10)	107	51
Corporate overheads reallocated to services	28,701	17,770	584	455	1,725	1,130	862	667	4,103	3,183	-	-	(35,975)	(23,205)	-	-
<b>Total cost of services</b>	<b>326,002</b>	<b>244,768</b>	<b>3,613</b>	<b>3,094</b>	<b>16,581</b>	<b>14,447</b>	<b>5,715</b>	<b>4,778</b>	<b>70,833</b>	<b>69,744</b>	<b>26,303</b>	<b>22,845</b>	<b>-</b>	<b>-</b>	<b>449,047</b>	<b>359,676</b>
<b>Income</b>																
Sales	62,700	57,431	19	78	11,925	11,413	7,772	7,390	13,657	17,666	-	-	4,491	3,213	100,564	97,191
Corporate overheads reallocated to outputs	3,658	2,605	47	51	189	77	85	62	512	418	-	-	(4,491)	(3,213)	-	-
<b>Total income other than income from State Government</b>	<b>66,358</b>	<b>60,036</b>	<b>66</b>	<b>129</b>	<b>12,114</b>	<b>11,490</b>	<b>7,857</b>	<b>7,452</b>	<b>14,169</b>	<b>18,084</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>100,564</b>	<b>97,191</b>
<b>NET COST OF SERVICES</b>	<b>259,644</b>	<b>184,732</b>	<b>3,547</b>	<b>2,965</b>	<b>4,467</b>	<b>2,957</b>	<b>(2,142)</b>	<b>(2,674)</b>	<b>56,664</b>	<b>51,660</b>	<b>26,303</b>	<b>22,845</b>	<b>-</b>	<b>-</b>	<b>348,483</b>	<b>262,485</b>
<b>INCOME FROM STATE GOVERNMENT</b>																
Service appropriation	179,109	134,647	2,581	2,340	2,580	2,957	(926)	(511)	47,382	68,458	25,521	22,845	20,191	20,984	276,438	251,720
Liabilities assumed by the Treasurer	46,526	13,155	-	-	-	-	-	-	-	16	-	-	-	(14)	46,526	13,157
Resources received free of charge	2,304	1,838	3	2	9	9	7	5	85	72	-	-	43	18	2,451	1,944
Corporate overheads reallocated to services	16,094	17,370	358	295	872	474	470	263	2,440	2,586	-	-	(20,234)	(20,988)	-	-
<b>Total income from State Government</b>	<b>244,033</b>	<b>167,010</b>	<b>2,942</b>	<b>2,637</b>	<b>3,461</b>	<b>3,440</b>	<b>(449)</b>	<b>(243)</b>	<b>49,907</b>	<b>71,132</b>	<b>25,521</b>	<b>22,845</b>	<b>-</b>	<b>-</b>	<b>325,415</b>	<b>266,821</b>
<b>Surplus/deficit for period</b>	<b>(15,611)</b>	<b>(17,722)</b>	<b>(605)</b>	<b>(328)</b>	<b>(1,006)</b>	<b>483</b>	<b>1,693</b>	<b>2,431</b>	<b>(6,757)</b>	<b>19,472</b>	<b>(782)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(23,068)</b>	<b>4,336</b>

The Schedule of Income and Expenses by Service should be read in conjunction with the accompanying notes.

DEPARTMENT OF THE ATTORNEY GENERAL  
SCHEDULE OF ASSETS AND LIABILITIES BY SERVICE  
FOR THE YEAR ENDED 30 JUNE 2009

	2009	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009	2008
	Service 1		Service 2		Service 3		Service 4		Service 5		Service 6		Total	
	Court and Tribunal Services		Advocacy Guardianship and Administration Services		Trustee Services		Births Deaths and Marriages		Services to Government		Legal Aid Assistance		Total	
	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's
<b>ASSETS</b>														
Current assets	2,390	416	2	9	251	2	295	169	15,455	30,847	-	-	18,393	31,443
Non-Current assets	648,533	600,687	20	24	2,639	853	237	155	299	689	-	-	651,728	602,408
<b>Total Assets</b>	<u>650,923</u>	<u>601,103</u>	<u>22</u>	<u>33</u>	<u>2,890</u>	<u>855</u>	<u>532</u>	<u>324</u>	<u>15,754</u>	<u>31,536</u>	<u>-</u>	<u>-</u>	<u>670,121</u>	<u>633,851</u>
<b>LIABILITIES</b>														
Current liabilities	48,267	34,608	374	226	2,853	1,859	885	564	7,432	5,133	972	-	60,783	42,390
Non-current liabilities	235,429	236,286	144	159	931	916	222	236	2,715	2,925	-	-	239,441	240,522
<b>Total Liabilities</b>	<u>283,696</u>	<u>270,894</u>	<u>518</u>	<u>385</u>	<u>3,784</u>	<u>2,775</u>	<u>1,107</u>	<u>800</u>	<u>10,147</u>	<u>8,058</u>	<u>972</u>	<u>-</u>	<u>300,224</u>	<u>282,912</u>
<b>NET ASSETS</b>	<u>367,227</u>	<u>330,209</u>	<u>(496)</u>	<u>(352)</u>	<u>(894)</u>	<u>(1,920)</u>	<u>(575)</u>	<u>(476)</u>	<u>5,607</u>	<u>23,478</u>	<u>(972)</u>	<u>-</u>	<u>369,897</u>	<u>350,939</u>

The Schedule of Assets and Liabilities by Service should be read in conjunction with the accompanying notes.

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**SUMMARY OF CONSOLIDATED ACCOUNT APPROPRIATIONS AND INCOME ESTIMATES**  
**FOR THE YEAR ENDED 30 JUNE 2009**

	2009 Estimate \$000	2009 Actual \$000	Variation \$000	2009 Actual \$000	2008 Actual \$000	Variation \$000
<b>DELIVERY OF SERVICES</b>						
Item 63 Net amount appropriated to deliver services	212,865	210,582	(2,283)	210,582	187,050	23,532
Amount Authorised by Other Statutes						
Salaries and Allowances Act 1975	23,091	22,449	(642)	22,449	21,071	1,378
District Court of Western Australia Act 1969	9,228	8,968	(260)	8,968	8,648	320
Judges' Salaries and Pensions Act 1950	8,035	8,737	702	8,737	8,246	491
Children's Court of Western Australia Act 1988	329	369	40	369	328	41
State Administrative Tribunal Act 2004	4,440	4,783	343	4,783	4,100	683
Criminal Injuries Compensation Act 2003	19,487	20,173	686	20,173	21,900	(1,727)
Solicitor-General Act 1969	346	368	22	368	347	21
Suitors' Fund Act 1964	30	9	(21)	9	30	(21)
	<u>277,851</u>	<u>276,438</u>	<u>(1,413)</u>	<u>276,438</u>	<u>251,720</u>	<u>24,718</u>
<b>Total appropriations provided to deliver services</b>	<u>277,851</u>	<u>276,438</u>	<u>(1,413)</u>	<u>276,438</u>	<u>251,720</u>	<u>24,718</u>
<b>CAPITAL</b>						
Item 151 Capital Contribution	54,156	33,961	(20,195)	33,961	25,222	8,739
	<u>332,007</u>	<u>310,399</u>	<u>(21,608)</u>	<u>310,399</u>	<u>276,942</u>	<u>33,457</u>
<b>Details of Expenses by Service</b>						
Court and Tribunal Services	259,247	326,002	66,755	326,002	244,768	81,234
Advocacy, Guardianship and Administration Services	3,154	3,613	459	3,613	3,094	519
Trustee Services	13,749	16,581	2,832	16,581	14,447	2,134
Births, Deaths and Marriages	6,222	5,715	(507)	5,715	4,778	937
Services to Government	62,657	70,833	8,176	70,833	69,744	1,089
Legal Aid Assistance	24,422	26,303	1,881	26,303	22,845	3,458
<b>Total cost of services</b>	<u>369,451</u>	<u>449,047</u>	<u>79,596</u>	<u>449,047</u>	<u>359,676</u>	<u>89,371</u>
<b>Less total income</b>	<u>(84,988)</u>	<u>(100,564)</u>	<u>(15,576)</u>	<u>(100,564)</u>	<u>(97,191)</u>	<u>(3,373)</u>
<b>Net cost of services</b>	<u>284,463</u>	<u>348,483</u>	<u>64,020</u>	<u>348,483</u>	<u>262,485</u>	<u>85,998</u>
<i>Adjustments</i>	<u>(6,612)</u>	<u>(72,045)</u>	<u>(65,433)</u>	<u>(72,045)</u>	<u>(10,765)</u>	<u>(61,280)</u>
<b>Total appropriations provided to deliver services</b>	<u>277,851</u>	<u>276,438</u>	<u>(1,413)</u>	<u>276,438</u>	<u>251,720</u>	<u>24,718</u>
<b>Capital Expenditure</b>						
Purchase of non-current physical assets	57,780	40,098	(17,682)	40,098	25,258	14,840
Adjustments for other funding sources	(3,624)	(6,137)	(2,513)	(6,137)	(36)	(6,101)
<b>Capital Contribution (appropriation)</b>	<u>54,156</u>	<u>33,961</u>	<u>(20,195)</u>	<u>33,961</u>	<u>25,222</u>	<u>8,739</u>
<b>DETAILS OF INCOME ESTIMATES</b>						
Income disclosed as Administered Income	98,324	91,509	(6,815)	91,509	106,740	15,231

Adjustments comprise movements in cash balances and other accrual items such as receivables, payables and superannuation.

Explanations of variations between the current year estimates and actual results are set out in Note 41.

Administered income estimated for 2009 excludes the Family Law Court funding of \$14.357 million received from the Commonwealth as it is controlled funding.

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**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

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**1 Departmental mission and funding**

The Department's mission is to provide high quality and accessible justice, legal, registry, guardianship and trustee services that meet the needs of the community and government.

The Department is predominantly funded by Parliamentary appropriations. Its financial statements encompass all funds through which the Department controls resources to carry on its functions.

**2 Australian equivalents to International Financial Reporting Standards**

**General**

The Department's financial statements for the year ended 30 June 2009 have been prepared in accordance with Australian equivalents to International Financial Reporting Standards (AIFRS), which comprise a Framework for the Preparation and Presentation of Financial Statements (the Framework) and Australian Accounting Standards (including the Australian Accounting Interpretations).

In preparing these financial statements the Department has adopted, where relevant to its operations, new and revised Standards and Interpretations from their operative dates as issued by the AASB and formerly the Urgent Issues Group (UIG).

**Early adoption of standards**

The Department cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. No Standards and Interpretations that have been issued or amended but are not yet effective have been early adopted by the Department for the annual reporting period ended 30 June 2009.

**3 Summary of significant accounting policies**

**(a) General statement**

The financial statements constitute a general purpose financial report which has been prepared in accordance with Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB 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 Management Act and the Treasurer's Instructions are legislative provisions governing the preparation of financial statements and take precedence over Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB.

Where modification is required and has a material or significant financial effect upon the reported results, details of that modification and the resulting financial effect are disclosed in the notes to the financial statements.

**(b) Basis of preparation**

The financial statements have been prepared on the accrual basis of accounting using the historical cost convention, modified by the revaluation of land, buildings and infrastructure which have been measured at fair value.

The accounting policies adopted in the preparation of the financial statements have been consistently applied throughout all periods presented unless otherwise stated.

The financial statements are presented in Australian dollars and all values are rounded to the nearest thousand dollars (\$'000).

**(c) Reporting entity**

The reporting entity comprises the Department and no other related bodies.



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**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

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**(d) 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 incomes are not recognised in the principal financial statements of the Department, the disclosure requirements of Accounting Standard AASB 7 Financial Instruments: Disclosures are not applied to administered transactions.

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
- Magistrates Courts criminal fines

Outstanding fines and costs include:

- (a) District and Supreme Court fines and costs and those which are referred to the Fines Enforcement Registry (FER) for action and are outstanding as at 30 June 2009; and
- (b) Magistrates Courts criminal fines which are outstanding in each Court and have not been referred to the FER as at 30 June 2009.

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 ordered the offender to pay the penalty.

**(e) 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.

**(f) Contributed equity**

AASB interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities' requires transfers, other than as a restructure of administrative arrangements, in the nature of equity contributions to be designated by the Government (the owner) as contributions by owners (at the time of, or prior to transfer) before such transfers can be recognised as equity contributions. Capital contributions (appropriations) have been designated as contributions by owners by TI 955 'Contributions by Owners made to Wholly Owned Public Sector Entities' and have been credited directly to Contributed Equity.

**(g) Income**

*Revenue recognition*

Revenue is measured at the fair value of consideration received or receivable 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, 1982 and 1985 together with amounts recorded under the Criminal Injuries Compensation Act 2003.

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**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

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*Service Appropriations*

Service 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 Treasury. Refer to note 17 for further commentary on Service Appropriations.

*Net Appropriation Determination*

Pursuant to section 23 of the Financial Management 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, proceeds from Public Trustee fees, Public Trust common fund interest revenues, legal services, workers' compensation recoups and other miscellaneous revenues.

In accordance with the determination specified in the 2008-2009 Budget Statements, the Department retained \$100.56 million in 2009 (\$97.24 million in 2008) from the following:

- proceeds from fees and charges;
- Commonwealth specific purpose grants and contributions; and
- other departmental revenue

*Grants and other contributions revenue*

Grants, donations, gifts and other non-reciprocal contributions are recognised as revenue at fair value when the Department obtains control over the assets comprising the contributions which is usually when cash is received.

*Gains*

Gains may be realised or unrealised and are usually recognised on a net basis. These include gains arising on the disposal of non-current assets and some revaluations of non-current assets.

**(h) Borrowing costs/finance costs**

Borrowing costs are expensed when incurred (see Finance Lease notes 3(l), 3(m), 9, 25, and 30(c) )

**(i) Property , plant and equipment and infrastructure**

*Capitalisation/Expensing of assets*

Items of property, plant and equipment and infrastructure costing \$5,000 or more are recognised as assets and the cost of utilising assets is expensed (depreciated) over their useful lives. Items of property, plant and equipment and infrastructure costing less than \$5,000 are immediately expensed direct to the Income Statement (other than where they form part of a group of similar items which are significant in total).

*Initial recognition and measurement*

All items of property, plant and equipment and infrastructure are initially recognised at cost. For items of property, plant and equipment and infrastructure acquired at no cost or for nominal consideration, the cost is their fair value at the date of acquisition.

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

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*Subsequent measurement*

After recognition as an asset, the Department uses the revaluation model for the measurement of land and buildings and the cost model for all other property, plant and equipment. Land and buildings are carried at fair value less accumulated depreciation on buildings and accumulated impairment losses. All other items of property, plant and equipment are carried at historical cost less accumulated depreciation and accumulated impairment losses.

Where market-based evidence is available, the fair value of land and buildings is determined on the basis of current market buying values determined by reference to recent market transactions. When buildings are revalued by reference to recent market transactions, the accumulated depreciation is eliminated against the gross carrying amount of the asset and the net amount restated to the revalued amount.

Where market-based evidence is not available, the fair value of land and buildings is determined on the basis of existing use. This normally applies where buildings are specialised or where land use is restricted. Fair value for existing use assets is determined by reference to the cost of replacing the remaining future economic benefits embodied in the asset, i.e. the depreciated replacement cost. Where the fair value of buildings is dependent on using the depreciated replacement cost, the gross carrying amount and the accumulated depreciation are restated proportionately.

Independent valuations of land and buildings are provided annually by the Western Australian Land Information Authority (Valuation Services) and recognised with sufficient regularity to ensure that the carrying amount does not differ materially from the asset's fair value at the balance sheet date.

*Derecognition*

Upon disposal or derecognition of an item of property, plant and equipment and infrastructure, any revaluation reserve relating to that asset is retained in the asset revaluation reserve.

*Asset Revaluation Reserve*

The asset revaluation reserve is used to record increments and decrements on the revaluation of non-current assets as described in note 21 'Property, Plant and Equipment'.

*Depreciation*

All non-current assets having a limited useful life are systematically depreciated over their estimated useful lives in a manner which reflects the consumption of their future economic benefits.

Land is not depreciated. Depreciation on other assets is calculated using the straight line method, using rates which are reviewed annually. Estimated 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) Intangible assets**

*Capitalisation/Expensing of assets*

Acquisitions of intangible assets costing \$5,000 or more are capitalised. The cost of utilising the assets is expensed (amortised) over their useful life. Costs incurred below these thresholds are immediately expensed directly to the Income Statement.

All acquired and internally developed intangible assets are initially recognised at cost. For assets acquired at no cost or for nominal cost, the cost is their fair value at the date of acquisition.

The cost model is applied for subsequent measurement requiring the asset to be carried at cost less any accumulated amortisation and accumulated impairment losses.

Amortisation for intangible assets with finite useful lives is calculated for the period of the expected benefit (estimated useful life) on the straight line basis using rates which are reviewed annually. All intangible assets controlled by the Department have a finite useful life and zero residual value. The expected useful lives for each class of intangible asset are:

Software	-	5 years
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**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

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*Computer Software*

Software that is an integral part of the related hardware is treated as property, plant and equipment. Software that is not an integral part of the related hardware is treated as an intangible asset. Software costing less than \$5,000 is expensed in the year of acquisition.

**(k) Impairment of assets**

Property, plant and equipment and intangible assets are tested for any indication of impairment at each balance sheet date. Where there is an indication of impairment, the recoverable amount is estimated. Where the recoverable amount is less than the carrying amount, the asset is considered impaired and written down to the recoverable amount and an impairment loss is recognised. As the Department is a not-for-profit entity, unless an asset has been identified as a surplus asset, the recoverable amount is the higher of an asset's fair value less costs to sell and depreciated replacement cost.

The risk of impairment is generally limited to circumstances where an asset's depreciation is materially understated, where the replacement cost is falling or where there is a significant change in useful life. Each relevant class of assets is reviewed annually to verify that the accumulated depreciation/amortisation reflects the level of consumption or expiration of asset's future economic benefits and to evaluate any impairment risk from falling replacement costs.

Intangible assets with an indefinite useful life and intangible assets not yet available for use are tested for impairment at each balance sheet date irrespective of whether there is any indication of impairment.

The recoverable amount of assets identified as surplus assets is the higher of fair value less costs to sell and the present value of future cash flows expected to be derived from the asset. Surplus assets carried at fair value have no risk of material impairment where fair value is determined by reference to market-based evidence. Where fair value is determined by reference to depreciated replacement cost, surplus assets are at risk of impairment and the recoverable amount is measured. Surplus assets at cost are tested for indications of impairment at each balance sheet date.

**(l) Leases**

Finance lease rights and obligations are initially recognised at the commencement of the lease term as assets and liabilities equal in amount to the fair value of the leased item or, if lower, the present value of the minimum lease payments determined at the inception of the lease. The assets are disclosed as leased buildings and are depreciated over the period during which the Department is expected to benefit from their use. Minimum lease payments are apportioned between the finance charge and the reduction of the outstanding 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 expensed over the lease term as this is representative of the pattern of benefits to be derived from the leased property.

Refer to notes 9, 25 and 30 (b, c).

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

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**(m) Financial instruments**

In addition to cash, the Department has two categories of financial instrument:

- Loans and receivables; and
- Financial liabilities measured at amortised cost.

These have been disaggregated into the following classes:

Financial Assets

- Cash and cash equivalents
- Restricted cash and cash equivalents
- Receivables
- Amounts receivable for services

Financial Liabilities

- Payables
- Finance lease liabilities

Initial recognition and measurement of financial instruments is at fair value which normally equates to the transaction cost or the face value. Subsequent measurement is at amortised cost using the effective interest method.

The fair value of short-term receivables and payables is the transaction cost or the face value because there is no interest rate applicable and subsequent measurement is not required as the effect of discounting is not material.

**(n) Cash and cash equivalents**

For the purpose of the Cash Flow Statement, cash and cash equivalents includes cash and restricted cash equivalents.

**(o) Accrued salaries**

The accrued salaries suspense account (refer note 18) consists of amounts paid annually into a suspense account over a period of ten financial years to largely meet the additional cash outflow in each eleventh year when 27 pay days occur instead of the normal 26. No interest is received on this account.

Accrued salaries (refer note 24) represent the amount due to staff but unpaid at the end of the financial year, as the pay date for 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 its net fair value. The last pay day in 2008-09 was 25 June 2009, therefore an accrual of 3 days was necessary in this financial year.

**(p) Amounts receivable for services (Holding Account)**

The Department receives appropriation funding on an accrual basis that recognises the full annual cash and non-cash cost of services. The appropriations are paid partly in cash and partly as an asset (Holding Account receivable) that is accessible on the emergence of the cash funding requirement to cover items such as leave entitlements and asset replacement.

