



Government of **Western Australia**
Department of **Justice**

Annual Report 2018/19



Statement of compliance



Hon John Quigley MLA
Attorney General



Hon Francis Logan MLA
Minister for Corrective Services

In accordance with Section 61 of the *Financial Management Act 2006*, I hereby submit for your information and presentation to Parliament, the Annual Report of the Department of Justice for the financial year ended 30 June 2019.

This Annual Report has been prepared in accordance with the provisions of the *Financial Management Act 2006*.

A handwritten signature in black ink, appearing to read 'Adam Tomison', followed by a long horizontal line.

Dr Adam Tomison
Director General
Department of Justice
23 September 2019

Mail: GPO Box F317
PERTH WA 6841
Phone: 9264 1600
Web: www.justice.wa.gov.au
ISSN: 1837-0500 (Print)
ISSN: 1838-4277 (Online)

The Department of Justice chose this artwork "Voice, treaty, truth" to be the front cover.
Painted by a prisoner from Eastern Goldfields Regional Prison.
This is how the artist describes the painting:

"The white symbols represent the wadjella (white fellas). The brown symbols represent the Aboriginal people. In this painting, both cultures come together, to sit down as one for a better future. ."

Contents

| | |
|--|------------|
| Overview of the Agency..... | 4 |
| Executive summary | 4 |
| Operating locations | 6 |
| Strategic framework | 7 |
| Organisational structure | 8 |
| Performance management framework | 9 |
| Agency performance..... | 10 |
| Financial summary and financial targets | 10 |
| Key performance indicators summary | 11 |
| Achievements at a glance..... | 13 |
| Corrective Services | 17 |
| Court and Tribunal Services | 39 |
| Office of the Commissioner for Victims of Crime | 50 |
| Advocacy, guardianship and administration services..... | 54 |
| Trustee services..... | 57 |
| Registry of Births, Deaths and Marriages | 59 |
| Services to Government..... | 63 |
| Asset management | 79 |
| Professional standards..... | 83 |
| Managing our people | 85 |
| Significant issues impacting the agency..... | 88 |
| Financial statements | 90 |
| Key performance indicators | 162 |
| Disclosures and legal compliance..... | 189 |
| Governance disclosures | 189 |
| Major capital works | 190 |
| Customer feedback | 190 |
| Employment and industrial relations | 190 |
| Other legal requirements..... | 192 |
| Code of conduct | 192 |
| Compliance with sector standards and ethical codes..... | 192 |
| Recordkeeping plan..... | 192 |
| Advertising and allied expenditure | 193 |
| Freedom of information..... | 194 |
| Disability access and inclusion planning | 194 |
| Government policy requirements..... | 196 |
| Substantive equality | 196 |
| Reconciliation action plan..... | 196 |
| OSH and injury management | 196 |
| Appendix 1 - Acts administered through the Department | 198 |

Executive summary



The Department of Justice supports the community, Western Australian Government, judiciary and Parliament through the provision of access to high quality justice, legal and corrective services, information and products.

The Department is the agency principally responsible for assisting the Attorney General and Minister for Corrective Services in developing and implementing policy and the administration of, and compliance with, approximately 200 Acts of Parliament.

2018/19 has been a highly productive year for the Department, resulting in landmark criminal justice reforms being passed by State Parliament and considerable work done to deliver on the Government's infrastructure expansion projects.

Managing the high demand for prisoner beds and planning for the State's future court and custodial infrastructure continued to be a high priority, as has driving forward therapeutic treatment for prisoners – with community safety the strongest priority.

Driving justice reforms

The Department has progressed key legislative reform, including laws establishing the High Risk (Sexual and Violent) Offenders Board. An election commitment, the operations of the Board will see serious violent offenders kept in jail beyond the length of their sentences, which will further contribute to community safety. The Department also worked on the newly passed *Criminal Law Amendment (Intimate Images) Act 2018*, more commonly known as 'revenge porn', which makes the sharing of intimate images without consent a criminal offence.