**(q) Receivables**

Receivables are recognised and carried at the original invoice amount less an allowance for uncollectible amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written off against the allowance account. The allowance for uncollectible amounts (doubtful debts) is raised when there is objective evidence that the Department will not be able to collect the debts. The carrying amount is equivalent to fair value as it is due for settlement within 30 days. See note 3 (m) 'Financial Instruments' and note 19 'Receivables'.

**(r) Payables**

Payables are recognised when the Department becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as they are generally settled within 30 days.

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**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

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**(s) Provisions**

Provisions are liabilities of uncertain timing and amount and are recognised where there is a present legal, equitable or constructive obligation as a result of a past event and when the outflow of resources embodying economic benefits is probable and a reliable estimate can be made of the amount of the obligation. Provisions are reviewed at each balance sheet date. See note 26 'Provisions'.

**(i) Provisions - Employee Benefits**

*Annual Leave and Long Service Leave*

The liability for annual service leave expected to be settled within 12 months after the balance sheet date is recognised and measured at the undiscounted amounts expected to be paid when the liabilities are settled. Annual leave expected to be settled more than 12 months after the balance sheet date is measured at the present value of amounts expected to be paid when the liabilities are settled. Leave liabilities are in respect of services provided by employees up to the balance sheet date.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions.

The expected future payments are discounted using market yields at the balance sheet date on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

All annual leave provisions are classified as current liabilities as the Department does not have an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date.

A liability for long service leave is recognised after an employee has completed four years of service. An actuarial assessment of long service leave undertaken by Price WaterhouseCoopers Actuaries at 30 June 2009 determined that the liability measured using the short hand method was not materially different from the liability measured using the present value of expected future payments.

**(ii) Provisions - Other**

*Employment on-costs*

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised separately as liabilities and expenses when the employment to which they relate has occurred. Employment on-costs are included as part of 'Other expenses' and are not included as part of the 'Employee benefits expense'. The related liability is included in 'Employment on-cost provision'. Refer note 13 'Other Expenses' and note 26 'Provisions'.

**(t) Superannuation**

Staff may contribute to the Pension Scheme, a defined benefits pension scheme now closed to new members, or to the Gold State Superannuation Scheme (GSS), a defined benefit and lump sum scheme also closed to new members. The Department has no liabilities for superannuation charges under the Pension or the GSS schemes as the liability has been assumed by the Treasurer.

Employees commencing employment prior to 16 April 2007 who are not members of either the Pension or the GSS Schemes became non-contributory members of the West State Superannuation Scheme (WSS). Employees commencing employment on or after 16 April 2007 became members of the GESB Super Scheme (GESBS). Both of these schemes are accumulation schemes. The Department makes concurrent contributions to GESB on behalf of employees in compliance with the Commonwealth Government's Superannuation Guarantee (Administration) Act 1992. These contributions extinguish the liability for superannuation charges in respect of the WSS and GESBS Schemes.

The GESB makes all benefit payments in respect of the Pension and GSS Schemes, and is recouped by the Treasurer for the employer's share.

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**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

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The superannuation expense in the Income Statement is comprised of defined contribution plans. In order to reflect the Department's true cost of services, the Department is funded for the equivalent of employer contributions in respect of the GSS Scheme (excluding transfer benefits). These contributions were paid to the GESB during the year and placed in a trust account administered by the GESB on behalf of the Treasurer. The GESB subsequently paid these employer contributions in respect of the GSS Scheme to the Consolidated Account.

The GSS Scheme is a defined benefit scheme for the purposes of employees and whole-of-government reporting. However, apart from the transfer benefit, it is a defined contribution plan for agency purposes because the concurrent contributions (defined contributions) made by the agency to GESB extinguishes the agency's obligations to the related superannuation liability.

**(u) Judges' pensions**

All Judges' pension benefits are met by the Treasurer. Judges are entitled to pensions of 60% of their final salary after ten years of service and proportionate pensions for lesser service. Spouses of Judges are entitled to pensions of five-eighths of the Judge's pension entitlement on the Judge's death. The liability for Judges' pensions as at 30 June 2009 was calculated by Price Waterhouse Coopers actuaries.

The Government Employment Superannuation Board has responsibility for the administration of the Judges' Pension Scheme. GESB initially incurs the cost of the pensions and then recoups 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.

**(v) Resources received free of charge or for nominal value**

Resources received free of charge or for nominal cost that can be reliably measured are recognised as income and as assets or expenses as appropriate, at fair value.

**(w) Comparative figures**

Comparative figures are, where appropriate, reclassified to be comparable with the figures presented in the current financial year.

**(x) Rounding of amounts**

Amounts in the financial statements have been rounded to the nearest thousand dollars, or in certain cases, to the nearest dollar.

**4 Judgements made by management in applying accounting policies**

The judgements that have been made in the process of applying accounting policies that have the most significant effect on the amounts recognised in the financial statements include:

**Operating Lease Commitment**

The Department has entered into commercial leases and has determined that the lessors retain all the significant risks and rewards of ownership of the properties. Accordingly, the leases have been classified as operating leases.

The following are other types of judgements that may be disclosed where they have a significant effect:

- Capitalisation of development expenditure; and
- Adoption of fair value versus cost basis for plant and equipment.

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

**5 Disclosure of changes in accounting policy and estimates**

**Initial application of an Australian Accounting**

The Department has applied the following Australian Accounting Standards and Australian Accounting Interpretations effective for annual reporting periods beginning on or after 1 July 2008 that impacted on the Department:

Review of AAS 27 'Financial Reporting by Local Governments', AAS 29 'Financial Reporting by Government Departments and AAS 31 'Financial Reporting by Governments'. The AASB has made the following pronouncements from its short term review of AAS 27, AAS 29 and AAS 31: AASB 1004 'Contributions'; AASB 1050 'Administered Items'; AASB 1051 'Land Under Roads'; AASB 1052 'Disaggregated Disclosures'; AASB 2007-9 'Amendments to Australian Accounting Standards arising from the review of AASs 27, 29 and 31 [AASB 3, AASB 5, AASB 8, AASB 101, AASB 114, AASB 116, AASB 127 & AASB 137]; Interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities'. The existing requirements in AAS 27, AAS 29 and AAS 31 have been transferred to the above new and revised topic-based Standards and Interpretation. These requirements remain substantively unchanged. The new and revised Standards and Interpretation make some modifications to disclosures and provide additional guidance, otherwise there is no financial impact.

**Future impact of Australian Accounting Standards not yet operative**

The Department cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. Consequently, the Department has not applied early the following Australian Accounting Standards and Australian Accounting Interpretations that have been issued and which may impact the Department but are not yet effective. Where applicable, the Department plans to apply these Standards and Interpretations from their application date:

Title	Operative for reporting periods beginning on/after
AASB 101 'Presentation of Financial Statements' (September 2007). This Standard has been revised and will change the structure of the financial statements. These changes will require that owner changes in equity are presented separately from non-owner changes in equity. The Department does not expect any financial impact when the Standard is first applied.	1 January 2009
AASB 2008-13 'Amendments to Australian Accounting Standards arising from AASB Interpretation 17 – Distributions of Non-cash Assets to Owners [AASB 5 & AASB 110]. This Standard amends AASB 5 'Non-current Assets Held for Sale and Discontinued Operations' in respect of the classification, presentation and measurement of non-current assets held for distribution to owners in their capacity as owners. This may impact on the presentation and classification of Crown land held by the Department where the Crown land is to be sold by the Department for Planning and Infrastructure. The Department does not expect any financial impact when the Standard is first applied prospectively.	1 July 2009



**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

		<b>2009</b>	<b>2008</b>
		<b>\$000</b>	<b>\$000</b>
<b>6</b>	<b>Employee benefits expense</b>		
	Wages and salaries	141,436	127,963
	Superannuation - defined contribution plans <sup>(a)</sup>	13,466	12,135
	Long service leave	8,038	4,614
	Annual leave	17,354	13,108
	Judges' pensions - liability assumed by the Treasurer	46,526	13,157
		226,820	170,977
	(a) Defined contribution plans include West State and Gold State (contribution paid)		
	Employment on-costs such as workers' compensation insurance are included at note 13 'Other expenses'. The employment on-costs liability is included at note 26 'Provisions'.		
<b>7</b>	<b>Supplies and services</b>		
	Building Maintenance Contracts	1,486	1,479
	Communication	16,103	15,916
	Consultants & Contractors	42,839	38,420
	Consumables	2,026	1,932
	Materials	2,458	2,355
	Minor Equipment	4,676	2,969
	Resources free of charge	2,451	1,944
	Other	1,911	846
		73,950	65,861
<b>8</b>	<b>Depreciation and amortisation expense</b>		
	<u>Depreciation</u>		
	Buildings	3,645	3,604
	Plant, equipment and vehicles	1,459	1,490
	Total depreciation	5,104	5,094
	<u>Amortisation</u>		
	IT systems	4,200	2,574
	Leased buildings	4,604	529
	Leasehold improvements	1,594	1,053
	Total amortisation	10,398	4,156
		15,502	9,250
<b>9</b>	<b>Finance costs</b>		
	Finance lease finance charges	18,037	2,607
<b>10</b>	<b>Accommodation expenses</b>		
	Building rental operating lease expenses	18,546	20,614
<b>11</b>	<b>Grants and subsidies</b>		
	<b>Recurrent</b>		
	Criminal injuries	20,287	22,118
	Legal Aid	26,108	22,772
	Other grants and subsidies	9,644	5,795
		56,039	50,685

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

		<b>2009</b>	<b>2008</b>
		<b>\$000</b>	<b>\$000</b>
<b>12</b>	<b>Net gain/(loss) on disposal of non-current assets</b>		
	<u>Proceeds from disposal of non-current assets</u>		
	Gross proceeds on disposal	4	58
	<u>Costs of disposal of non-current assets</u>		
	Plant, equipment and vehicles	(111)	(109)
	Net gain/(loss)	<u>(107)</u>	<u>(51)</u>
<b>13</b>	<b>Other expenses</b>		
	Building repairs and maintenance	7,044	5,878
	Electricity and water	2,794	2,002
	Communication expenses	3,488	3,413
	Plant, equipment and vehicle operating lease expenses	2,635	2,390
	Plant, equipment and vehicle repairs and maintenance	522	385
	Vehicle hire, fuel, registration and management fees	1,362	1,538
	Insurance	651	483
	Doubtful debts expense	-	382
	Other staff costs	6,711	6,336
	Jurors' expenses <sup>(a)</sup>	3,417	3,128
	Computing licences	5,024	5,803
	Other expenses	6,398	7,893
		<u>40,046</u>	<u>39,631</u>
	(a) Includes travel and accommodation		
<b>14</b>	<b>User charges and fees</b>		
	Legal Services State Solicitors Office	2,584	2,537
	Public Trust Office fees	10,041	10,468
	Births, deaths and marriage fees	7,762	7,380
	Licences	123	132
	Court fees	42,061	37,783
	Miscellaneous fees and charges	105	119
		<u>62,676</u>	<u>58,419</u>
<b>15</b>	<b>Commonwealth grants and contributions</b>		
	<u>Recurrent</u>		
	Commonwealth recoup for Family Court and court fees	14,357	13,257
	Commonwealth recoup other	256	195
		<u>14,613</u>	<u>13,452</u>
<b>16</b>	<b>Other revenues</b>		
	Public Trust Office - common fund surplus	1,738	809
	Recoup of salaries and workers' compensation	1,557	2,246
	Residential recoveries	1,759	1,817
	Criminal injuries - recoups	1,177	1,220
	Recoups legal costs	1,177	2,020
	Recoup of information technology services	11,475	11,848
	Other miscellaneous revenue	4,392	5,360
		<u>23,275</u>	<u>25,320</u>

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

		<b>2009</b>	<b>2008</b>
		<b>\$000</b>	<b>\$000</b>
<b>17</b>	<b>Income from State Government</b>		
	Appropriation received during the year:		
	Service appropriations (a)	276,438	251,720
		276,438	251,720
	Liabilities assumed by the Treasurer during the financial year		
	Judges' pensions	46,526	13,157
		46,526	13,157

An actuarial assessment of the defined benefits obligations of the Judges' Pension Scheme is undertaken on an annual basis, in accordance with AASB 119 Employee Benefits.

Resources received free of charge (b)			
Determined on the basis of the following estimates provided by agencies.			
Western Australian Land Information Authority (Landgate)			
	- services for valuation services, land registration and information	139	132
Department of Treasury and Finance			
	- provision of integrated procurement services	247	236
	- notional management fee	144	71
Department of Corrective Services			
	- provision of contract management services	1,921	1,505
		2,451	1,944
		325,415	266,821

- (a) Service appropriations are accrual amounts reflecting the full 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.
- (b) 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.

**18 Restricted cash and cash equivalents**

<u>Non-current</u>			
	Accrued salaries suspense account	2,000	1,300
		2,000	1,300

Amount held in the salaries suspense account is to be used only for the purpose of meeting the 27th pay in a financial year that occurs every 11 years.

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

		<b>2009</b>	<b>2008</b>
		<b>\$000</b>	<b>\$000</b>
<b>19</b>	<b>Receivables</b>		
	<u>Current</u>		
	Receivables	7,428	6,447
	Allowance for impairment of receivables	(339)	(382)
	GST receivable	2,555	3,357
		<u>9,644</u>	<u>9,422</u>
	 <u>Prepayments</u>		
	Other debtors	447	237
	Total current	<u>10,091</u>	<u>9,659</u>

Reconciliation of changes in the allowance for impairment of receivables:

Balance at start of year	382	-
Doubtful debts expense recognised in the income statement	27	382
Amounts written off during the year	(2)	-
Amount recovered during the year	(68)	-
Balance at end of year	<u>339</u>	<u>382</u>

**20**    **Amounts receivable for services**

Current	2,378	3,624
Non-current	60,658	46,223
	<u>63,036</u>	<u>49,847</u>

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.

**21**    **Property, plant and equipment**

<u>Land</u>		
At fair value <sup>(a)</sup>	79,470	84,810
	<u>79,470</u>	<u>84,810</u>
<u>Buildings</u>		
At fair value <sup>(a)</sup>	180,760	180,044
	<u>180,760</u>	<u>180,044</u>
<u>Leased land and buildings</u>		
At fair value <sup>(a)</sup>	243,935	-
At cost	-	223,225
Accumulated depreciation	-	(1,825)
	<u>243,935</u>	<u>221,400</u>

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

	<b>2009</b>	<b>2008</b>
	<b>\$000</b>	<b>\$000</b>
<u>Leasehold improvements</u>		
At cost	21,965	14,192
Accumulated depreciation	(9,683)	(8,172)
Accumulated impairment losses	-	-
	12,282	6,020
<u>Plant and equipment</u>		
At cost	15,157	15,029
Accumulated depreciation	(11,215)	(10,350)
	3,942	4,679
<u>Work in progress</u>		
Buildings	44,177	35,233
IT systems	4,141	12,841
	48,318	48,074
Total property, plant and equipment	568,707	545,027

- (a) Land and buildings were revalued as at 1 July 2008 by the Western Australian Land Information Authority (valuation services). The valuations were performed during the year ended 30 June 2009 and recognised at 30 June 2009. In undertaking the revaluation, fair value was determined by reference to the cost of replacing the remaining future economic benefits embodied in the asset on the basis of depreciated replacement cost. In accordance with AASB 116.35 (b), accumulated depreciation has been netted off against the gross carrying amount of the asset and the net amount restated to the revalued amount of the asset.

Valuation Services, the Office of the Auditor General and the Department of Treasury and Finance assessed the valuations globally to ensure that the valuations provided (as at 1 July 2008) were compliant with fair value at 30 June 2009.

**Reconciliations**

Reconciliations of the carrying amounts of property, plant, equipment and vehicles at the beginning and end of the current and previous financial year are set out below.

<u>Land</u>		
Carrying amount at beginning of year	84,810	67,987
Correction of prior period error (a)	-	7,600
Revaluation (decrement)	(1,553)	9,223
Transferred to leased land	(3,787)	-
Carrying amount at end of year	79,470	84,810
<u>Buildings</u>		
Carrying amount at beginning of year	180,044	173,797
Additions	4,444	6,945
Revaluation increments/(decrement)	(83)	2,906
Depreciation	(3,645)	(3,604)
Carrying amount at end of year	180,760	180,044

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

	<b>2009</b>	<b>2008</b>
	<b>\$000</b>	<b>\$000</b>
<u>Leased land and buildings</u>		
Carrying amount at beginning of year	221,400	9,442
Additions	13,927	212,487
Depreciation	(4,604)	(529)
Revaluation increments	9,425	-
Transferred from Land	3,787	-
Carrying amount at end of year	<u>243,935</u>	<u>221,400</u>
<u>Leasehold improvements</u>		
Carrying amount at beginning of year	6,020	3,415
Additions	7,874	3,658
Depreciation	(1,594)	(1,053)
Disposals	(18)	-
Carrying amount at end of year	<u>12,282</u>	<u>6,020</u>
<u>Plant, equipment and vehicles</u>		
Carrying amount at beginning of year	4,679	4,971
Additions	818	1,333
Disposals	(96)	(135)
Depreciation	(1,459)	(1,490)
Carrying amount at end of year	<u>3,942</u>	<u>4,679</u>
<u>Work in progress</u>		
Carrying amount at beginning of year	48,074	40,298
Additions	39,474	25,027
Transfers to non-current assets	(39,230)	(17,251)
Carrying amount at end of year	<u>48,318</u>	<u>48,074</u>
<u>Total</u>		
Carrying amount at beginning of year	545,027	299,910
Correction of prior period error (a)	-	7,600
Additions	66,537	249,450
Revaluation	7,789	12,129
Depreciation	(11,302)	(6,676)
Disposals	(114)	(135)
Transfers to non-current assets	(39,230)	(17,251)
Carrying amount at end of year	<u>568,707</u>	<u>545,027</u>

(a) Land that has been bought to account this financial year as this was previously excluded in the Western Australian Land Information Authority valuation.

**22 Intangible assets**

<u>Computer software</u>		
At cost	48,435	33,730
Accumulated amortisation	(28,072)	(23,872)
	<u>20,363</u>	<u>9,858</u>
<u>IT systems</u>		
Carrying amount at start of year	9,858	5,787
Additions	14,705	6,645
Amortisation	(4,200)	(2,574)
Carrying amount at end of year	<u>20,363</u>	<u>9,858</u>

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

		2009	2008
		\$000	\$000
<b>23</b>	<b>Impairment of assets</b>		
	There were no indications of impairment to property, plant and equipment and intangible assets at 30 June 2009.		
	The Department held no goodwill or intangible assets with an indefinite useful life during the reporting period.		
<b>24</b>	<b>Payables</b>		
	<u>Current</u>		
	Trade payables	23,445	14,708
	Accrued interest	101	1,386
	Accrued salaries	1,829	1,253
	Total current	25,375	17,347
	The last pay day of the 2008-09 financial year was on 25 June 2009. A salary accrual of three working days were required to be taken up.		
	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.		
<b>25</b>	<b>Borrowings</b>		
	<u>Finance lease liabilities</u>		
	Current	1,707	1,071
	Non current	223,497	223,779
		225,204	224,850
	Lease liabilities are effectively secured as the rights to the leased assets revert to the lessor in the event of default.		
	Assets pledged as security		
	The carrying amounts of non-current assets pledged as security are:		
	<i>Finance leases</i>		
	<i>Leased land and buildings</i>		
	At fair value	243,935	-
	At cost	-	223,225
	Accumulated depreciation	-	(1,825)
		243,935	221,400
<b>26</b>	<b>Provisions</b>		
	<u>Current</u>		
	<u>Employee benefits provision</u>		
	Annual leave <sup>(a)</sup>	11,966	10,025
	Long service leave <sup>(b)</sup>	18,988	11,966
	Superannuation	2,430	1,742
		33,384	23,733
	<u>Other provisions</u>		
	<u>Employment on-costs <sup>(c)</sup></u>		
	Carrying amount at start of year	239	491
	Additional provisions recognised	78	-
	Other sacrifices of economic benefit	-	(252)
	Carrying amount at end of year	317	239
		33,701	23,972
	<u>Non-current</u>		
	Employee benefits provision		
	Long service leave <sup>(b)</sup>	14,742	15,479
	Superannuation	1,051	1,087
		15,793	16,566

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

	<b>2009</b>	<b>2008</b>
	<b>\$000</b>	<b>\$000</b>
<u>Other Provisions</u>		
<u>Employment on-costs</u>		
Carrying amount at start of year	177	182
Amounts used	(26)	(5)
Carrying amount at end of year	151	177
	15,944	16,743

(a) Annual leave liabilities have been classified as current as there is no unconditional right to defer settlement for at least 12 months after balance sheet date. Assessments indicate that actual settlement of the liabilities will occur as follows:

Within 12 months of balance sheet date	11,966	10,025
More than 12 months after balance sheet date	-	-
	11,966	10,025
	11,966	10,025

(b) Long service leave liabilities have been classified as current as there is no unconditional right to defer settlement for at least 12 months after balance sheet date. Assessments indicate that actual settlement of the liabilities will occur as follows:

Within 12 months of balance sheet date	18,988	11,966
More than 12 months after balance sheet date	14,742	15,479
	33,730	27,445
	33,730	27,445

(c) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including workers' compensation insurance. The provision is the present value of expected future payments. The associated expense is disclosed in Note 13 "Other Expenses"

## 27 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 resulting from the revaluation of non-current assets.

<u>Contributed equity</u>		
Balance at start of the year	34,807	8,437
Capital contributions	33,961	26,370
Balance at end of the year	68,768	34,807

### Reserves

#### Asset Revaluation Reserve

##### Land

Balance at start of the year	75,872	60,305
Correction of prior period error (*)	-	6,345
Net revaluation increment (decrement)	(338)	9,222
Balance at end of the year	75,534	75,872

##### Buildings

Balance at start of the year	175,356	172,450
Net revaluation increment	8,403	2,906
Balance at end of the year	183,759	175,356

Total asset revaluation reserve	259,293	251,228
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The asset revaluation reserve is used to record increments and decrements on the revaluation of non-current assets, as described in accounting policy note 3 (i).



**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

	<b>2009</b>	<b>2008</b>
	<b>\$000</b>	<b>\$000</b>
<u>Accumulated (deficit)/surplus</u>		
Balance at start of the year	64,904	59,313
Correction of prior period errors <sup>(*)</sup>	-	1,255
Operating (deficit)/surplus	<u>(23,068)</u>	<u>4,336</u>
Balance at end of the year	<u>41,836</u>	<u>64,904</u>
Total equity	<u><u>369,897</u></u>	<u><u>350,939</u></u>

(\*) Land that has been brought to account this financial year as this was previously excluded in the Western Australian Land Information Authority valuation.

**28 Notes to the Cash Flow Statement**

(a) Reconciliation of cash

Cash at the end of the financial year as shown in the Cash Flow Statement is reconciled to the related items in the Balance Sheet as follows:

Cash and cash equivalents	5,924	18,160
Restricted cash and cash equivalents (note 18)	<u>2,000</u>	<u>1,300</u>
	<u>7,924</u>	<u>19,460</u>

(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 Cash Flow Statement.

From 1 July 2000 the Government Employees Superannuation Board (GESB) assumed responsibility for the administration of the Judges' Pension Scheme. Under the new arrangement, 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 cash flow statement.

(c) Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities

Net cost of services (income statement)	(348,483)	(262,485)
Non-cash items:		
Depreciation and amortisation expense	15,502	9,250
Superannuation and Judges' Pensions expense	46,526	13,157
Resources received free of charge	2,451	1,944
Written down value of property, plant and equipment disposed	107	38
(Increase)/decrease in assets:		
Current Receivables	(1,023)	166
Other current assets	(210)	(1)
Increase/(decrease) in liabilities:		
Current Payables	8,370	5,484
Current Provisions	8,928	2,790
Other current liabilities	(709)	2,045
Change in GST in receivables/payables	802	(1,801)
Net cash provided by/(used in) operating activities	<u>(267,739)</u>	<u>(229,413)</u>

(d) At the balance sheet date, the Department had fully drawn on all financing facilities, details of which are disclosed in the financial statements.

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

	<b>2009</b>	<b>2008</b>
	<b>\$000</b>	<b>\$000</b>
<b>29 Resources provided free of charge</b>		
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:		
Department of Corrective Services	12,693	11,289
Law Reform Commission	119	70
Office of the Director of Public Prosecutions	1,535	1,486
Equal Opportunity Commissioner (a)	96	97
Office of the Information Commissioner (a)	83	56
Legal Costs Committee	44	40
Professional Standards Council	16	12
Legal Practice Board	805	588
Parliamentary Inspector CCC	82	152
Commissioner for Young People	7	646
Legal services provided by the State Solicitor's Office to:		
Other Government agencies	19,121	19,364
	<b>34,601</b>	<b>33,800</b>

(a) The Equal Opportunity Commission and the Office of the Information Commissioner both transferred to Office of Shared Services since April 2009.

**30 Commitments**

Summary of Commitments as follows:-

Capital expenditure commitments	10,825	41,164
Operating Leases	176,826	108,864
<u>Finance Leases</u>		
CBD Courts	213,100	212,486
Fremantle Justice Centre	12,104	12,364
Other expenditure commitments	16,687	9,856
	<b>429,542</b>	<b>384,734</b>

Detailed as follows:-

**(a) Capital expenditure commitments**

Within 1 year	10,825	31,316
Later than 1 year and not later than 5 years	-	9,848
	<b>10,825</b>	<b>41,164</b>

The capital commitments are for land and buildings.

The prior year capital expenditure commitments' balances have been recast for comparative purposes.

**(b) Lease Commitments**

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	19,067	19,684
Later than 1 year and not later than 5 years	65,882	43,022
Later than 5 years	91,877	46,158
	<b>176,826</b>	<b>108,864</b>

These commitments are all exclusive of GST and represent non-cancellable operating leases.

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

	<b>2009</b>	<b>2008</b>
	<b>\$000</b>	<b>\$000</b>
<b>(c) Finance lease commitments</b>		
(i) <u>CBD Courts Complex</u>		
The Department undertook a significant project involving the development of a new, purpose built District Court Building in Perth which was completed in June 2009. Additional works of \$1.917 million was completed by February 2009.		
Leasing costs are as follows:-		
Within 1 year	18,107	16,136
Later than 1 year and not later than 5 years	74,691	73,479
Later than 5 years	388,444	409,425
Minimum finance lease payments	481,242	499,040
Less future finance charges	(268,142)	(284,637)
Finance lease liability	213,100	214,403
less amount excluded for asset not yet commissioned	-	(1,917)
Present value of finance lease liabilities	213,100	212,486
The present value of finance leases payable is as follows:		
Within 1 year	1,418	811
Later than 1 year and not later than 5 years	9,468	7,790
Later than 5 years	202,214	203,885
Present value of finance lease liabilities	213,100	212,486
<i>Included in the financial statements as:</i>		
Current liabilities (note 25)	1,418	811
Non-current liabilities (note 25)	211,682	211,675
	213,100	212,486
(ii) <u>Fremantle Justice Complex</u>		
The Department of Justice in March 2001, entered into a 25 year lease agreement for the procurement of the Fremantle Justice Centre. Under this arrangement, ownership of the facility will transfer to the State at the conclusion of the lease term for payment.		
Leasing costs are as follows:-		
Within 1 year	1,561	1,561
Later than 1 year and not later than 5 years	6,245	6,245
Later than 5 years	17,955	19,516
Minimum finance lease payments	25,761	27,322
Less future finance charges	(13,657)	(14,958)
Finance lease liability	12,104	12,364
The present value of finance leases payable is as follows:		
Within 1 year	289	260
Later than 1 year and not later than 5 years	1,511	1,361
Later than 5 years	10,304	10,743
Present value of finance lease liabilities	12,104	12,364
<i>Included in the financial statements as:</i>		
Current liabilities (note 25)	289	260
Non-current liabilities (note 25)	11,815	12,104
	12,104	12,364
<b>(d) Other expenditure commitments</b>		
Operational <i>service contracts</i> contracted for at the balance sheet date but not recognised as liabilities, are payable as follows:		
Within 1 year	16,687	9,856
	16,687	9,856

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

		2009	2008
		\$000	\$000
<b>31</b>	<b>Contingent liabilities and contingent assets</b>		
	<u>Contingent liabilities</u>		
	In addition to the liabilities included in the financial statements the Department has the following contingent liabilities.		
	(i) Litigations in progress		
	Claims against the Department from the general public and offenders.	-	2,000
	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	12,714	10,655

Under the Contaminated Sites Act 2003, The Department is required to report known and suspected contaminated sites to the Department of the Environment and Conservation (DEC). In accordance with the Act, DEC classifies these sites on the basis of the risk to human health, the environment and environmental values. Where sites are classified as contaminated, remediation is required. Where sites are possibly contaminated, investigation is required. The Department may have a liability in respect of investigation or remediation expenses.

The Department has no known or suspected contaminated sites that are required to be reported under the Contaminated Sites Act 2003.

Contingent assets

The Department has no known contingent assets as at balance sheet date.

**32 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:

\$		
0 - 40,000	1	-
40,001 - 50,000	-	1
70,001 - 80,000	-	1
120,001 - 130,000	-	1
130,001 - 140,000	1	-
140,001 - 150,000	-	1
150,001 - 160,000	1	1
160,001 - 170,000	-	1
170,001 - 180,000	2	-
190,001 - 200,000	-	1
200,001 - 210,000	1	-
240,001 - 250,000	1	-
260,001 - 270,000	-	1
280,001 - 290,000	1	-
390,001 - 400,000	-	1
410,001 - 420,000	1	-
480,001 - 490,000	-	1
600,001 - 610,001	1	-
	10	10

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2009**

The total remuneration of senior officers for 2008-09 was \$2,515,624 (\$2,051,558 in 2007-08)

Senior officers are those who take part in the management of the organisation. Deemed to be the Director General, Executive Directors and other Divisional Heads.

The superannuation included 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).

**33 Related bodies**

The Department had no related bodies during the financial year.

**34 Affiliated bodies**

The Department provided more than 50% of the total operational funds to the Legal Aid Commission of Western Australia during the 2009 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 Management Act.

**35 Supplementary financial information**

	<b>2009</b>	<b>2008</b>
	<b>\$000</b>	<b>\$000</b>
<u>Write-offs</u>		
Revenue and debts to the State written off in accordance with Section 48 of the Financial Management Act.		
Accountable Authority	17,056	12,389
Total losses and write offs	17,056	12,389
The write offs pertain primarily to court fines which are Administered items.		
<u>Losses through theft, defaults and other causes</u>		
Losses of public moneys and property through theft, default or otherwise not covered by insurance.	-	1
<u>Gifts of Public Property</u>		
Gifts of public property provided by the Department	-	2

**36 Remuneration of Auditor**

Remuneration payable to the Auditor General for the financial year is as follows:

Auditing the financial statements and performance indicators	180	191
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**DEPARTMENT OF THE ATTORNEY GENERAL**  
**Notes to the Financial Statements**  
**for the year ended 30 June 2009**

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**37 Financial instruments**

(a) Financial risk management objectives and policies

Financial instruments held by the Department are cash and cash equivalents, restricted cash and cash equivalents, finance leases, Treasurer's advances and receivables and payables. All of the Department's cash is held in the public bank account (non-interest bearing) apart from restricted cash held in a special purpose account. The Department has limited exposure to financial risks. The Department's overall risk management program focuses on managing the risks identified below.

*Credit risk*

Credit risk arises when there is the possibility of the Department's receivables defaulting on their contractual obligations resulting in financial loss to the Department. The Department measures credit risk on a fair value basis and monitors risk on a regular basis.

The maximum exposure to credit risk at balance sheet date in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment, as shown in the table at Note 19 and Note 37(c).

Credit risk associated with the Department's financial assets is minimal because the main receivable is the amounts receivable for services (holding account). For receivables other than government, the Department trades only with recognised, creditworthy third parties. The Department has policies in place to ensure that sales of products and services are made to customers with an appropriate credit history. In addition, receivable balances are monitored on an ongoing basis with the result that the Department's exposure to bad debts is minimal. At the balance sheet date, there are no significant concentrations of credit risk.

Allowance for impairment of financial assets is calculated based on objective evidence such as observable data indicating changes in client credit ratings. For financial assets that are either past due or impaired, refer to Note 37(c) Financial Instruments Disclosures.

*Liquidity risk*

Liquidity risk arises when the Department is unable to meet its financial obligations as they fall due. The Department is exposed to liquidity risk through its trading in the normal course of business.

The Department has appropriate procedures to manage cash flows including drawdowns of appropriations by monitoring forecast cash flows to ensure that sufficient funds are available to meet its commitments.

*Market Risk*

Market risk is the risk that changes in market prices such as foreign exchange rates and interest rates will affect the Department's income or the value of its holdings of financial instruments. The Department does not trade in foreign currency and is not materially exposed to other price risks. Other than as detailed in the Interest rate sensitivity analysis table at Note 37(c), the Department is not exposed to interest rate risk because apart from minor amounts of restricted cash, all other cash and cash equivalents and restricted cash are non-interest bearing, and have no borrowings other than finance leases (fixed interest rate).

(b) Categories of financial instruments

In addition to cash and bank overdraft, the carrying amounts of each of the following categories of financial assets and financial liabilities at the balance sheet date are as follows:

	<b>2009</b>	<b>2008</b>
	<b>\$000</b>	<b>\$000</b>
<b>Financial assets</b>		
Cash and cash equivalents	5,924	18,160
Restricted cash and cash equivalents	2,000	1,300
Receivables	7,089	6,065
Amounts receivable for services	63,036	49,847
<b>Financial liabilities</b>		
Financial liabilities measured at amortised cost	250,478	242,728

The amount of loans and receivables excludes GST recoverable from the ATO (statutory receivable).

(c) Financial instrument disclosures

*Credit Risk and Interest Rate Risk Exposures*

The following tables disclose the Department's maximum exposure to credit risk, interest rate exposures and the ageing analysis of financial assets. The Department's maximum exposure to credit risk at the balance sheet date is the carrying amount of financial assets as shown below. The table discloses the ageing of financial assets that are past due but not impaired and impaired financial assets. The table is based on information provided to senior management of the Department.

The Department does not hold any collateral as security or other credit enhancements relating to the financial assets it holds.

The Department does not hold any financial assets that had to have their terms renegotiated that would have otherwise resulted in them being past due or impaired.

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**Notes to the Financial Statements**  
**for the year ended 30 June 2009**

**Interest rate exposures and ageing analysis of financial assets**

	<u>Interest rate exposure</u>				<u>Past due but not impaired</u>			
	Weighted average interest rate	Carrying Amount	Variable Interest Rate	Non- Interest Bearing	Current	Up to 3 months	3-12 months	1-2 years (ii) Impaired financial assets
2009	%	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Financial assets</b>								
Cash and cash equivalent assets		5,924	-	5,924	-	-	-	-
Restricted cash and cash equivalent assets		2,000	-	2,000	-	-	-	-
Receivables (i)		7,089	-	7,089	3,962	1,123	1,056	948
Amounts receivable for services		63,036	-	63,036	-	-	-	-
<b>Total financial assets</b>		<b>78,049</b>	<b>-</b>	<b>78,049</b>	<b>3,962</b>	<b>1,123</b>	<b>1,056</b>	<b>948</b>
<hr/>								
2008	%	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Financial assets</b>								
Cash and cash equivalent assets		18,160	-	18,160	-	-	-	-
Restricted cash and cash equivalent assets		1,300	-	1,300	-	-	-	-
Receivables (i)		6,065	-	6,065	3,653	908	1,329	175
Amounts receivable for services		49,847	-	49,847	-	-	-	-
<b>Total financial assets</b>		<b>75,372</b>	<b>-</b>	<b>75,372</b>	<b>3,653</b>	<b>908</b>	<b>1,329</b>	<b>175</b>

(i) The amount of receivables excludes GST recoverable from the ATO (statutory receivable)

(ii) These are net of \$339,000 (2008: \$381,506) allowance for impairment receivables which the department is not expecting to recover.



**DEPARTMENT OF THE ATTORNEY GENERAL**  
**Notes to the Financial Statements**  
**for the year ended 30 June 2009**

**Interest rate exposures and maturity analysis of financial liabilities**

	Weighted average interest rate %	Carrying Amount	Variable Interest Rate	Non- Interest Bearing	<u>Maturity dates</u>					
					Within 1 Year	1-2 years	2 - 3 years	3 - 4 years	4 - 5 years	Over 5 years
2009					\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Financial liabilities</b>										
Payables		25,274	-	25,274	-	-	-	-	-	-
Finance lease liabilities	8.05	225,204	-	-	1,707	2,077	2,537	2,937	3,429	212,517
<b>Total financial liabilities</b>		<b>250,478</b>	<b>-</b>	<b>25,274</b>	<b>1,707</b>	<b>2,077</b>	<b>2,537</b>	<b>2,937</b>	<b>3,429</b>	<b>212,517</b>
<hr/>										
2008	%				\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Financial liabilities</b>										
Payables		15,961	-	15,961	-	-	-	-	-	-
Finance lease liabilities	10.6	226,767	-	-	1,071	1,700	2,067	2,470	2,914	216,545
<b>Total financial liabilities</b>		<b>242,728</b>	<b>-</b>	<b>15,961</b>	<b>1,071</b>	<b>1,700</b>	<b>2,067</b>	<b>2,470</b>	<b>2,914</b>	<b>216,545</b>

(d) Interest rate sensitivity analysis

The Department is not exposed to interest rate risk because cash and cash equivalents and restricted cash are non-interest bearing.

(e) Net Fair Values

All financial assets and liabilities recognised in balance sheet, whether they are carried at cost or fair value, are recognised at amounts that represent a reasonable approximation of fair value unless otherwise stated in the applicable notes.

DEPARTMENT OF THE ATTORNEY GENERAL  
SCHEDULE OF INCOME AND EXPENSES BY SERVICE  
FOR THE YEAR ENDED 30 JUNE 2009

38 Disclosure of Administered Income and Expenses	2009		2008		2009		2008	
	Service 1		Service 5					
	Court and Tribunal Services		Services to Government		Unable to allocate		Total	
	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's
<b>COST OF SERVICES</b>								
<b>Expenses</b>								
Payments to Consolidated Fund	34,044	29,745	-	-	-	-	34,044	29,745
Transfer payments - other Government agencies	14,357	14,563	-	-	34,021	49,378	48,378	63,941
Other	378	100	-	-	550	1,276	928	1,376
Criminal property confiscations - grants	-	-	3,100	2,304	-	-	3,100	2,304
Criminal property confiscations - supplies and services	-	-	3,791	2,225	-	-	3,791	2,225
<b>Total administered expenses</b>	<b>48,779</b>	<b>44,408</b>	<b>6,891</b>	<b>4,529</b>	<b>34,571</b>	<b>50,654</b>	<b>90,241</b>	<b>99,591</b>
<b>Income</b>								
Judicial fines and penalties	31,913	27,945	-	-	-	-	31,913	27,945
Infringement penalties	-	-	2,128	1,800	-	-	2,128	1,800
Revenue for transfer - other Government agencies	14,542	14,518	-	-	34,020	49,378	48,563	63,896
Other	217	61	-	-	666	479	883	540
Criminal property confiscations	-	-	8,022	12,559	-	-	8,022	12,559
<b>Total Administered income</b>	<b>46,672</b>	<b>42,524</b>	<b>10,150</b>	<b>14,359</b>	<b>34,686</b>	<b>49,857</b>	<b>91,509</b>	<b>106,740</b>

The Schedule of Assets and Liabilities by Service should be read in conjunction with the accompanying notes.

DEPARTMENT OF THE ATTORNEY GENERAL  
SCHEDULE OF INCOME AND EXPENSES BY SERVICE  
FOR THE YEAR ENDED 30 JUNE 2009

**39 Administered assets and liabilities**

	2009 Service 1 Court and Tribunal Services \$'000's	2008 Service 1 Court and Tribunal Services \$'000's	2009 Service 5 Services to Government \$'000's	2008 Service 5 Services to Government \$'000's	2009 Unable to allocate \$'000's	2008 Unable to allocate \$'000's	2009 Total \$'000's	2008 Total \$'000's
<b>COST OF SERVICES</b>								
<b>Assets</b>								
Cash and restricted cash assets								
- Sutors Fund	50	11	-	-	(200)	-	(150)	11
- Departmental receipts in suspense	-	-	-	-	205	62	205	62
- Family Court	185	-	-	-	(505)	-	(320)	-
- Judicial fines and penalties	(3)	-	-	-	-	-	(3)	-
- Criminal Property Confiscations	-	-	13,691	12,560	-	-	13,691	12,560
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
Receivables	-	-	-	-	-	-	-	-
- Magistrates Court - fines and costs	16,555	16,150	-	-	-	-	16,555	16,150
- Fines Enforcement Registry	145,235	135,766	-	-	-	-	145,235	135,766
- Children's Court	222	406	-	-	-	-	222	406
- Criminal Property Confiscations	-	-	-	-	-	-	-	-
- Family Court	-	-	-	-	505	-	505	-
	-	-	-	-	-	-	-	-
Less: provision for doubtful debts	-	-	-	-	-	-	-	-
- Unrecoverable fees and fines - note 2 (c)	(84,905)	(77,942)	-	-	-	-	(84,905)	(77,942)
<b>Total Administered current assets</b>	<u>77,339</u>	<u>74,391</u>	<u>13,691</u>	<u>12,560</u>	<u>5</u>	<u>62</u>	<u>91,035</u>	<u>87,013</u>
<b>Total Administered Assets</b>	<u>77,339</u>	<u>74,391</u>	<u>13,691</u>	<u>12,560</u>	<u>5</u>	<u>62</u>	<u>91,035</u>	<u>87,013</u>
<b>Liabilities</b>								
- Payables	25	9	-	-	-	-	25	9
- Amounts due to the Treasurer (Appeals Cost Board)	1,100	1,100	-	-	-	-	1,100	1,100
<b>Total administered expenses</b>	<u>1,125</u>	<u>1,109</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>1,125</u>	<u>1,109</u>
<b>Total Administered Liabilities</b>	<u>76,214</u>	<u>73,282</u>	<u>13,691</u>	<u>12,560</u>	<u>5</u>	<u>62</u>	<u>89,910</u>	<u>85,904</u>

**40 Events occurring after the balance sheet date**

There were no events occurring after the balance sheet date.