Ten Bills have been passed in Parliament this financial year and another eleven Bills are now before Parliament for consideration. This has been a huge collaborative effort between many different areas of our Department and I thank all of those involved.

The Royal Commission into Institutional Responses to Child Sexual Abuse has had a profound impact on the Western Australian community. The Department is responsible for leading Western Australia's participation in the National Redress Scheme for survivors of institutional child sexual abuse, on behalf of all WA Government agencies.

Building Infrastructure

In 2018/19 the Department has worked to progress a number of large scale infrastructure expansion projects, including the new \$86 million Armadale Courthouse and Police Complex which will be operational in 2021. The Department opened Wandoo Rehabilitation Prison, the State's first dedicated alcohol and other drug rehabilitation prison for women. The first dedicated alcohol and other drug unit for men is being built as part of the \$186 million expansion of Casuarina Prison and will be in operation in 2020. Planning for the new Broome Regional Prison has begun and \$23.7 million will be used for the upgrade and expansion of the Bunbury Regional Prison which will include 160 new beds.

The strong investment that the State Government has made in these areas will enable the Department to more effectively manage the high prison population and complex needs of prisoners, such as the increase in mental health conditions and the ageing population within the prison estate. This much needed expansion will provide for both population growth and for the efficient delivery of services for many years to come.

Leveraging technology

The Department is continually looking for ways to increase the cost-effectiveness of the criminal justice system and to improve services to the Western Australian community. This year, the Department has constructed a new video link facility at Hakea Prison which enables up to 130 prisoners a day to attend court hearings via video from within the prison, which is cheaper and safer than having them attend in person. Corrective Services also issued SMS messages to prison visitors as part of its wider drug prevention strategy aimed at stopping drugs and other contraband from entering custodial facilities.

Strengthening our workforce

The Department's Aboriginal Workforce Development Strategy illustrates the Department's commitment to strengthening our workforce and delivering justice and custodial services that are more responsive to the needs of Aboriginal people.

A representative and inclusive workforce will ensure that these services are culturally competent and shaped and informed by the perspectives and insight that our Aboriginal employees bring to our organisation.

This financial year the Department has provided a range of pathways for entry into employment with the Department. The Public Sector Commission's employment strategy for Aboriginal people 2016 set a benchmark of 3.2% of Aboriginal people represented in public employment. I am proud to be able to say that the Department has achieved 6.1% employment of Aboriginal people, much of that within Corrective Services.

Further, in response to concerns raised by the Corruption and Crime Commission regarding the Department's response to misconduct and corruption risks in Corrective Services, this year I initiated the creation of a new whole-of-department Professional Standards division. Professional Standards, with the support of Corrective Services, has already driven an enhanced investigatory response to suspected integrity and misconduct issues, and will lead the development of a corruption prevention capability and other measures in the coming year to ensure the Department is best placed to maintain a professional, ethical workforce.

I would like to thank our Ministers, the Attorney General, the Hon John Quigley MLA and the Minister for Corrective Services, the Hon Francis Logan MLA this financial year for their strategic direction and ongoing support of the Department.








I would also like to acknowledge the management and staff in the Department for their continued dedication and hard work in helping to improve and deliver services to both the State Government and the Western Australian community.