#### 41 Explanatory statement

Significant variations between estimates and actual results for income and expense as presented in the financial statement titled 'Summary of Consolidated Account Appropriations and Income Estimates' are shown below. Significant variations are considered to be those greater than 5% and \$300,000.

#### Significant variances between estimate and actual for 2009

##### Total appropriation provided to deliver services

	<b>2009 Estimate \$000</b>	<b>2009 Actual \$000</b>	<b>Variation \$000</b>
<u>Court and Tribunal Services</u>	259,247	326,002	66,755
<p>Service 1 - Court and Tribunal Services Increased expenditure is mainly due to a significantly higher actuarial assessment of Judicial Pensions. In addition increases in staff costs, depreciation, resources received free of charge, accused cost payments and court security costs were incurred.</p>			
<u>Advocacy, Guardianship and Administration Services</u>	3,154	3,613	459
<p>Service 2 - Advocacy, Guardianship and Administration Services Increased expenditure is due to increases in staff costs, computing services and higher building rental costs.</p>			
<u>Trustee Services</u>	13,749	16,581	2,832
<p>Service 3 - Trustee Services Increased expenditure is due to increases in staff costs, computing services and depreciation. Additional demand for trustee services also resulted in higher costs, which were largely offset by increased revenue.</p>			
<u>Births, Deaths and Marriages</u>	6,222	5,715	(507)
<p>Service 4 - Births Deaths and Marriages The expenditure saving relates largely to the delay in the commencement of the conversion of historic paper based records to an electronic format project.</p>			
<u>Services to Government</u>	62,657	70,833	8,176
<p>Service 5 - Services to Government Increased expenditure is mainly due to increases in computing services, depreciation and ex-gratia payments.</p>			
<u>Legal Aid Assistance</u>	24,422	26,303	1,881
<p>Service 6 - Legal Aid Assistance Increased expenditure is due mainly to grants provided to the Legal Aid Commission. The increased costs for 2008-09 relates to expensive legal cases and additional costs for the administration of the Finance Brokers Fund.</p>			

	<b>2009 Actual \$000</b>	<b>2008 Actual \$000</b>	<b>Variance \$000</b>
<b>Significant variances between actuals for 2008 and 2009</b>			
<b>Total appropriation provided to deliver services and Total income</b>			
Total appropriation provided to deliver services for the year	276,438	251,720	24,718
Total income	100,564	97,191	3,373

Total appropriation provided to deliver services for the year

The increased appropriation in 2008-09 is mainly due to the increase in funding for the financing charges associated with the completion of the new District Court Building (which opened in June 2008).

Total income

The increased income is mainly due to increases in the collection of civil court fees, as well as increases in enforcement fees collected through the Fines Enforcement Registry.

**Service Expenditure**

<u>Court and Tribunal Services</u>	326,002	244,768	81,234
Service 1 - Court and Tribunal Services			
Increased expenditure is mainly due to a significantly higher actuarial assessment of Judicial Pensions and leave provisions. Increased staff costs as well as significant additional financing costs and servicing costs associated with the completion and operation of the new District Court Building also account for the variation.			
<u>Advocacy, Guardianship and Administration Services</u>	3,613	3,094	519
Service 2 - Advocacy, Guardianship and Administration Services			
Increased expenditure is mainly due to increases in staff costs.			
<u>Trustee Services</u>	16,581	14,447	2,134
Service 3 - Trustee Services			
Increased expenditure is mainly due to increases in staff costs.			
<u>Births, Deaths and Marriages</u>	5,715	4,778	937
Service 4 - Births Deaths and Marriages			
Increased expenditure is mainly due to the commencement of the historic paper based records to an electronic format project part way through 2008-09 and increases in staff costs.			
<u>Services to Government</u>	70,833	69,744	1,089
Service 5 - Services to Government			
The cost for this service increased in 2009 due to a range of factors including increases in staff costs and depreciation.			
<u>Legal Aid Assistance</u>	26,303	22,845	3,458
Service 6 - Legal Aid Assistance			
Increased expenditure is mainly due to increases in staff costs as well as costs associated with the opening of a new Legal Aid Office in the Kimberley region.			

**Significant variances between estimate and actual for 2009**

	<u>2009 Estimate \$000</u>	<u>2009 Actual \$000</u>	<u>Variance \$000</u>
<b>Capital Contribution</b>			
Capital contribution	54,156	33,961	(20,195)

The saving is due to the deferment of the Kalgoorlie Court upgrade and the Central Law Court refurbishment.

**Significant variances between actuals for 2008 and 2009**

	<u>2009 Actual \$000</u>	<u>2008 Actual \$000</u>	<u>Variance \$000</u>
<b>Capital Contribution</b>			
Capital contribution	33,961	25,222	8,739

Significant variances between actuals for 2008 and 2009

The increase is largely due to significant capital works undertaken in relation to the Central Law Court refurbishment project during 2008-09.

**Significant variances between estimate and actual for 2009**

	<u>2009 Estimate \$000</u>	<u>2009 Actual \$000</u>	<u>Variance \$000</u>
<b>Administered Revenues</b>			
Total income disclosed as Administered Income	98,324	91,509	(6,815)

Decrease is a reflection of the net movements in judicial fines and penalties, revenue from other agencies and criminal property confiscations.

**Significant variances between actuals for 2008 and 2009**

	<u>2009 Actual \$000</u>	<u>2008 Actual \$000</u>	<u>Variance \$000</u>
<b>Administered Revenues</b>			
Judicial fines and penalties	31,913	27,945	3,968
Additional revenue reflects the current performance levels in fines enforcement.			
Revenue from other agencies	48,563	63,896	(15,334)
Level of fines forwarded to Fines Enforcement Registry from other agencies.			
Criminal Property Confiscations	8,022	12,559	(4,537)
Decrease in revenue reflects the Department of Public Prosecutors' performance in property confiscations in 2008-09.			
Total administered transactions:	91,509	106,740	15,231
Decrease is a reflection of the net movements in the above three revenue items.			

**DEPARTMENT OF THE ATTORNEY GENERAL**  
**Notes to the Financial Statements**  
**for the year ended 30 June 2009**

**42 Special Purpose Accounts and Treasurer's Advance Accounts**

Account	2008-09				2007-08			
	Opening Balance	Receipts	Payments	Closing Balance	Opening Balance	Receipts	Payments	Closing Balance
	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000
1 Civil Court Judgement - Government Account	27	775	755	47	111	653	737	27
2 Land Acquisition Account	8,594	103,765	105,350	7,009	4,079	148,106	143,591	8,594
3 Suitor's Fund Account	36	217	178	75	25	61	50	36
4 Clerk of Courts Trust Account	6,549	51,214	49,196	8,567	6,533	41,646	41,630	6,549
5 Departmental Receipts in Suspense	62	34,686	34,571	177	858	49,858	50,654	62
6 Sheriff's and District Court Bailiff's Trust Account	75	1,426	1,413	88	447	802	1,174	75
7 Companies Liquidation Account	724	-	725	(1)	732	-	8	724
8 Department of the Attorney General - Settlement Payments	2	-	-	2	2	-	-	2
9 Family Court - Commonwealth Advance Account	-	14,542	14,357	185	45	14,518	14,563	-
10 Appeal Costs Board - Treasurer's Advance Account	1,100	-	-	1,100	1,100	-	-	1,100
11 Criminal Property Confiscations Account	12,560	8,022	6,891	13,691	4,530	12,559	4,529	12,560

Departmental receipts in suspense balances are included in the Department's controlled cash and cash equivalents balance.

**DEPARTMENT OF THE ATTORNEY GENERAL**

**Notes to the Financial Statements  
for the year ended 30 June 2009**

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**1 Civil Court Judgements - Government Account**

To hold moneys arising from Civil Court Judgements made in favour of Government departments and authorities.

**2 Land Acquisition Account**

To hold moneys for and on behalf of Government departments and authorities pending settlement of land acquisition.

**3 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.

**4 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.

**5 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 Management Act*.

**6 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.

**7 Companies Liquidation Account**

To hold funds received by the Director General, Department of the Attorney General pursuant to section 427 of the Companies (Western Australia) Code.

**8 Department of Attorney General - Settlement Payments Account**

To hold monies received by the Department of the Attorney General and Small Claims Tribunal as a consequence of actions to resolve disputes.

**9 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 Fund.

**10 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.

**11 Criminal Property Confiscations Account**

The purpose of this account is to hold moneys and proceeds of property recovered or confiscated by the State in accordance with the Act, and to distribute such moneys in accordance with the Act.



**DEPARTMENT OF THE ATTORNEY GENERAL**  
**Notes to the Financial Statements**  
**for the year ended 30 June 2009**

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**43 Commonwealth Grant - Christmas and Cocos Island**

	<b>2009</b>	<b>2008</b>
	<b>\$</b>	<b>\$</b>
<b>Opening Balance</b>	(2,293)	22,391
<b>Income</b>		
Commonwealth reimbursements	182,142	177,243
Court fees	1,125	520
Total receipts	<u>183,267</u>	<u>177,763</u>
<b>Expenses</b>		
Operating costs	<u>216,574</u>	<u>202,447</u>
Total payments	<u>216,574</u>	<u>202,447</u>
<b>Closing Balance</b>	(35,600)	(2,293)

Operating costs are based on actuals plus identified estimated services as agreed in the 'Standard Delivery Service Agreement' signed by the Commonwealth and the State.

## DISCLOSURES AND LEGAL COMPLIANCE

### Key Performance Indicators

#### Certification of Performance Indicators for the Year Ending 30 June 2009

I hereby certify that the key performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Department of the Attorney General's performance and fairly represent the performance of the Department of the Attorney General for the financial year ended 30 June 2009.

A handwritten signature in black ink, appearing to read "Cheryl Gwilliam". The signature is written in a cursive style with a long horizontal flourish at the end.

Cheryl Gwilliam  
Director General  
9 September 2009

## Key Performance Indicators

### Our purpose

To provide high quality and accessible justice, legal, registry, guardianship and trustee services that meet the needs of the community and Government.

### Relationships to Government goals

Broad, high-level government goals are supported at agency level by more specific desired outcomes. Agencies deliver services to achieve these desired outcomes that ultimately contribute to meeting the higher level government goals. The following table illustrates the relationship between the Department of the Attorney General's agency level desired outcome, services delivered by the agency and the State's strategic goals.

Government Goal	DotAG-Desired Outcome	Services
Outcomes-Based Service Delivery: Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.	The right to justice and safety for all people in Western Australia is preserved and enhanced.	<ul style="list-style-type: none"><li>▪ Court and tribunal services</li><li>▪ Advocacy, guardianship and administration services</li><li>▪ Trustee services</li><li>▪ Births, deaths and marriages</li><li>▪ Services to Government</li><li>▪ Legal Aid assistance</li></ul>

### Changes to the Department's Outcome Based Management Structure

There were no changes to the Department's Outcome Based Management framework for 2008-09.

The following performance indicators should be read in conjunction with the accompanying *notes to the key performance indicators*. Explanations are provided where there is a significant variation between 2008-09 budget targets and actual results.

## Service 1|Court and Tribunal Services

Court and tribunal services play a crucial role in the Department's goal to preserve and enhance the right to justice and safety for all people in the Western Australian community. Their role is to instil and maintain community trust and confidence in the court system, to provide 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 collectively as courts) provide the community with a method to resolve disputes and enforce the judicial decision.

Two distinct entities administer courts in Western Australia: the independent judicial officers who preside over the various courts; and the Department of the Attorney General that provides the courts with administrative services, support and infrastructure.

The Department, in partnership with the judiciary, works to instil and maintain community trust and confidence in the court system.

### Key Effectiveness Indicators

The time taken to achieve an outcome in the courts is considered a primary indicator of the effectiveness of the court processes. The effectiveness indicators are measured separately for each of the courts' jurisdictions and the Fines Enforcement Registry. The effectiveness indicators are outlined below.

#### Time to trial

Time to trial is a measure of the median time taken from a specified initial date (e.g. committal, lodgement) to the first trial date. The proportion of matters needing a trial, and the time required for the court and associated services to satisfy complex pre-trial issues, increases with the seriousness and complexity of the matter.

#### Time to finalise

This indicator is measured by calculating the median time to finalise a matter from its lodgement to when a judgement is made.

#### Time to finalise non-trial matters

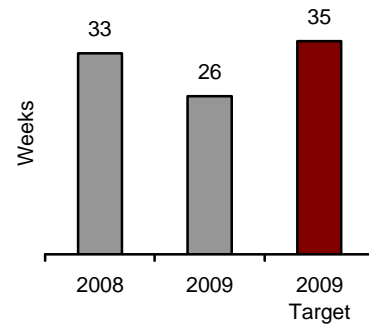
This indicator measures the median time to finalise cases that are heard by a Registrar or Judge at conferences or hearings, before proceeding to trial and is an indicator of the capacity of the court to resolve matters by methods other than formal trial.

#### Percentage of fines satisfied within 12 months

This indicator 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.

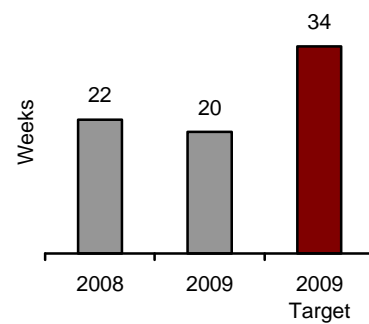
### Supreme Court - Criminal - Time to Trial

The result for this indicator was a significant improvement over last year and better than the budget target. The reduction in the time to trial was primarily due to the operation of the Magistrates Court Stirling Gardens. The Magistrates Court Stirling Gardens is operated by two Supreme Court Registrars serving as Magistrates. This process allows every Supreme Court criminal case to be seamlessly managed between Jurisdictions from the one Supreme Court site, improving the time to trial.



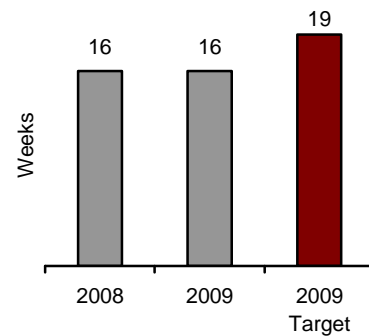
### Supreme Court - Civil - Time to Trial

The median time to trial was better than the budget target due to an increase in finalisations. The increase in finalisations resulted from additional court lodgements and fewer complex matters being processed by the Supreme Court.



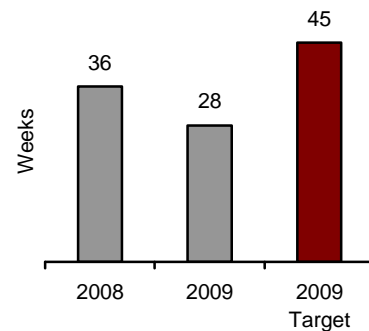
### Supreme Court - Civil - Time to Finalise Non-Trial Matters

The time to finalise non-trial civil cases has remained better than the budget target due to better case management, Court listings and a greater number of cases being resolved by mediation.



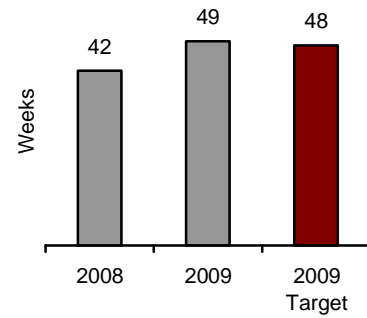
### Court of Appeal - Criminal - Time to Finalise

This year's improvement is largely due to the implementation of priority listings for criminal appeals which resulted in more timely finalisations.



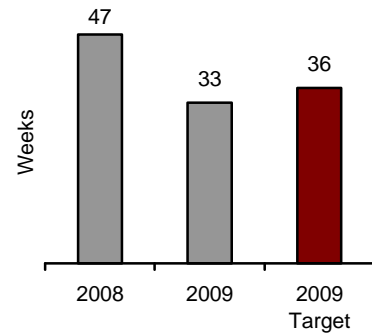
### Court of Appeal - Civil - Time to Finalise

No significant variation from target.



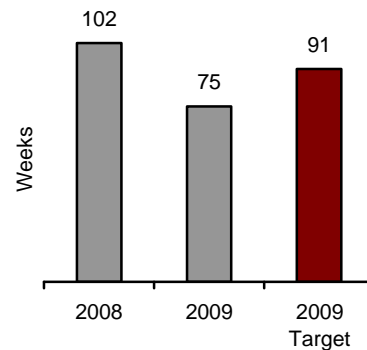
### District Court - Criminal - Time to Trial

No significant variation from target.



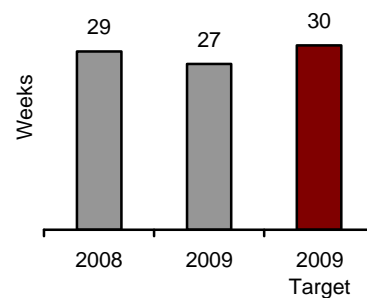
### District Court - Civil - Time to Trial

The results for this indicator are volatile and vary from year to year due to the relatively small number of matters finalised by trial (approximately 4% of all civil matters in the District Court are finalised by trial).



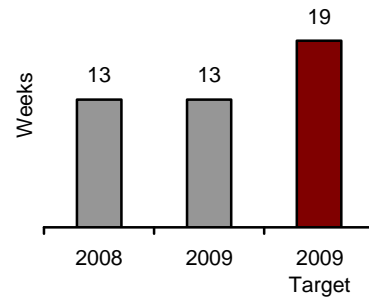
### District Court - Civil - Time to Finalise Non-Trial Matters

The time to finalise non-trial matters was better than target as a number of older civil cases were finalised during the year.



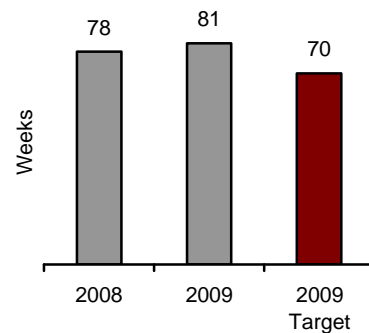
### State Administrative Tribunal - Time to Finalise

The target and actual result for this indicator are not comparable because the target was set to reflect the average time to finalise matters while the actual result for 2008-09 is the median time to finalise. The median time to finalise matters is considered a more appropriate measure as it minimises the impact a small number of extremely high or low individual scores can have on the year end result.



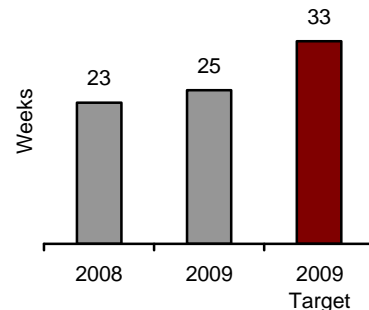
### Family Court of WA - Time to Trial

The target and actual result for this indicator are not comparable because the target was set to reflect the average time to finalise matters while the actual result for 2008-09 is the median time to finalise. The median time to finalise matters is considered a more appropriate measure as it minimises the impact a small number of extremely high or low individual scores can have on the year end result.



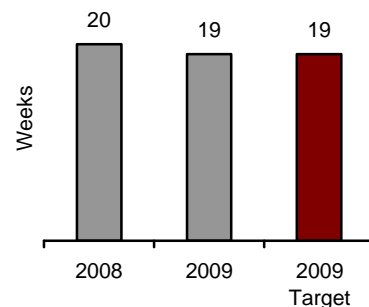
### Family Court of WA - Time to Finalise Non-Trial Matters

The target and actual result for this indicator are not comparable because the target was set to reflect the average time to finalise matters while the actual result for 2008-09 is the median time to finalise. The median time to finalise matters is considered a more appropriate measure as it minimises the impact a small number of extremely high or low individual scores can have on the year end result.



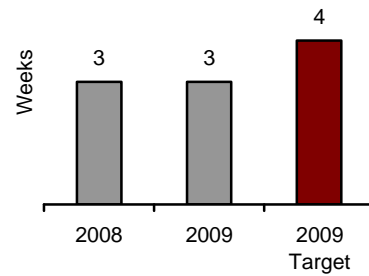
### Magistrates Court - Criminal and Civil - Time to Trial

No significant variation from target.



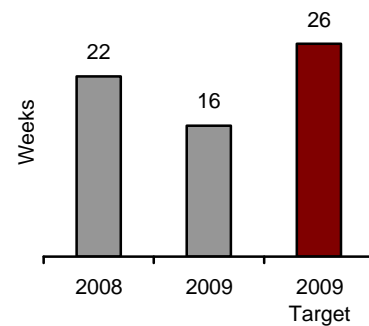
### Magistrates Court - Civil - Time to Finalise Non-Trial Matters

There was an increase in the number of cases that were required to be dealt with in a short time frame (e.g. restraining orders). This resulted in a decrease in the time to finalise non trial matters compared to the target.



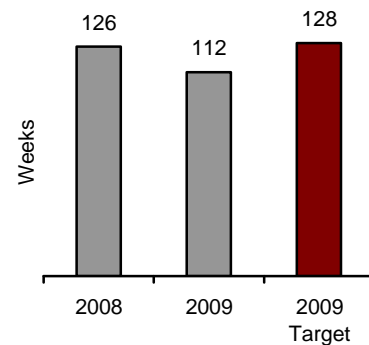
### Coroner's Court - Time to Finalise Non-Trial Matters

Additional resources provided during 2007-08 resulted in the finalisation of a large number of older non-inquest cases in 2008-09.



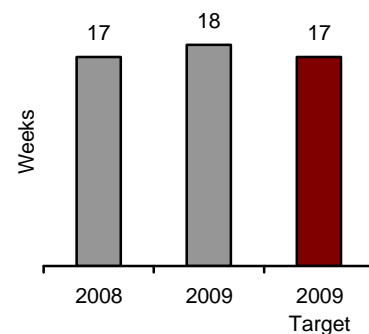
### Coroner's Court - Time to Trial

The timely completion of inquests for a number of high profile cases resulted in a reduction in the median time to trial.



### Children's Court - Criminal - Time to Trial

No significant variation from target.

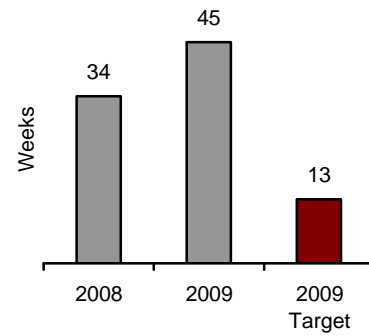




### Children's Court - Civil - Time to Trial

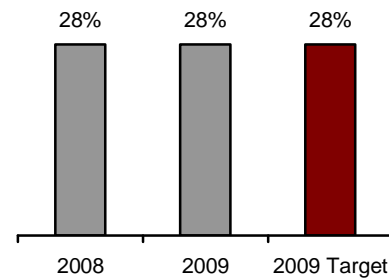
The target and actual result for this indicator are not comparable because the target was set to reflect the time to trial for all matters, while the actual result reflects the time to trial for care and protection matters only. Care and protection matters, where safety and future living circumstances of children are determined, are considered to be the key indicator for this jurisdiction.

The time to trial increased in 2008-09 as new processes were implemented by the Department of Child Protection for dealing with matters before the Children's Court. This includes greater levels of disclosure and mediation prior to trial.



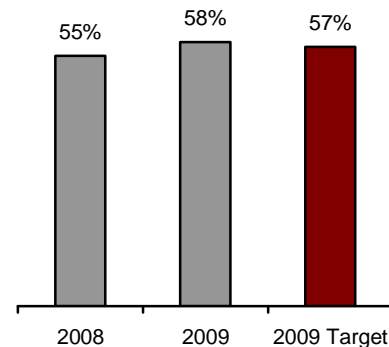
### Fines Enforcement Registry - Percentage of fines satisfied within 12 months fines and costs

No significant variation from target.



### Fines Enforcement Registry - Percentage of fines satisfied within 12 months infringements

No significant variation from target.



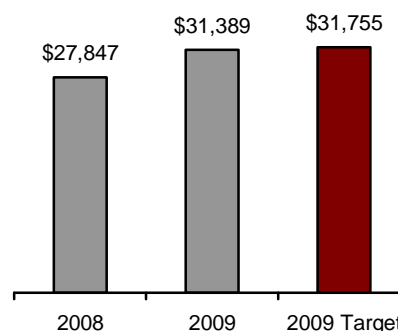
## Efficiency Indicators

### Cost per case

These indicators measure the average cost per case (criminal/civil) for all matters finalised within each jurisdiction (including matters finalised without trial and those finalised administratively), and the cost per enforcement action to finalise outstanding fines and infringements.

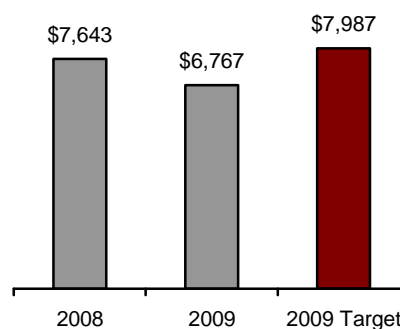
#### Supreme Court - Criminal - Cost per Case

No significant variation from target.



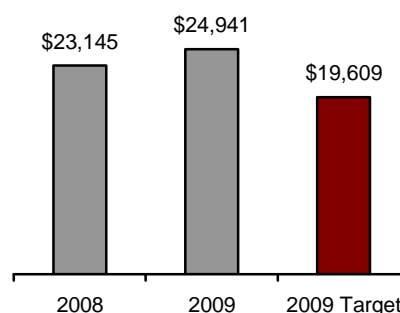
#### Supreme Court - Civil - Cost per Case

The lower than targeted cost per case is due to an increase in finalisations, in particular, an increase in matters being resolved by mediation (28% above target).



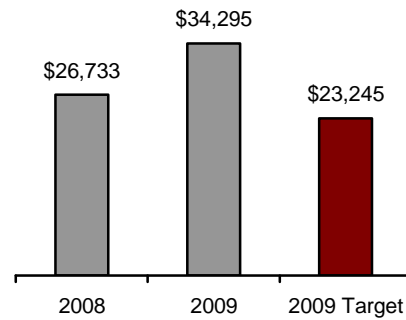
#### Court of Appeal - Criminal - Cost per Case

The higher cost per case was due to fewer finalisations and increased costs. Finalisations were 14% lower than anticipated as the Court of Appeal dealt with more complex cases while increased costs were mainly due to CPI and salary increases.



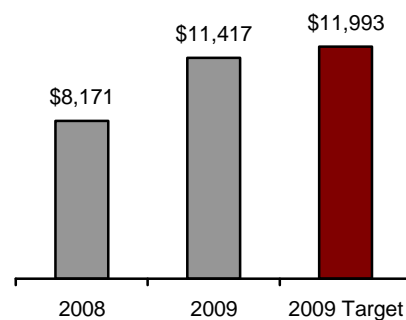
### Court of Appeal - Civil - Cost per Case

The higher cost per case was due to fewer finalisations and increased costs. Finalisations were 20% lower than anticipated as the Court of Appeal dealt with more complex cases while increased costs were mainly due to CPI and salary increases.



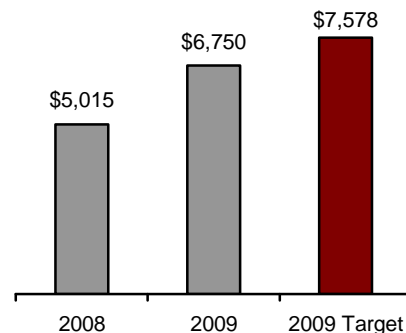
### District Court - Criminal - Cost per Case

No significant variation from target.



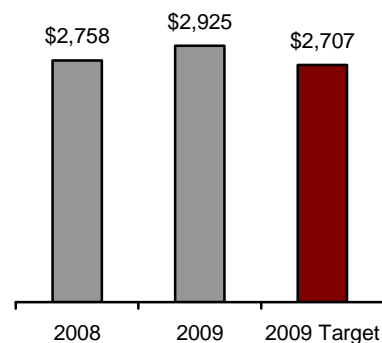
### District Court - Civil - Cost per Case

The lower cost per case was due to higher than anticipated finalisations (14% above target). The increase in finalisations can be attributed to a 20% rise in new cases and an increase in the number of cases finalised by consent and default judgements.



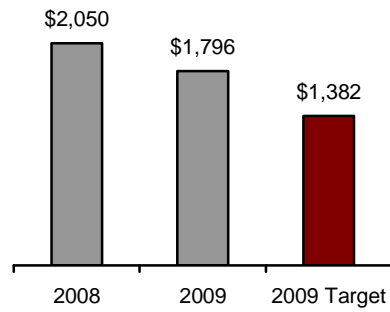
### State Administrative Tribunal - Cost per Case

No significant variation from target.



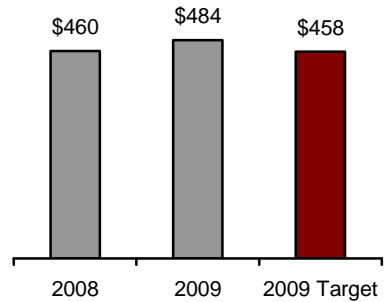
### Family Court of WA - Cost per Case

The higher cost per case was due to fewer finalisations and increased costs. Finalisations were 9% lower than anticipated due to the limited impact of the “deeming rule” which was introduced to close matters where no action had been taken for twelve months or more. Increased costs were mainly due to CPI and salary increases.



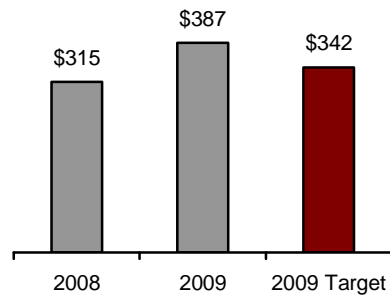
### Magistrates Court - Criminal - Cost per Case

No significant variation from target.



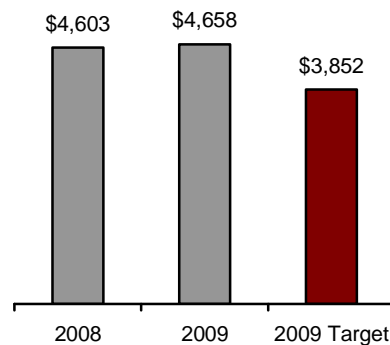
### Magistrates Court - Civil - Cost per Case

The higher cost per case was due to increased costs, in particular, expenditure on court security, costs in regional areas, CPI and salary increases.



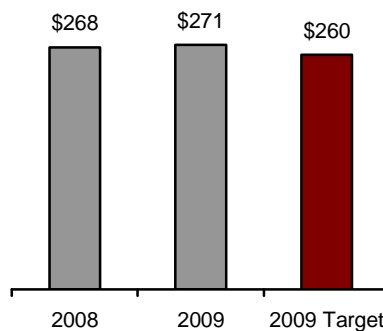
### Coroner's Court - Cost per Case

The higher cost per case was due to increased costs, in particular, cost increases for the transportation of deceased persons for autopsy, toxicology services, CPI and salary increases.



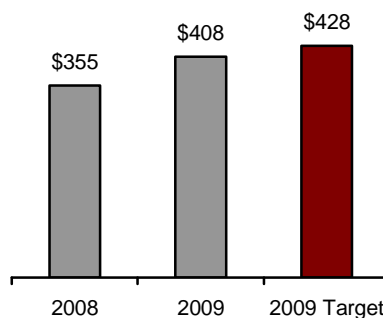
### Children's Court - Criminal - Cost per Case

No significant variation from target.



### Children's Court - Civil - Cost per Case

No significant variation from target.



### Fines Enforcement Registry - Cost per Enforcement

The lower cost per enforcement action was due to significantly higher than anticipated lodgements (34% above budget target). Both the number of court fines and infringements lodged at the Registry increased during the year.



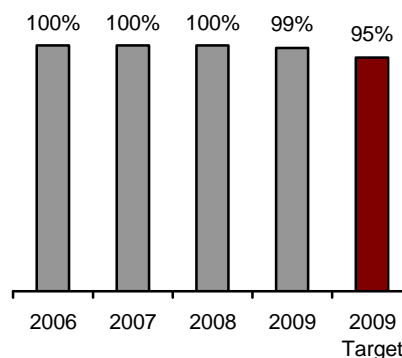
## Service 2| Advocacy, guardianship and administration services

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 preservation and enhancement of the right to justice and safety for all its people requires that the State safeguards 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.

### Proportion of customers provided with advocacy relative to number of referrals

This indicator measures the number of matters allocated for advocacy as a percentage of the total referrals, including community referrals.

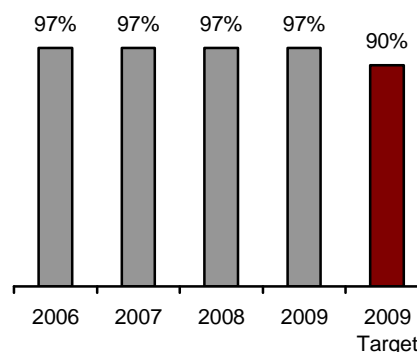
No significant variation from target.



### The percentage of customers surveyed satisfied with information and advice provided by Office of the Public Advocate

This indicator measures the satisfaction level of clients in respect to the information and advice received at training sessions.

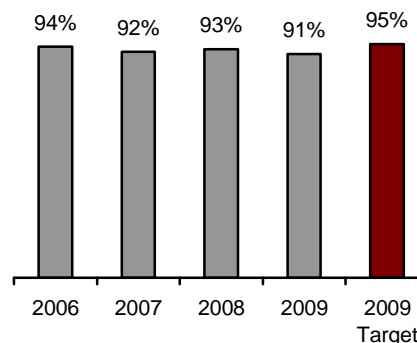
No significant variation from target.



### Guardian of last resort allocated within one 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.

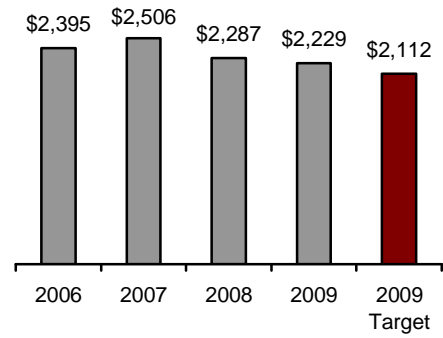
No significant variation from target.



### Average cost 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.

No significant variation from target.



## Service 3 | Trustee Services

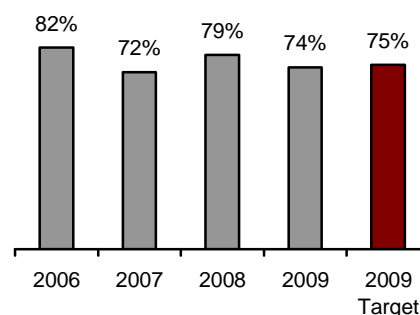
Equitable access to trustee services for all Western Australians is a crucial element in preserving and enhancing their right to justice and safety. Providing trustee services is the responsibility of the Public Trustee.

The Public Trustee is a statutory authority within the provisions of the *Financial Management Act 2006*. It provides a funds management and investment service through the operation of the Common Account - 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.

### 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.

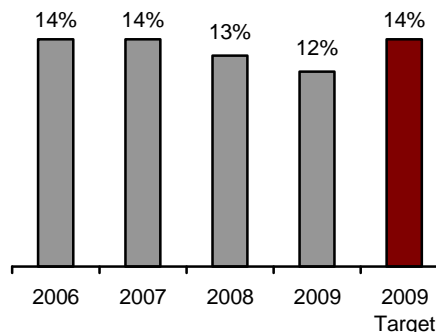
No significant variation from target.



### Number of estates relative to the number of adult deaths in WA

This indicator measures the Public Trustee's performance in the market to monitor its success in providing an estate administration service for all Western Australians. The indicator represents the number of estates/deaths reported as a percentage of the number of adult deaths in Western Australia.

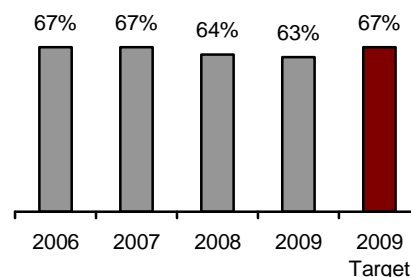
No significant variation from target.



### Percentage 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.

No significant variation from target.

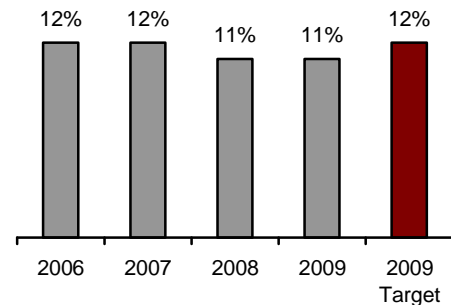




## Extent to which the Public Trustee maintains a market share in drawing wills naming Public Trustee as executor

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 percentage of the total number of adult deaths in Western Australia.

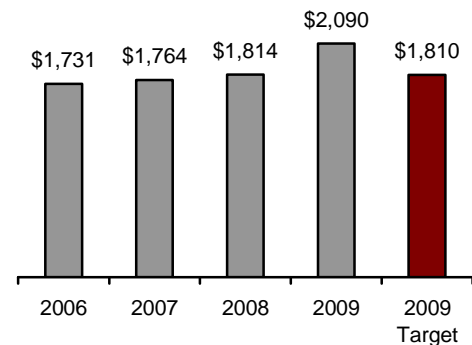
No significant variation from target.



## Average cost per deceased estate administered

This indicator measures the average cost per deceased estate administered. It is calculated by dividing the total cost of administering deceased estates by the number of deceased estates processed during the year.

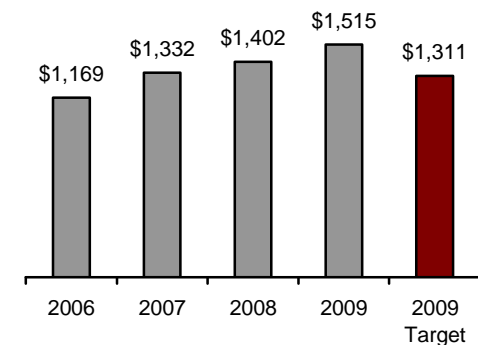
The increased costs were largely due to expenses associated with the implementation of the new trust management computer system, CPI and salary increases.



## Average cost per trust managed

This indicator measures the average cost of managing a trust. It is calculated by dividing the total cost of providing trust management services, by the number of trusts under management.

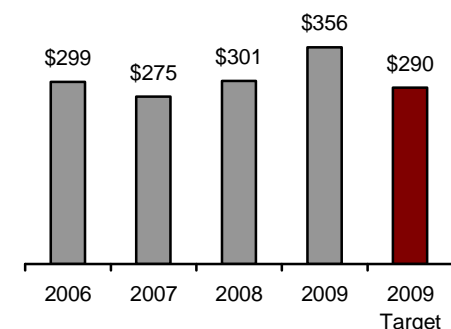
The increased costs were largely due to expenses associated with the implementation of the new trust management computer system, CPI and salary increases.



## Average cost per will prepared

This indicator measures the average cost per will prepared. It is calculated by dividing the number of wills prepared for the year into full accrual cost of the wills service.

The increased costs were largely due to expenses associated with the implementation of the new trust management computer system, CPI and salary increases.



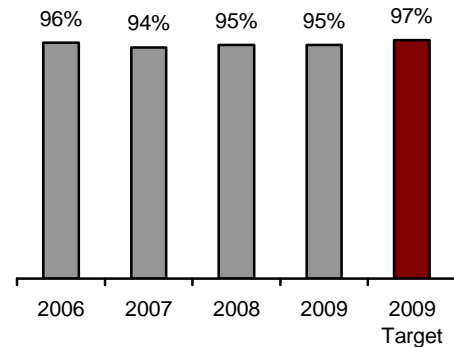
## Service 4 | Births, Deaths and Marriages

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.

### Extent to which births, deaths and marriages source information is recorded error free

This indicator measures the percentage of new registrations accurately recorded by the registry, excluding incorrect source information provided by customers.

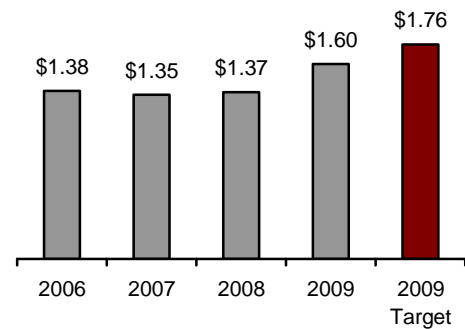
No significant variation from target.