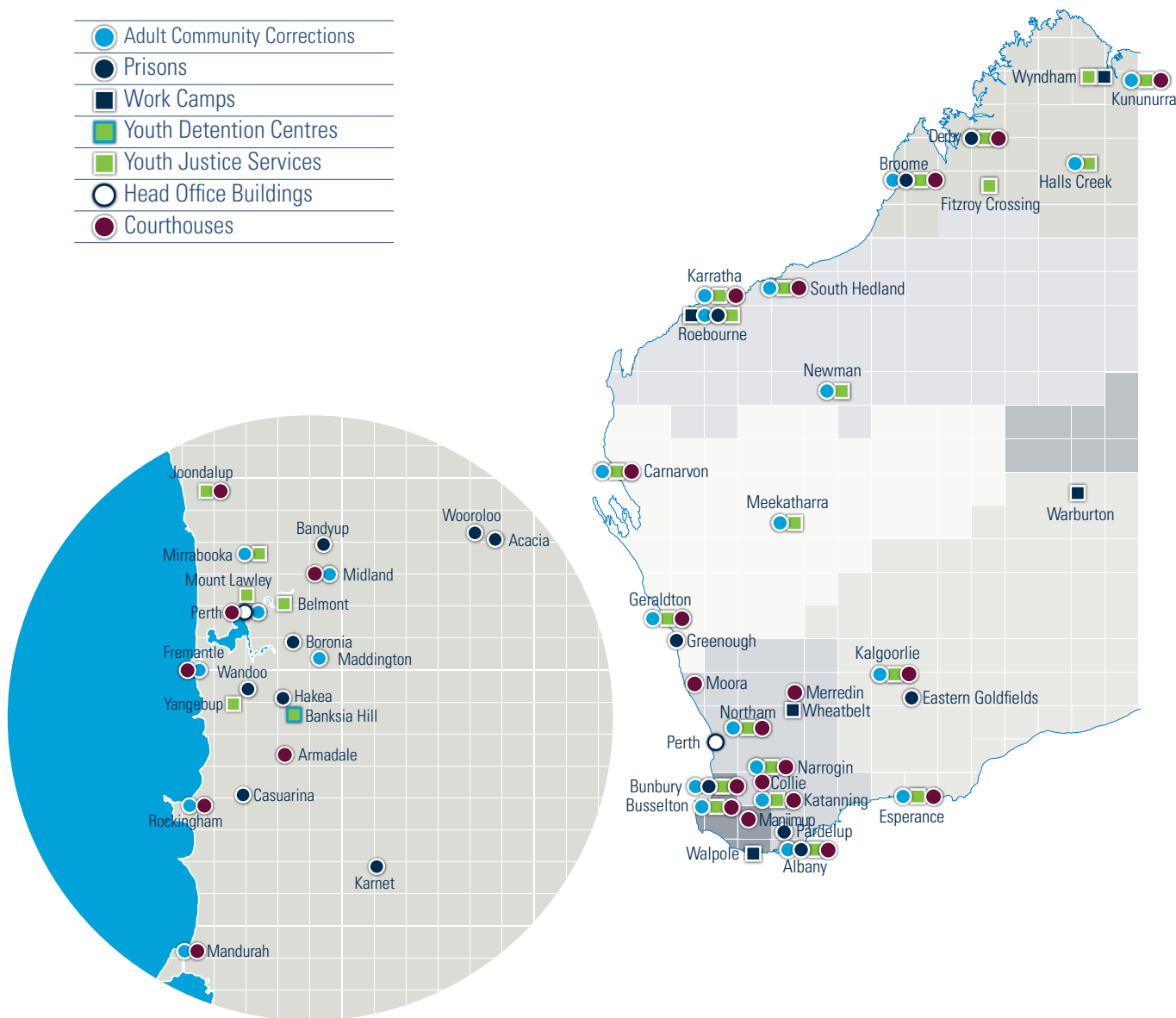


Dr Adam Tomison
Director General

Operating locations

The Department of Justice head office operates from the David Malcolm Justice Centre, 28 Barrack Street, Perth. The Department provides services throughout metropolitan and regional locations in Western Australia.

| | |
|---|-----------------------------|
|  | Adult Community Corrections |
|  | Prisons |
|  | Work Camps |
|  | Youth Detention Centres |
|  | Youth Justice Services |
|  | Head Office Buildings |
|  | Courthouses |



Strategic Framework

Mission

A fair, just and safe community for all Western Australians

Principles

- High performing and professional
- Ethical and accountable
- Trained, safe and supported

Values

- Respecting rights and diversity
- Fostering service excellence
- Being fair and reasonable

Roles and services

The Department of Justice supports the community, Western Australian Government, judiciary and Parliament through the provision of access to high quality justice, legal and corrective services, information and products.