### Average cost of registration services

This indicator measures the unit cost of creating, amending and issuing information and storing records indefinitely.

No significant variation from target.



## Service 5 | Services to Government

Inherent in justice and safety for all people in Western Australia is the integrity of the Government's legal dealings, and provision of legal services of the highest quality to all Government agencies. KPIs for this service are derived from two separate areas within the Department of the Attorney General: State Solicitor's Office and Parliamentary Counsel's Office

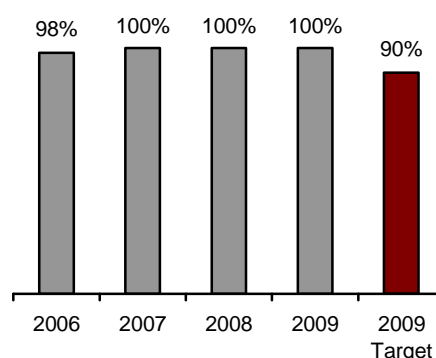
The State Solicitor's Office provides a broad-based legal service to Government and its agencies. These services include the provision of legal advice, conduct of litigation, preparation of legal documents and representation as counsel in courts and tribunals.

The Parliamentary Counsel ensures that Government policies are put into appropriate legislation in a timely manner, thereby contributing to preservation and enhancement of the right to justice and safety for all people in Western Australia. As well as preparing legislation, the Parliamentary Counsel also ensures the public is given access to, and information about, existing legislation.

### Extent to which government departments are satisfied with legal services

This indicator measures client satisfaction with the quality of legal services provided by the State Solicitor's Office. It is measured through a client survey and targets chief executive officers (CEOs) of Government departments and agencies.

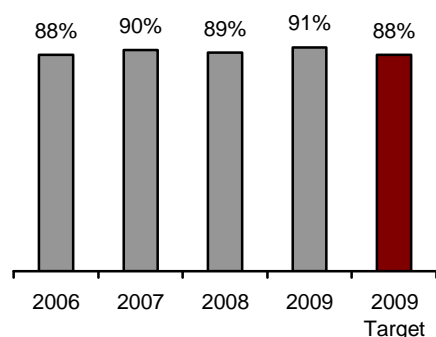
No significant variation from target.



### Extent to which legislation is drafted in a timely manner to effect the Government's legislative programme

This key indicator measures whether the legislative programme 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 programme.

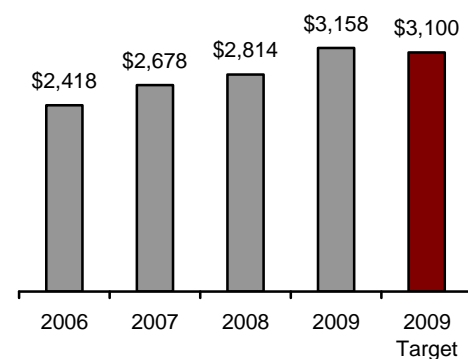
No significant variation from target.



### Average cost per legal matter

This indicator measures the average cost of a legal matter, which is defined as an initiating instruction received from a client in the reporting year, plus any other matter active during the reporting year and upon which some legal work was conducted. It also includes work in progress.

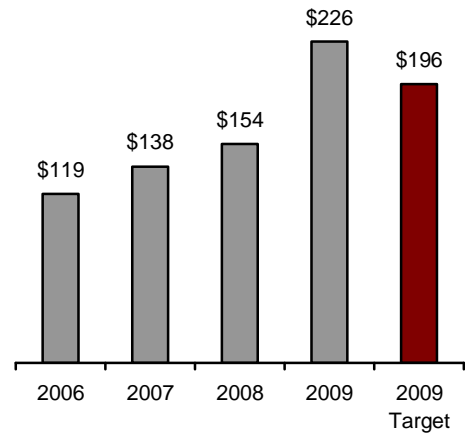
No significant variation from target.



### Average cost per page output

This indicator measures the average cost of drafting service, calculated by dividing the Parliamentary Counsel's Office total operating expenses, by the number of pages of bills, subsidiary legislation and reprinted texts produced each financial year.

The higher cost per page of legislation was due to a lower than anticipated number of pages being produced. Fewer pages were produced following the change in government early in the financial year.



# Notes to the Key Performance Indicators

## Service 1 | Court and tribunal services

Effectiveness Indicator	Description
Supreme Court - Criminal - Time to trial	This measure is calculated by taking the median time from date of committal to first trial date. The information for this indicator has been derived from the Higher Courts Criminal Case Management System (SRCASE).
Supreme Court - Civil - Time to trial	This measure is calculated by taking the median time from date of lodgement to the first trial date. Information for this indicator is derived from the INTEGRATED COURTS MANAGEMENT SYSTEM (ICMS).
Supreme Court - Civil - Time to finalise non-trial matters	This measure is calculated by taking the median time from date of lodgement to date of finalisation, excluding matters finalised by trial and matters finalised administratively. Information for this indicator is derived from the ICMS.
Court of Appeal - Criminal - Time to finalise	This measure is calculated by taking the median time to finalise a matter from its lodgement to when a judgement is made. Information for this indicator is derived from the ICMS.
Court of Appeal - Civil - Time to finalise	This measure is calculated by taking the median time to finalise a matter from its lodgement to when a judgement is made (includes all matters). Information for this indicator is derived from the ICMS.
District Court - Criminal - Time to trial	This measure is calculated by taking the median time from date of committal to the first trial date. The information for this indicator has been derived from SRCASE information management system.
District Court - Civil - Time to trial	This measure is calculated by taking the median time from date of lodgement to the first trial date. Information for this indicator is derived from the ICMS.
District Court - Civil - Time to finalise non-trial matters	This measure is calculated by taking the median time from the date of lodgement to date of finalisation, excluding matters finalised by trial and matters finalised administratively. Information for this indicator is derived from the ICMS.
State Administrative Tribunal - Time to finalise	This measure is calculated by taking the median time to finalise a matter from its lodgement to when a judgement is made (excludes all guardianship administration matters). Information for this indicator is derived from the ICMS.
Family Court of Western Australia - Time to trial	This measure is calculated by taking the median time from the date of lodgement to the first trial date. Information for this indicator is derived from a national cases database (CASETRACK).
Family Court of Western Australia - Time to finalise non-trial matters	This measure is calculated by taking the median time from the date of lodgement to the date of finalisation, excluding matters finalised by trial and matters finalised administratively. Information for this indicator is derived from CASETRACK.
Magistrates Court - Criminal and Civil - Time to trial	This measure is calculated by taking the median time from the date of lodgement to the first trial date. Information for this indicator is derived from Lower Courts Criminal Management System (CHIPS3) and ICMS.
Magistrates Court - Civil - Time to finalise non-trial matters	This measure is calculated by taking the median time from date of lodgement to date of finalisation, excluding matters finalised by trial and matters finalised administratively. Information for this indicator is derived from the ICMS.
Children's Court - Criminal - Time to trial	This measure is calculated by taking the median time from the date of lodgement to the first trial date. Information for this indicator is derived from CHIPS 3.
Children's Court - Civil - Time to trial	This measure is calculated by taking the median time taken from the date of lodgement to the first trial date, for care and protection matters. Information for this indicator is derived from CHIPS 3.
Coroner's Court - Time to trial	This measure is calculated by taking the median time from death to the first inquest hearing (for those cases where an inquest is held). In the Coroners Court a trial is defined as an inquest. This jurisdiction keeps a manual record of their cases.
Coroner's Court - Time to finalise non-trial matters	This measure is calculated by taking the median time from the date of lodgement to date of finalisation, excluding matters finalised by trial and matters finalised administratively. This jurisdiction keeps a manual record of their cases.
Fines Enforcement Registry - Percentage Of Fines Satisfied Within 12 Months - Fines And Costs	This indicator measures the number of fines satisfied within 12 months of referral to Fines Enforcement Registry (FER). It is calculated by expressing the number of fines satisfied within 12 months of referral as a percentage of the total number of fines referred to FER. Information is extracted from the FER database.

Fines Enforcement Registry - Percentage Of Fines Satisfied Within 12 Months - Infringements

This indicator measures the number of infringements satisfied within 12 months of referral to FER. It is derived by expressing the number of infringements satisfied within 12 months of referral as a percentage of the total number of infringements referred to FER. Information is extracted from FER database.

Efficiency Indicator	Description
Cost per case	The cost per case indicator is calculated by dividing the total gross cost of processing cases by the number of finalisations. The efficiency indicators for Court and Tribunal Services are calculated from the Department's Cost Allocation Model in the Financial Management Information System (FMIS). Total operating costs used to calculate the efficiency measure are extracted from the Department's jurisdiction based cost management system (Advisor).
Cost per enforcement	The total cost in processing fines and infringements is divided by the number of lodgements where a lodgement represents an individual enforcement registered with the Fines Enforcement Registry for enforcement. The data sources for this KPI are Advisor and the departmental information management system (COGNOS) for number of lodgements.

## Service 2 | Advocacy, Guardianship and Administration Services

Effectiveness Indicator	Description
Proportion of customers provided with advocacy relative to the number of referrals	<p>This indicator measures the ability to provide advocacy to clients identified as requiring advocacy and is considered a key indicator because it shows the extent to which the Office of Public Advocate (OPA) is able to protect the rights of adults with decision-making disabilities and reduce the risk of neglect, exploitation or abuse. Data for this indicator is extracted from OPA Statistical Collection Access System (OSCAS) and the new case management system (PACMAN).</p> <p>The Office of Public Advocate receives applications referred by the State Administrative Tribunal, as well as community referrals, and assesses their priority before allocating the highest priority applications to investigators. Applications not able to be allocated are placed on a waitlist.</p>
The percentage of customers surveyed satisfied with the information and advice by the Office of Public Advocate	<p>Customer surveys are distributed to secondary customers. That is, people with a direct personal or professional involvement in the lives of people in the primary customer group. Feedback questionnaires are distributed to the target group at the conclusion of every training course. The level of satisfaction with the services delivered is measured by collating the ranking level (1 = high satisfaction and 4 = unsatisfied) assigned to the feedback questions by clients.</p> <p>In 2008-09 582 people attended community education sessions held by the Office of the Public Advocate. All attendees were given survey forms at the end of each session. 445 responses were received, yielding a response rate of 76%. The survey's sampling error rate is 2.25% and the confidence interval was at 95%.</p>
Guardian of Last Resort allocated in one day	<p>The indicator is based on the Public Advocate's best practice to ensure the needs of the represented person are met immediately. It is measured by the number of appointments of Guardians of Last Resort made by the SAT at the hearing and accepted by the Public Advocate's delegate within one working day of receipt of the guardianship order.</p> <p>The Public Advocate is appointed as guardian of last resort only when considered necessary, and when there is no one else suitable or available to take on the role. The information for this indicator is extracted from OSCAS.</p>

Efficiency Indicator	Description
Average cost per case of providing Advocacy and Guardianship services	This indicator is calculated by dividing the total cost of providing advocacy, guardianship and administration services by the number of advocacy and guardianship services provided. The information for this indicator is extracted from Department's jurisdiction based cost management system (Advisor) and OSCAS.

## Service 3 | Trustee Services

Effectiveness Indicator	Description
Extent to which trustee services meet the needs of clients	In 2008-09, Patterson Market Research was engaged to conduct a telephone survey among a random sample of the Public Trustee client-base. The sample group parameters will be:

- clients aged between 18 and 80 years;
- clients who have a current account in 2008-09; 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 clients was generated and selected, representing a cross-section of clients who use the various trustee services provided by the Public Trustee.

Statistical information regarding the survey is shown below.

Sample surveyed	1,898	Error rate	±4.9%
Response rate	53%	Confidence level	95%

Number of estates relative to the number of adult deaths in Western Australia

The Public Trustee administers estates regardless of whether it is appointed executor or not. Some estates do not require formal administration but still require resources to arrange registration of assets in the survivor's or beneficiary's name. eg. joint assets and/or nominal bank accounts.

The indicator represents the number of estates/deaths reported as a percentage of the number of adult deaths in Western Australia. Information for this KPI is sourced from the Registry of Births, Deaths and Marriages and the Public Trust Office internal information management system.

Percentage of estates finalised within 12 months of being reported

Records for this KPI are held in the Public Trustee internal information management system. Issues outside the control of the Public Trustee such as life interests, taxation, family disputes and testator family maintenance actions contribute to the time taken to close an estate.

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.

In 2008-09, the Public Trustee administered 1,366 estates that named the Public Trustee as executor. Information for this KPI is sourced from the Registry of Births, Deaths and Marriages and the Public Trustee internal information management system.

Efficiency Indicator	Description
Average cost per trust managed	This indicator is calculated by dividing the number of trusts under management during the year by the total cost to manage trusts. The number of trusts under management is held in the Public Trustee's internal information system and the total cost of providing trust management services is derived from the Department's Financial Management Information System.
Average cost per deceased state administered	This indicator is calculated by dividing the number of deceased estates administered during the year by the total cost of administration services. The Total number of deceased estates administered is held in the Public Trustee's internal information system and the total cost of administration services is derived from the Department's Financial Management Information System.
Average cost per will prepared	This indicator is calculated by dividing the number of wills prepared during the year by the total cost of preparing wills. The total number of wills prepared is held in PTO's internal information system and the total cost of preparing wills is derived from the Department's Financial Management Information System.

## Service 4 | Births, Deaths and Marriages

Effectiveness Indicator	Description
Extent to which births, deaths and marriages source information is recorded error free	<p>This indicator 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.</p> <p>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 nearly identical, the number of errors in death registrations is considered representative of all three registration types.</p> <p>The computerised Western Australian Registration System 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 (i.e. erroneous registrations) is expressed as a percentage.</p>

Efficiency Indicator	Description
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Average cost of registration services	<p>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.</p> <p>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. The total cost of registration services is derived from the Department's Financial Management Information System.</p>
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## Service 5 | Services to Government


Effectiveness Indicator	Description
Extent to which Government departments are satisfied with the legal services provided	<p>In 2008-09 24 client agencies were surveyed.</p> <p>The number of agencies surveyed represents approximately 90% of the chargeable work of the State Solicitor's Office.</p> <p>The criteria used to assess satisfaction with service included:</p> <ul style="list-style-type: none"> <li>the technical quality of work;</li> <li>the relevance of information provided to client's needs;</li> <li>the timeliness of information provided, and</li> <li>overall, the extent to which Government departments are satisfied with legal services.</li> </ul>
Extent to which legislation was drafted in a timely manner to effect the Government's legislative programme	<p>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 percentage of the total number of Cabinet authorities to which the legislative programme relates. The information is recorded in Access databases located within the office of the Director Legislation Services.</p> <p>This calculation excludes matters which were not completed on time due to circumstances beyond the control of the Parliamentary Counsel's Office, such as:</p> <ul style="list-style-type: none"> <li>Lack of action on the part of the instructing agency to progress a Bill; or</li> <li>Deferral of a Bill by the instructing agency.</li> </ul>

Efficiency Indicator	Description
Average cost per legal matter	<p>This indicator measures the average cost of a legal matter, which is defined as an initiating instruction received from a client in the reporting year, plus any other matter active during the reporting year and upon which some legal work was conducted. It also includes work in progress.</p> <p>The cost per matter is calculated by dividing the total cost of providing legal services by the number of matters dealt with during the financial year. Number of matters is extracted from the Time and Matter Costing System and the total cost of service is derived from DotAG's FMS system.</p>
Average cost per page of output	<p>The average cost per drafting service is calculated by dividing the total operating expenses (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. The information is recorded in Access databases located within the office of the Director Legislation Services. The total cost of service is derived from DotAG's FMS system.</p> <p>These results will vary from one reporting period to another because of fluctuations in demand for the preparation of legislation.</p>

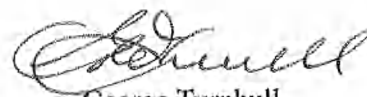


### Certification of Key Performance Indicators

We hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Legal Aid Commission of Western Australia's performance, and fairly represent the performance of the Legal Aid Commission of Western Australia for the financial year ended 30 June 2009.



Malcolm McCusker AO QC  
Chairman  
Date: 24/08/2009



George Turnbull  
Director  
Date: 19/08/2009



## Auditor General

### **INDEPENDENT AUDIT OPINION**

**To the Parliament of Western Australia**

### **LEGAL AID COMMISSION OF WESTERN AUSTRALIA FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2009**

I have audited the accounts, financial statements, controls and key performance indicators of the Legal Aid Commission of Western Australia.

The financial statements comprise the Balance Sheet as at 30 June 2009, and the Income Statement, Statement of Changes in Equity and Cash Flow Statement for the year then ended, a summary of significant accounting policies and other explanatory Notes.

The key performance indicators consist of key indicators of effectiveness and efficiency.

#### **Commission's Responsibility for the Financial Statements and Key Performance Indicators**

The Commission is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions, and the key performance indicators. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements and key performance indicators that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; making accounting estimates that are reasonable in the circumstances; and complying with the Financial Management Act 2006 and other relevant written law.

#### **Summary of my Role**

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements, controls and key performance indicators based on my audit. This was done by testing selected samples of the audit evidence. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion. Further information on my audit approach is provided in my audit practice statement. Refer [www.audit.wa.gov.au/pubs/AuditPracStatement\\_Feb09.pdf](http://www.audit.wa.gov.au/pubs/AuditPracStatement_Feb09.pdf).


An audit does not guarantee that every amount and disclosure in the financial statements and key performance indicators 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 and key performance indicators.

**Legal Aid Commission of Western Australia**  
**Financial Statements and Key Performance Indicators for the year ended 30 June 2009**

**Audit Opinion**

In my opinion,

- (i) the financial statements are based on proper accounts and present fairly the financial position of the Legal Aid Commission of Western Australia at 30 June 2009 and its financial performance and cash flows for the year ended on that date. They are in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions;
- (ii) the controls exercised by the Commission provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (iii) the key performance indicators of the Commission are relevant and appropriate to help users assess the Commission's performance and fairly represent the indicated performance for the year ended 30 June 2009.

  
COLIN MURPHY  
AUDITOR GENERAL  
31 August 2009

## Performance Indicators for 2008/09

Funds are limited and determining the extent and type of assistance provided to clients is central to Legal Aid's operations. This involves allocating resources to services that are available to the general community and to services, including legal representation, that is restricted and managed according to the extent of disadvantage a person is experiencing.

**Government desired outcome:** The right to justice and safety for all people in Western Australia is preserved and enhanced.

**Our vision:** Is to be recognised as a leader in the coordination and delivery of legal assistance services that reflect community expectations and are responsive to need.

**Agency desired outcome:** Is to ensure the community and target groups have access to and are provided with quality legal services.

This is achieved through the provision of a range of services; including the formulation of priorities and the administration of eligibility and merit tests to enable legal representation to be provided to clients by way of a grant of aid and assignment of cases to in-house or private practitioners.

### Our Services:

For the community		For target groups		
Information and advice	Duty lawyer services	Legal advice and Minor assistance	Legal representation	Development services
To assist members of the public to identify legal problems, understand the alternatives for resolution and the resources available to them in pursuing a legal solution. Includes referral to other agencies and is delivered through public counters in all offices and by 1800 INFOLINE	To ensure that members of the public brought before the courts have access to legal advice so that they understand the options available for responding to legal proceedings in which they are involved. Available at all Magistrate court sittings throughout WA.	To ensure that priority persons able to self-represent are assisted with advice and practical help, including telephone advocacy, drafting of negotiating letters and the preparation of court documentation. Delivered by lawyers and at all office locations, and by paralegal staff under supervision of Solicitors.	To ensure persons from priority groups are legally represented to the extent that is necessary and commensurate with their particular individual need. Includes assessment and case management for persons who are refused assistance. Includes all services provided pursuant to a grant of aid, including Alternative Dispute Resolution (ADR).	To ensure priority groups and partner organisations have access to relevant publications, self help kits, community legal education and knowledge resources sufficient to build their capacity and self-reliance in navigating the justice system. Includes electronic access to some legal aid systems and resources, by partner agencies.

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**

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 is measured by the application approval rate or the extent to which legal representation can be provided, to those whom seek it. Quality is measured by 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.

### **Explanatory notes for effectiveness indicators**

- 1 Applicants for a grant of aid must satisfy certain criteria for legal representation to be approved.
- 2 In areas of family law only, some applicants are assisted via a grant of aid to pursue alternative dispute resolution.
- 3 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.
- 4 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.

### **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. This year, criminal law clients were surveyed. The survey instrument was identical to the 2007/2008 survey instrument to allow meaningful comparisons to be made. It provided that the neutral rating in the five-point scale used in surveys prior to 2007/2008 was again deleted this year and not available to respondents, so as to obtain a more definitive response from clients to the questions asked. Advantage Communications and Marketing Pty Limited again conducted this year’s survey.

#### **Research Methodology**

##### **Survey Populations**

The populations for the purpose of the research were all clients from the three criminal Law client groups who had received their respective type of assistance from Legal Aid in the past 12 months. Additionally it was decided that a sample population would be drawn from those clients who received assistance while in custody. The population sizes for each client type are shown in the table below.

Legal Aid WA provided contact lists for each client group.

##### **Sample Sizes**

The sample sizes for the Criminal Law client groups satisfaction surveys were designed to balance the requirements of obtaining accuracy to within about +/-5% at the 95% confidence level and having sufficient sample sizes for each survey group to allow valid statistical analysis at the individual survey level and to make comparisons between the surveys.

For the Criminal Law client population as a whole, a sample size of would give an error ratio of no more than +/- 5% at the 95% confidence level i.e. where 43% of the sample gives an answer we can be 95% confident that if we had asked the question of the entire relevant population, between 38% and 48% would have picked that answer. However, taking the populations of the 3 survey groups in isolation, in order to minimise the error ratio for data collected from each group within the

constraints imposed by the total sample size we gave greater weighting to the Legal Advice and Grants of Aid client groups with smaller populations. While this means that the error ratios of data collected from the smaller client groups are still higher than that obtained from the Duty Lawyer client group with its larger population, these error ratios are not blown out to the degree that would be the case if we merely split the samples according to population numbers. To do this, the initial sample of 400 was allocated proportional to the square root of the population size between each of the client group surveys.

The following table shows the breakdown of the sample into the three survey areas.

### Populations, Sample Sizes and Levels of Accuracy

Criminal Law Client Group	Population Size (N)	Target Sample size	Achieved Sample Size (n)	Level of accuracy
Duty Lawyer	4424	249	260	+/- 4.1%
Legal Advice	388	74	77	+/- 7.0%
Grants of Aid	428	77	77	+/- 6.9%
TOTAL	5240	400	414	+/- 3.2%

The estimated overall level of accuracy expected from this was +/- 3.2% assuming a satisfaction level of 86.6% based on previous results. The accuracy levels for the individual surveys are higher but still within acceptable error bounds. The achieved overall level was +/- 3.3%.

### Questionnaire Design

The questions used for this year's Criminal Law survey were supplied by Legal Aid and the questions used to calculate the satisfaction index were the same as those used in previous years, to allow meaningful comparisons with earlier reports. However, a number of new questions were added and others revised in order to extend the areas covered by the survey, improve the quality of response and provide more meaningful management information.

At Legal Aid's request, where respondents were previously asked to rate their agreement to statements as either strongly agree, agree, neutral, disagree or strongly disagree, this year the neutral or neither agree nor disagree response category was dropped from the five point scale. By modifying the scale to four points, respondents were forced to make a choice towards agreement or disagreement. This may impact comparability of results between years.

### Data Collection Methodology

Surveys were conducted over the telephone using the contact lists provided by Legal Aid over a three-week period from 11<sup>th</sup> May 2009 to 29<sup>th</sup> May 2009. Calling took place in both business hours and evenings. The majority of residential calls would have been made in the late afternoon, early evening hours from around 4pm - 8 pm weekdays and also 9am - 5pm on Saturdays.

Surveys were conducted in accordance with the requirements of the Federal Privacy Act and the Australian Market & Social Research Society (AMSRS) Professional Code of Conduct.

The quality of data collected and the "completeness" of each survey was checked by our supervisory staff before and after input. In addition, a minimum of 10% of all respondents were recontacted to validate the information provided (as required by Market Research Quality Standards).

### Data Analysis and Reporting Notes

To ensure consistency in reporting comparisons with previous survey results, overall satisfaction has been reported as the proportion of the respondents who gave a "net agree" (i.e. strongly agree or agree) response excluding respondents who indicated that a particular aspect was not applicable or didn't know. Results are rounded to the nearest whole number and therefore some totals may exceed 100%.

At indicated previously, where respondents were previously asked to rate their agreement to statements as either strongly agree, agree, neutral, disagree or strongly disagree, this year the neutral or neither agree nor disagree response category was dropped from the five point scale. By modifying the scale to four points, respondents were forced to make a choice towards agreement or disagreement. This may impact comparability of results between years.

## Desired Outcomes and Key Effectiveness/Efficiency Indicators

**Desired Outcomes:** The right to justice and safety for all people in Western Australia is preserved and enhanced and the community and target groups have access to and are provided with quality legal services.

EFFECTIVENESS INDICATORS	2007 ACTUAL	2008 ACTUAL	2009 TARGET	2009 ACTUAL	REASONS FOR SIGNIFICANT VARIANCE BETWEEN 2009 TARGET AND ACTUAL AND 2008 ACTUAL AND 2009 ACTUAL
APPLICATIONS APPROVED FOR A GRANT OF AID AS A % OF ALL APPLICATIONS RECEIVED	71%	69%	70%	69%	
PERCENTAGE OF CLIENTS SATISFIED WITH SERVICE PROVIDED					
CRIMINAL LAW	87%	N/A	87%	85%	
FAMILY LAW	85%	82%	N/A	N/A	

KEY EFFICIENCY INDICATORS	2007 ACTUAL	2008 ACTUAL	2009 TARGET	2009 ACTUAL	REASONS FOR SIGNIFICANT VARIANCE BETWEEN 2009 TARGET AND ACTUAL AND 2008 ACTUAL AND 2009 ACTUAL
<b>STATE LAW</b>					
AVERAGE COST PER CALL	17	17	18	20	NEW STAFF AND ASSOCIATED TRAINING COSTS, AND ADDITIONAL SUPERVISORY PROCESSES HAVE INCREASED THE AVERAGE COST.
AVERAGE COST PER SERVICE DUTY LAWYER	98	105	108	129	MORE JUNIOR STAFF UTILISED THUS SERVICE TAKES LONGER TO DISPENSE. <ul style="list-style-type: none"> <li>CHANGES IN ROAD TRAFFIC ACT HAS MADE ADVICE MORE COMPLEX AND THUS MORE TIME CONSUMING AND DUTY LAWYERS REQUIRED TO SPEND MORE TIME ASSISTING CLIENTS WHERE THERE IS NO ALTERNATIVE REPRESENTATION AT BOTH METROPOLITAN AND REGIONAL MAGISTRATES COURTS.</li> </ul>
AVERAGE COST PER LEGAL ADVICE	113	125	125	177	<ul style="list-style-type: none"> <li>RATIO OF LAWYERS TO PARALEGALS DELIVERING SERVICES HAS INCREASED IN 2009, AND MORE JUNIOR SOLICITORS TAKING MORE TIME TO PROVIDE SERVICES HAS INCREASED THE AVERAGE COST.</li> </ul>
AVERAGE COST PER MINOR ASSISTANCE	187	218	223	206	
AVERAGE COST PER APPLICATION PROCESSED	127	176	165	210	<ul style="list-style-type: none"> <li>HIGH TURNOVER OF STAFF AND ASSOCIATED TRAINING COSTS OF NEW STAFF, AN INCREASE IN MORE COMPLEX STATE FAMILY LAW MATTERS, AND THE IMPLEMENTATION OF AN ELECTRONIC GRANT OF AID APPLICATION SYSTEM WHICH HAS RESULTED IN INCREASED QUERIES FROM PRIVATE PRACTITIONERS, HAS INCREASED THE COST OF ASSESSING APPLICATIONS FOR LEGAL ASSISTANCE.</li> </ul>
AVERAGE COST PER LEGAL REPRESENTATION	1,892	2,089	2,466	2,452	INCREASE IN FEES PAID TO PRIVATE LAWYERS REPRESENTING LEGAL AID CLIENTS IN THE CRIMINAL JURISDICTION IN 2008-09. INCREASES OF BETWEEN 25% TO 40% WERE MADE TO THE DAILY RATE FOR REPRESENTATION AT TRIALS IN THE SUPREME COURT AND DISTRICT COURT.



KEY EFFICIENCY INDICATORS	2007 ACTUAL	2008 ACTUAL	2009 TARGET	2009 ACTUAL	REASONS FOR SIGNIFICANT VARIANCE BETWEEN 2009 TARGET AND 2009 ACTUAL
<b>COMMONWEALTH LAW</b>					
AVERAGE COST PER CALL	22	23	23	30	<ul style="list-style-type: none"> <li>NEW STAFF AND ASSOCIATED TRAINING COSTS, AND ADDITIONAL SUPERVISORY PROCESSES HAVE INCREASED THE AVERAGE COST.</li> </ul>
AVERAGE COST PER SERVICE: FACE TO FACE INFORMATION	29	30	34	53	<ul style="list-style-type: none"> <li>ADDITIONAL TIME DEMANDS AS A RESULT OF LEGISLATIVE CHANGES IN FAMILY LAW HAS INCREASED THE COMPLEXITY OF CLIENT ISSUES, AND HIGH TURNOVER IN STAFF RESULTING IN ADDITIONAL TRAINING COSTS HAS INCREASED THE AVERAGE COST.</li> </ul>
AVERAGE COST PER SERVICE DUTY LAWYER	134	138	116	136	<ul style="list-style-type: none"> <li>TARGET WAS UNDERSTATED DUE TO AN ERROR IN THE RECORDING OF THE NUMBER OF SERVICES USED TO FORMULATE THE TARGET. THE ERROR WAS RESOLVED IN THE ACTUAL RESULTS REPORTED IN 2008 AND 2009.</li> </ul>
AVERAGE COST PER LEGAL ADVICE	126	196	199	197	
AVERAGE COST PER APPLICATION PROCESSED	493	498	527	594	<ul style="list-style-type: none"> <li>HIGH TURNOVER OF STAFF AND ASSOCIATED TRAINING COSTS, MORE COMPLEX LEGAL AND SOCIAL NEEDS MATTERS DIRECTED TO LEGAL AID WITH THE INTRODUCTION OF THE NEW FAMILY LAW LEGISLATION IN 2007, AND THE IMPLEMENTATION OF AN ELECTRONIC GRANT OF AID APPLICATION SYSTEM WHICH HAS RESULTED IN INCREASED QUERIES FROM PRIVATE PRACTITIONERS, HAS INCREASED THE COST OF ASSESSING APPLICATIONS FOR LEGAL AID.</li> </ul>
AVERAGE COST PER LEGAL REPRESENTATION	2,861	3,776	3,412	3,277	<p>MORE COMPLEX LEGAL AND SOCIAL NEEDS MATTERS DIRECTED TO LEGAL AID. WITH THE INTRODUCTION OF THE NEW FAMILY LAW LEGISLATION IN 2007, WHICH DIVERTED MANY MATTERS TO DISPUTE RESOLUTION PROGRAMS PRIOR TO ALLOWING COURT FILING, AND THE INTRODUCTION OF ALTERNATIVE SERVICE PROVIDERS SUCH AS THE FAMILY RELATIONSHIP CENTRES ACROSS AUSTRALIA, HAS INCREASED THE AVERAGE COST FROM 2007.</p> <p>THE AVERAGE COST HAS REDUCED IN 2009 DUE TO INCREASING FAMILIARITY WITH THE NEW FAMILY LAW ACT.</p>
AVERAGE COST OF CHILD SUPPORT	1,407	1,395	1306	672	<p>REDUCED STAFF SUPPORTING THIS SERVICE. AND PROCEDURAL CHANGES TO CLIENT INTAKE FROM AN IN PERSON SERVICE TO A TELEPHONE SERVICE FOR URGENT MATTERS ONLY HAVE REDUCED THE AVERAGE COST.</p>

## Ministerial directives - Nil

## Other financial disclosures

### Pricing policy of services

The pricing policy adopted in setting fees and charges varies across the Department is as follows:

#### Court and tribunal services

Fees are collected for a variety of services across the court system, which range from the provision of civil court hearing time and enforcement of civil and criminal court orders to the provision of court transcripts. Broadly, the court system has adopted a policy of partial cost recovery, largely confined to the civil jurisdiction (with the exception of some criminal enforcement activities). In setting court fees, the Department aims to strike an appropriate balance between:

- access to justice
- incentives to settle
- user pays contributions

In achieving this balance, a staged civil fee structure is used, whereby users of the court system make partial contributions towards the cost as it progresses through the court system. This encourages parties to settle before taking a matter to the next stage. In this way, the pricing structure aims to regulate demand and discourage frivolous use of the civil court system. This must be balanced against the need to ensure that access to justice is not compromised by making it prohibitively expensive.

A review of court fees is conducted each year to ensure they are achieving the appropriate balance between the above three criteria. The assessment includes a comparison with fees charged in other State jurisdictions. The court fees in operation during 2008/09 were published in the Gazette on 27 June 2008 and began on 1 July 2008.

#### Births, deaths and marriages

The fees applied by the Registry of Births, Deaths and Marriages to its products and services are determined by:

- Department of Treasury and Finance instructions
- Department-wide annual review of fees and charges that takes into account the Consumer Price Index
- the relative work for different tasks
- consideration of fees charged by other Australian registries

Fees and charges were unchanged in 2008/09.

#### Public Trustee

The Public Trustee collects fees for a variety of services. The fees collected by the Public Trustee were not increased by CPI as it achieved the revenue targets. Fees collected by the Public Trustee for 2008/09 were gazetted on 24 June 2008.

## Capital Works

### Major Capital Works (Projects > \$5 m.) 2008/09

Works in Progress	Estimated Total Cost (\$'000)	Life to Date Expenditure (\$'000)	Remaining Expenditure \$'000	Estimated Year of Completion
CBD Courts Complex - Plan / Manage	16,955	16,195	760	2010
CBD Courts Construction and CLC Refurbishment	58,737	43,213	15,524	2010
CBD Office Accommodation	13,439	11,275	2,164	2010
Kalgoorlie Court Upgrade *	30,701	3,137	27,564	2011

\*The Kalgoorlie Court redevelopment is being re-costed and scoped. This may alter the anticipated cost and expected completion date of this project.

## Employment and industrial relations

### Summary of Employee numbers

Employees by Award / Occupational Grouping	2007/2008					2008/09				
	Headcount			%		Headcount			%	
	F	M	Total	F	M	F	M	Total	F	M
Miscellaneous Awards *	0	0	0	0%	0%	1	0	1	100%	0%
Catering Employees & Tea Attendants	3	0	3	100%	0%	3	0	3	100%	0%
Child Care Workers	1	0	1	100%	0%	1	0	1	100%	0%
Cleaners & Caretakers	20	2	22	91%	9%	17	3	20	85%	15%
Govt Officers (GOSAC/GOSGA Award)	67	61	128	52%	48%	73	54	127	57%	43%
Public Service Employees	1018	540	1558	65%	35%	1060	535	1595	66%	34%
Prisoner's Review Board	5	3	8	63%	38%	2	2	4	50%	50%
Salaries & Allowances Tribunals	5	16	21	24%	76%	4	16	20	20%	80%
State Administrative Tribunal	5	12	17	29%	71%	5	10	15	33%	67%
<b>TOTAL</b>	<b>1124</b>	<b>634</b>	<b>1758</b>	<b>64%</b>	<b>36%</b>	<b>1166</b>	<b>620</b>	<b>1786</b>	<b>65%</b>	<b>35%</b>

\* Miscellaneous includes Workers Compensation Carer Contract Employee

The headcount figures in the table above are for those employees paid on the last pay date of the financial year, using an official government definition known as the *Workforce Analysis and Comparison Application*.

### Staffing policies including recruitment and development

The year saw a comprehensive review and streamlining of all policies and procedures relating to recruitment, selection and appointment. As a result, some gaps and risks were eliminated, some policies were combined and others removed. New policies were adopted in response to the dynamic environment in which the Department operates.

## Breach of HR Management Standards

In 2008/09, the Department maintained a good record in limiting breaches against the nine Public Sector Standards in Human Resource Management. Four claims were lodged with the Department and referred to the Office of the Public Sector Standards Commissioner. One was withdrawn by the complainant and one was dismissed. Two others were pending at 30 June 2009.

<i>Summary of breach of standard claims lodged and handled in the year</i>										
	Withdrawn in agency	Resolved in agency	Still pending in agency	Referred to OPSSC	Agreement reached OPSSC	Withdrawn by complainant	Dismissed at OPSSC	Upheld at OPSSC	Pending at OPSSC	All
Recruitment, Selection & appointment	0	0	0	4	0	1	1	0	2	4
Grievance Resolution	0	0	0	0	0	0	0	0	0	0
Transfer	0	0	0	0	0	0	0	0	0	0
Secondment	0	0	0	0	0	0	0	0	0	0
Performance Management	0	0	0	0	0	0	0	0	0	0
Redeploy	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0
Discipline	0	0	0	0	0	0	0	0	0	0
Temp. Deployment (Acting)	0	0	0	0	0	0	0	0	0	0
Total Claims Handled 2008/09	0	0	0	4	0	1	1	0	2	4

## Volunteer Workforce

The Department has a large volunteer workforce, with some 3467 people helping in 2008/09. They included victim support volunteers, justices of the peace and community guardians.

About 3250 justices of the peace spent approximately 6300 hours in courts, 12,500 hours in signing centres and 5000 hours in the Family Court of Western Australia, Perth Watch House and other custody centres.

### **Industrial Relations - Awards and Agreements**

This reporting period saw the introduction of the Government Officers Salaries, Allowances and Conditions (GOSAC) General Agreement and the Public Service General Agreement (PSGA), which covered more than 90 per cent of staff.

Implementation of the agreements was achieved successfully including the adjustment of salaries (including backpays), revision of relevant policies and delegations as well as information to staff on the changes.

### **Employee Assistance Program**

The Department appointed a new provider of employee assistance services which were accessed by 69 clients.

### **Governance Disclosures**

**Financial interests - Nil**

**Officers receiving a benefit - Nil**

## Other legal requirements

### Advertising and Marketing Expenditure

From 1 July 2008 to 30 June 2009 in accordance with section 175ZE(1) of the *Electoral Act 1907*

<b>Advertising and Marketing Expenditure</b>	
<b>Advertising agencies</b>	<b>\$268,749</b>
Adcorp	179,162
Marketforce	89,505
Seek Ltd	82
<b>Market research organisations</b>	<b>\$60,009</b>
Patterson Market Research	15,000
Research Solutions	45,009
<b>Media advertising organisations</b>	<b>\$11,358</b>
Agricultural Publishers Pty Ltd	1,480
Albany Advertiser	483
Cambridge Media	930
Sensis Pty Ltd	5,795
West Australian Newspapers	2,353
Manjimup/Bridgetown Times	170
The Islander Newspaper	147
<b>Direct mail organisations</b>	<b>\$1,438</b>
Australia Post Mail	1,438
<b>Polling organisations</b>	<b>0</b>
Nil	0
<b>TOTAL</b>	<b>\$341,554</b>

### Disability Access and Inclusion Planning

The Disability Access and Inclusion plan, in line with the *Disability Services Act 1993 (WA)*, ensures that professional and appropriate services are provided to customers with physical, intellectual, sensory or cognitive disabilities, their carers and families. During 2007/08 a range of outcomes was reported against

*Outcome: People with disabilities have the same opportunities as other people to access the services of, and any events organised by, a public authority.*

An evaluation of client perceptions, gauged through surveying, showed a continual increase in satisfaction.

*Outcome: People with disabilities have the same opportunities as other people to access the buildings and other facilities of a public authority.*

Accommodation changes improved access for people with special needs. These included new reception and enquiry counters accessible to people in wheelchairs, similar access to witness docks in courtrooms, Braille on all new signage and height adjustable work stations.

*Outcome: People with disabilities receive information for a public authority in a format that will enable them to access the information as readily as other people are able to access it.*

All publications are available upon request in alternative formats and are reviewed regularly to ensure that they meet legal requirements.

The Department's websites were re-designed to help people with disabilities who may use assistive technologies, among others. Accessibility features include instructions for resizing text and printer-friendly pages.

A revised Language Services Policy was introduced - see page 32.

*Outcome: People with disabilities receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.*

The Department continued liaising with other justice related Government agencies to ensure the needs of people with decision-making disabilities are considered.

*Outcome: People with disabilities have the same opportunities as other people to make complaints to a public authority.*

The Department makes its customer service charter and online feedback form available at [www.dotag.wa.gov.au](http://www.dotag.wa.gov.au) and in alternative formats on request.

*Outcome: People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority.*

The Department commenced a review of the plan by inviting input from members of the public and agencies. A new plan is expected next year.

### **Compliance with Public Sector Standards and Ethical Codes**

The Department complied with the Public Sector Standards, the WA Code of Ethics and the agency's code of conduct. The code of conduct outlines the ethical principles, obligations and standards applying to staff. It aims to instil the values of "respect, integrity, unity and diversity, justice and collaboration" in all our people. The code specifies standards of behaviour and helps inform employees how to exercise judgement and accept personal responsibility in their professional roles.

During the year about 450 staff participated in awareness-raising on ethical conduct and public sector standards. The Department's organisational culture includes a commitment to effective corruption prevention. See more detail on next page under *Corruption Prevention*.