The Department is the agency principally responsible for assisting the Attorney General and Minister for Corrective Services in developing and implementing policy and the administration and compliance of approximately 200 Acts.

The Department has a diverse range of services, which have the potential to affect all Western Australians. These include:

Justice Services

- court and tribunal services
- corrective services
- offender management and community safety
- victim support

Services to the Community

- advocacy, guardianship and administration services
- trustee services
- birth, death and marriage services

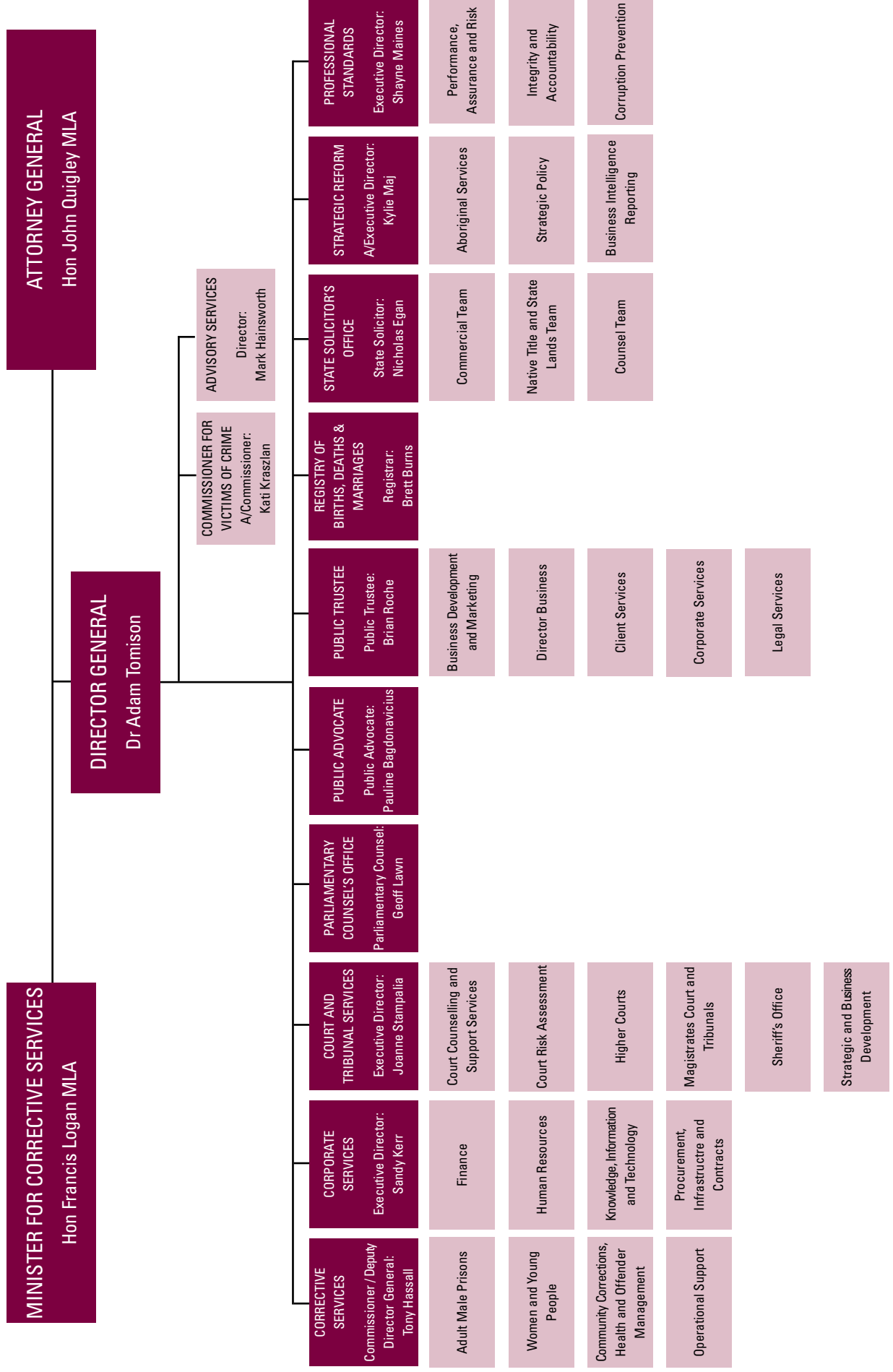
Services to Government

- policy advice
- legal advice and representation
- legislative drafting and related services