## Compliance with State Records Act 2000

The Department is committed to record-keeping by dedicating a project to implement and administer the requirements of the *State Records Act 2000*.

The State Records Commission's minimum compliance requirements are:

*1. The efficiency and effectiveness of the organisation's recordkeeping systems is evaluated not less than once every five years.*

The Department completed an evaluation of its record-keeping systems in readiness for a new submission to the State Records Office in 2009/10.

*2. The organisation conducts a record-keeping training program*

Since its implementation in 2007, almost 3500 employees have either completed or are progressing through the online records training and awareness program.

*3. The efficiency and effectiveness of the recordkeeping training program is reviewed periodically*

Feedback from employees who have completed the training is used periodically to review the program.

*4. The organisation's induction program addresses employee roles and responsibilities in regard to their compliance with the organisation's recordkeeping plan*

During 2008/09 a short training course on the Department's records management system was implemented. The training and awareness program addresses roles and responsibilities within the record-keeping plan.

State Solicitor's Office staff continued implementation of its record-keeping plan through training and induction.



## Government policy requirements

### Corruption Prevention

The Department is strongly committed to maintaining an organisational culture that ensures effective corruption prevention, and a revised *Corruption Prevention Policy* and *Corruption Prevention Reporting Procedures* were approved in March 2009. The Department's *Conflict of Interest and Outside Work Interests Policy* was also revised, and quarterly reporting on the offer and acceptance of gifts, benefits or other rewards by departmental staff was introduced. Additional support for staff considering using public interest disclosure mechanisms was also introduced, with the approval of a *Public Interest Disclosure Policy* and *Public Interest Disclosure Procedures*, and the provision of staff information and supporting resources.

These requirements are all emphasised through training on Accountable and Ethical Decision Making, and the Corporate Induction and Corporate Management Induction training programs, where staff and managers are advised of their responsibilities to comply with policies and procedures. Changes to policies and procedures are regularly communicated to all staff via the Department's intranet site, including examples and topical stories, and links to other key sources of information are provided.

### Substantive Equality

The Government's Substantive Equality Framework aims to identify and eliminate systemic racial discrimination where it may exist in the policies and practices of public sector services. It also promotes sensitivity to the different needs of client groups. The Department honours the framework, which informs a range of its policies, and is three-fifths through the first of a five-level hierarchy of outcomes. After the Public Trustee did a preliminary review of its services, the Department did not proceed with a full needs and impact assessment in 2008/09. In 2009/10 an area of service within the Children's Court will be scoped for testing against the framework.

### Occupational Safety, Health and Injury Management

The Department of the Attorney General recognises its duty of care obligations for occupational safety, health and injury management and is committed to providing a productive, safe and healthy work environment. The Department supports the work of managers and employees in identifying and managing safety and health issues in the workplace. During 2008/09 the department put all existing health and safety representatives through formal training.

Formal consultative processes were under review during 2008/09. Four committees operate in conformance with legislated OSH criteria for consultative processes. Additional committees are expected to meet the criteria by the end of 2009. The Department complies with the injury management requirements of the *Workers' Compensation and Injury Management Act 1981*.

#### ***Report of annual performance against the following targets***

INDICATOR	TARGET 2008/09	ACTUAL 2008/09
Number of fatalities	Zero (0)	0
Lost time injury/disease (LTI/D) incidence rate	Zero (0) or 10% reduction on previous year	1.14
Lost time injury severity rate	Zero (0) or 10 % improvement on previous year	16.7
Percentage of injured workers returned to work within 28 weeks (*)	Actual percentage result to be reported	100 %
Percentage of managers trained in occupational safety, health and injury management responsibilities	Greater than or equal to 50%	Less than 50 %

(\*) Denotes a new reporting requirement or measure in 2008-09. Refer to Public Sector Commissioner's Circular 2009-11 for details on calculation of the indicator.

## Other

### Freedom of Information

The Department received 78 Freedom of Information (FOI) applications in 2008/09. During this time, 48 applications were completed and 30 transferred to other agencies. None was outstanding.

No FOI decisions were reviewed externally by the Information Commissioner.

Two FOI decision were reviewed internally on request by the applicant with the decision being upheld on both occasions.

<i>Summary of FOI applications for 2008/09</i>	
<b>Applications Handled</b>	
Personal information requests	35
Non-personal Information requests	13
Amendment of personal information	0
Applications transferred in full	30
<b>Total</b>	<b>78</b>
<b>Outcomes</b>	
Applications completed	48
Applications withdrawn	0
Internal reviews completed	2
External reviews completed	0
Applications outstanding	0

The Office of the Public Advocate, the Public Trustee and the State Administrative Tribunal compile separate FOI statistics and provide them in their annual reports to Parliament.

### Customer Feedback Management System

The Department's customer feedback system records and tracks complaints, compliments and suggestions from customers across all operating areas.

An online feedback form is available on the website and the Department issues brochures with a reply paid form attached and an outline of feedback processes.

During 2008/09, the Department received:

- 255 complaints
- 62 compliments
- 61 suggestions
- 27 not categorised

Complaints and suggestions covered a range of issues. By reviewing this feedback, the Department had an opportunity to introduce improvements in processes and procedures, delivery of services, products and customer service. Customers were complimentary of departmental staff in their provision of service delivery.

## APPENDIX 1

### Contracts awarded

The Department of the Attorney General awarded contracts between 1 July 2008 and 30 June 2009:

<b>Contracts: Summary</b>	
Value	Number
\$0-\$19,999	0
\$20,000 - \$99,999	31
\$100,000 - \$499,999	26
\$500,000 - \$999,999	3
\$1 million +	12
The data in these monetary thresholds derives from arrangements where a formal contract was executed in the form of a Letter of Engagement or Advice of Acceptance of Offer	

<b>Contracts: Valued at more than \$100,000</b>			
Number	Description	Recommended Vendors	Value \$
DotAG200900259	Plasma display units for Central Law Courts	Audio Visual ImageNation	\$100,650
DotAG200802620	Licences and Support for Electronic Learning Management System	Techniworks Action Learning Pty Ltd	\$103,400
DotAG7342009	Support & Maintenance InfraEnterprise ITSM Software	ALT Vision Pty Ltd	\$105,336
DotAG7962009	Maintenance and Licences for Symantic Backup Software	Triforce Australia Pty Ltd	\$120,969
DotAG200804026	McAfee Email Threat Management Software	Dimension Data Australia Pty Ltd	\$124,078
DotAG200900903	AV equipment for Bussleton and Broome courts	Audio Visual ImageNation	\$127,704
DotAG16432009	Updates for InfraEnterprise ITSM Software	ALT Vision Pty Ltd	\$134,467
DotAG9042009	ReporterDeck2 Digital Recording Devices	Rutledge Engineering (QNW) P/L	\$135,481
DotAG200801263	Training and Assessment for Certificate IV	Victoria University	\$145,000
DotAG16402009	Licence Upgrades for Surfcontrol	Alphawest Services Pty Ltd	\$145,200
DotAG200801249	Air Charter Services in the Kimberley	Slingair Pty Ltd	\$150,000
Dotag200803257	Employee Assistance Program	PPC Worldwide Management P/L	\$150,000
DotAG200901126	Furniture for Central Law Courts	Davro Interiors Pty Ltd	\$176,800
DotAG200800405	Project Management Software	Zavanti Pty Ltd	\$209,000
DotAG8002009	Court Room Allocation Management System	Interform Australia Pty Ltd	\$221,311
DotAG6552009	Legislative Drafting Services	Anthony James Dowling	\$255,000
DotAG13212009	McAfee Active VirusScan Licences and Maintenance	Kinetic IT	\$263,682
DotAG200803583	Child Witness Support Services for Geraldton	Catholic Bishop of Geraldton Centrecare Family Services	\$292,500
WAPOL9208	Cleaning Services for the Albany Police and Justice Complex	Mount Serenity Holdings Pty Ltd, trading as Covert Connection	\$166,320
DotAG200801277	Victim Support Services Carnarvon	Catholic Bishop of Geraldton Centrecare Family Services	\$386,000
DotAG200801647	Air Charter Services for the Broome Magistrate in the West Kimberley	Golden Eagle Airlines	\$400,000
DotAG200801688	Air Charter Services for the Kununurra Magistrate in the East Kimberly	Slingair Pty Ltd	\$400,000
DotAG228082008	Supply of Sun Server Maintenance Services	CSC Australia Pty Ltd	\$416,420
DotAG200801283	Victim Support Services Karratha	Anglicare WA	\$570,000
DCS3152 (DotAG is principal of	Trunk Radio System Maintenance	Memo Communications Company Pty Ltd	\$671,550

contract)			
DotAG3041	Intelligent CCTV Security for Courts	Audio Visual Imagenation Pty Ltd	\$740,316
DotAG22908	Laser Printers Under CUA 8504B	Lexmark Intl (Australia) Pty Ltd	\$1,008,359
DotAG13808	Supply of Personal Computer - CUA 16503a	Acer Computer Australia Pty Ltd	\$1,331,220
DotAG13908	Supply of Intel Based Servers and Maintenance Services under CUA 38204	Dell Australia Pty Ltd	\$1,697,820
DotAG200801623	Head office switchboard/reception services	Drake Australia Pty Ltd	\$1,849,723
DotAG3489	Audio Visual installation	Rutledge Engineering (QNW) P/L	\$2,610,322
DotAG38207	Corporate Data Wharehouse	Aurora Consulting Pty Ltd	\$2,660,541
DotAG200900323	Support & Maintenance for Oracle Products	Oracle Corporate Australia Pty Ltd	\$3,376,749
DotAG29808	Consultancy Services For Enterprise Architecture Under SPIRIT Framework	Broadreach Consulting	\$3,600,000
DotAG29908	Provision of Strategic Information Management And Information Technology (SIMT) Project	Change Corporation Pty Ltd	\$3,900,000
DotAG200801720	Removal of bodies to morgues in Perth	Cintra Contracting	\$4,000,000
DotAG200803416	Electronic conversion of paper records	Iron Mountain Australia Pty Ltd	\$6,000,000
DTF48108A-2	Electricity supply - DotAG Attorney General	Alinta Gas	\$7,249,035

## APPENDIX 2

### Acts Administered by the Department of the Attorney General

(as at 1 July 2009)

<i>Acts Amendment (Equality of Status) Act 2003</i>	<i>Co-operative Schemes (Administrative Actions) Act 2001</i>
<i>Acts Amendment and Repeal (Courts and Legal Practice) Act 2003</i>	<i>Coroners Act 1996</i>
<i>Administration Act 1903</i>	<i>Corporations (Administrative Actions) Act 2001</i>
<i>Age of Majority Act 1972</i>	<i>Corporations (Ancillary Provisions) Act 2001</i>
<i>Anglican Church of Australia (Diocesan Trustees) Act 1888</i>	<i>Corporations (Commonwealth Powers) Act 2001</i>
<i>Anglican Church of Australia (Diocese of North West Australia) Act 1961</i>	<i>Corporations (Consequential Amendments) Act (No. 3)</i>
<i>Anglican Church of Australia (Swanleigh land and endowments) Act 1979</i>	<i>Corporations (Taxing) Act 1990</i>
<i>Anglican Church of Australia Act 1976</i>	<i>Corporations (Western Australia) Act 1990</i>
<i>Anglican Church of Australia Constitution Act 1960</i>	<i>Crimes at Sea Act 2000</i>
<i>Anglican Church of Australia Lands Act 1914</i>	<i>Criminal Appeals Act 2004</i>
<i>Artificial Conception Act 1985</i>	<i>Criminal Code Act Compilation Act 1913</i>
<i>Australia Acts (Request) Act 1985</i>	<i>Criminal Injuries Compensation Act 2003</i>
<i>Bail Act 1982</i>	<i>Criminal Investigation (Extra-territorial Offences) Act 1987</i>
<i>Bail Amendment Act 2008</i>	<i>Criminal Law (Mentally Impaired Accused) Act 1996</i>
<i>Baptist Union of Western Australia Lands Act 1941</i>	<i>Criminal Procedure Act 2004</i>
<i>Bills of Exchange (day for payment) (1836) (Imp)</i>	<i>Criminal Property Confiscation (Consequential Provisions) Act 2000</i>
<i>Bills of exchange (non-payment) (1832) (Imp)</i>	<i>Criminal Property Confiscation Act 2000</i>
<i>Births, Deaths and Marriages Registration Act 1998</i>	<i>Cross-border Justice Act 2008</i>
<i>Charitable Trusts Act 1962</i>	<i>Crown Suits Act 1947</i>
<i>Child Support (Adoption of Laws) Act 1990</i>	<i>Dangerous Sexual Offenders Act 2006</i>
<i>Children's Court of Western Australia Act 1988</i>	<i>Debts Recovery Act 1830 (Imp)</i>
<i>Choice of Law (Limitation Periods) Act 1994</i>	<i>Debts Recovery Act 1839 (Imp)</i>
<i>Civil Judgments Enforcement Act 2004</i>	<i>Defamation Act 2005</i>
<i>Civil Liability Act 2002</i>	<i>Deodands abolition (1846) (Imp)</i>
<i>Civil Procedure Act 1833 (Imp)</i>	<i>District Court of Western Australia Act 1969</i>
<i>Classification (Publications, Films and Computer Games) Enforcement Act 1996</i>	<i>Domicile Act 1981</i>
<i>Commercial Arbitration Act 1985</i>	<i>Dower amendment (1833) (Imp)</i>
<i>Commissioner for Children and Young People Act 2006</i>	<i>Electronic Transactions Act 2003</i>
<i>Commonwealth Places (Administration of Laws) Act 1970</i>	<i>Escheat (Procedure) Act 1940</i>
<i>Commonwealth Powers (De Facto Relationships) Act 2006</i>	<i>Escheat and forfeiture of real and personal property (1834) (Imp)</i>
<i>Companies (Administration) Act 1982</i>	<i>Evidence Act 1906</i>
<i>Constitutional Powers (Coastal Waters) Act 1979</i>	<i>Executors Act 1830 (Imp)</i>
	<i>Factors (1823) (Imp)</i>
	<i>Factors (1825) (Imp)</i>
	<i>Factors (1842) (Imp)</i>
	<i>Factors Acts Amendment Act 1878</i>
	<i>Family Court (Orders of Registrars) Act 1997</i>
	<i>Family Court Act 1997</i>
	<i>Family Legislation Amendment Act 2006</i>
	<i>Fatal Accidents Act 1959</i>
	<i>Federal Courts (State Jurisdiction) Act 1999</i>
	<i>Financial Transaction Reports Act 1995</i>

*Fines, Penalties and Infringement Notices Enforcement Act 1994*  
*Freemasons' Property Act 1956*  
*Gender Reassignment Act 2000*  
*Guardianship and Administration Act 1990*  
*Highways (Liability for Straying Animals) Act 1983*  
*Imperial Act Adopting Ordinance 1847*  
*Imperial Acts Adopting Act 1836*  
*Imperial Acts Adopting Act 1844*  
*Imperial Acts Adopting Ordinance 1849*  
*Imperial Acts Adopting Ordinance 1867*  
*Infants' Property Act 1830 (Imp)*  
*Inheritance (Family and Dependants Provision) Act 1972*  
*Inheritance amendment (1833) (Imp)*  
*Interpretation Act 1984*  
*Judges' Retirement Act 1937*  
*Judgments Act 1839 (Imp)*  
*Judgments Act 1855 (Imp)*  
*Juries Act 1957*  
*Jurisdiction of Courts (Cross-vesting) Act 1987*  
*Justices of the Peace Act 2004*  
*Law Reform (Contributory Negligence and Tortfeasors' Contribution) Act 1947*  
*Law Reform (Miscellaneous Provisions) Act 1941*  
*Law Reform (Statute of Frauds) Act 1962*  
*Law Reporting Act 1981*  
*Law Society Public Purposes Trust Act 1985*  
*Legal Profession Act 2008*  
*Legal Representation of Infants Act 1977*  
*Limitation Act 1935*  
*Limitation Act 2005*  
*Magistrates Court (Civil Proceedings) Act 2004*  
*Magistrates Court Act 2004*  
*Marriage Act 1835 (Imp)*  
*Mercantile Law Amendment Act 1856 (Imp)*  
*Miscellaneous Regulations (Validation) Act 1985*  
*Miscellaneous Repeals Act 1991*  
*Native Title (State Provisions) Act 1999*  
*Oaths, Affidavits and Statutory Declarations Act 2005*  
*Occupiers' Liability Act 1985*  
*Offenders (Legal Action) Act 2000*  
*Official Prosecutions (Accused's Costs) Act 1973*  
*Off-shore (Application of Laws) Act 1982*  
*Parole Orders (Transfer) Act 1984*  
*Partnership Act 1895*  
*Perpetuation of Testimony Act 1842 (Imp)*  
*Perth Anglican Church of Australia Collegiate School Act 1885*  
*Perth Diocesan Trustees (Special Fund) Act 1944*  
*Perth Hebrew Congregation Lands Act 1921*  
*Presbyterian Church Act 1908*  
*Presbyterian Church Act 1976*  
*Presbyterian Church Act Amendment Act 1919*  
*Presbyterian Church Act Amendment Act 1924*  
*Presbyterian Church of Australia Act 1901*  
*Presbyterian Church of Australia Act 1970*  
*Prescription Act 1832 (Imp)*  
*Prisoners (Release for Deportation) Act 1989*  
*Professional Standards Act 1997*  
*Property Law Act 1969*  
*Prostitution Act 2000 (s. 62 & Part 5 only)*  
*Prostitution Amendment Act 2008*  
*Public Notaries Act 1979*  
*Public Trustee Act 1941*  
*Reprints Act 1984*  
*Restraining Orders Act 1997*  
*Restraint of Debtors Act 1984*  
*Roman Catholic Bishop of Broome Property Act 1957*  
*Roman Catholic Bunbury Church Property Act 1955*  
*Roman Catholic Church Lands Act 1895*  
*Roman Catholic Church Lands Amendment Act 1902*  
*Roman Catholic Church Lands Ordinance 1858*  
*Roman Catholic Church Property Act 1911*  
*Roman Catholic Church Property Act Amendment Act 1912*  
*Roman Catholic Church Property Acts Amendment Act 1916*  
*Roman Catholic Geraldton Church Property Act 1925*  
*Royal Commission (Police) Act 2002*  
*Sea-Carriage Documents Act 1997*  
*Sentence Administration Act 2003 (Pt. 2 Div. 1, 3 & 4, Pt. 3, Pt. 4, Pt. 5 Div. 4, Pt. 9, s. 114, 115, 115A, 119 & 122, Sch. 1 & 2)*  
*Sentencing (Consequential Provisions) Act 1995*  
*Sentencing Act 1995 (The Department of Corrective Services is the agency principally assisting the Attorney General in the administration of Pt. 3 Div. 3 & 5, Pt. 3A, 9, 10, 11 & 12 & Pt. 18 Div. 2, 3 & 4 of this Act)*  
*Sentencing Legislation Amendment and Repeal Act 2003*  
*Service and Execution of Process (Harbours) Ordinance 1855*

<i>Solicitor-General Act 1969</i>	<i>Titles (Validation) and Native Title (Effect of Past Acts) Act 1995</i>
<i>Special Investigation (Coal Contract) Act 1994</i>	<i>Trustee Companies Act 1987</i>
<i>Spent Convictions Act 1988</i>	<i>Trustees Act 1962</i>
<i>State Administrative Tribunal (Conferral of Jurisdiction)</i>	<i>Trustees of Western Australia Limited (Transfer of Business) Act 2003</i>
<i>Amendment and Repeal Act 2004</i>	<i>Unauthorised Documents Act 1961</i>
<i>State Administrative Tribunal Act 2004</i>	<i>Uniting Church in Australia Act 1976</i>
<i>Statute of Frauds (1677) (Imp)</i>	<i>Vexatious Proceedings Restriction Act 2002</i>
<i>Statutory Corporations (Liability of Directors) Act 1996</i>	<i>Victims of Crime Act 1994</i>
<i>Stock Jobbing (Application) Act 1969</i>	<i>Warehousemen's Liens Act 1952</i>
<i>Suitors' Fund Act 1964</i>	<i>Warrants for Goods Indorsement Act 1898</i>
<i>Supreme Court Act 1935</i>	<i>West Australian Trustees Limited (Merger) Act 1989</i>
<i>The Salvation Army (Western Australia) Property Trust Act 1931</i>	<i>Wills Act 1970</i>
	<i>Yallingup Foreshore Land Act 2006</i>

## APPENDIX 3 - Location maps

The Department of the Attorney General head office operates from 141 St Georges Terrace, Perth. Numerous service locations are located throughout Western Australia.

### Metropolitan locations





## Regional locations



## Aboriginal Justice Agreement regional justice forum locations