Key Result Areas

- Responsive to Government
- Improved data, analytical and evaluative capability
- Targeted and strategic policy development and legislative reform
- Improved service delivery and collaboration
- Improved community safety and security
- Sustainable strategies and outcomes

Organisational structure



Performance management framework

Relationship to Government Goals

Broad government goals are supported at agency level by specific outcomes. Agencies deliver services to achieve these outcomes. The following table illustrates the relationship between the Department's services and desired outcomes, and the government goal it contributes

to. The key effectiveness indicators measure the extent of impact of the delivery of services on the achievement of desired outcomes. The key efficiency indicators monitor the relationship between the service delivered and the resources used to produce the service.

| Government Goal | Desired Outcomes | Services |
|---|---|---|
| Strong communities Safe communities and supported families | An efficient, accessible court and tribunal system. | 1. Court and Tribunal Services |
| | Trustee, Guardianship and Administration services are accessible to all Western Australians. | 2. Advocacy, Guardianship and Administration Services |
| | | 3. Trustee Services |
| | Western Australian birth, death and marriage certificates are accurate and accessible. | 4. Births, Deaths and Marriages |
| | Government receives quality, timely legal and legislative drafting services. | 5. Services to Government |
| | Equitable access to legal services and information. | 6. Legal Aid Assistance* |
| | A safe, secure and decent corrective services which contributes to community safety and reduces offenders' involvement in the justice system. | 7. Adult Corrective Services |
| | | 8. Youth Justice Services |

*This outcome and service is delivered by the Legal Aid Western Australia. Legal Aid is partly funded through the Department of Justice but prepares a separate annual report including reporting against Key Performance Indicators.

Changes to the Department's Outcome Based Management Structure

The Department's Outcome Based Management (OBM) structure was unchanged during 2018/19.

From 1 July 2019, the OBM structure will incorporate a new service "National Redress Scheme for Institutional Child Sexual Abuse"

Financial summary

| Expenses | Original Budget 2018/19 \$000 | Revised Budget 2018/19 \$000 | Actual Expenditure 2018/19 \$000 |
|---|----------------------------------|---------------------------------|-------------------------------------|
| 1. Court and Tribunal Services | 384,761 | 384,824 | 496,142 |
| 2. Advocacy, Guardianship and Administration Services | 6,474 | 7,733 | 7,033 |
| 3. Trustee Services | 23,906 | 24,407 | 24,267 |
| 4. Births, Deaths and Marriages | 9,987 | 9,022 | 7,211 |
| 5. Services to Government | 57,540 | 78,137 | 58,632 |
| 6. Legal Aid Assistance | 43,998 | 43,998 | 48,566 |
| 7. Adult Offender Services | 844,798 | 841,618 | 897,862 |
| 8. Youth Justice Services | 100,634 | 95,116 | 95,944 |
| Total Cost of Services | 1,472,098 | 1,484,855 | 1,635,657 |

Financial targets

| | Original Target 2018/19 \$000 | Revised Target 2018/19 \$000 | Actual 2018/19 \$000 | Variation (Revised vs Actual) | Comment |
|--|-------------------------------------|------------------------------------|----------------------------|-------------------------------------|---|
| Total Cost of Services (expense limit) | 1,472,098 | 1,484,855 | 1,635,657 | 10.1% | <p>The variances include:</p> <ul style="list-style-type: none"> A higher actuarial assessment of the judges' pension liability assumed by the Treasurer (\$98 million); A loss on revaluation of land and buildings (\$48 million); Higher operating costs (mainly higher wages and salaries and external services partially offset by lower grants and subsidies). |
| Net Cost of Services | 1,302,521 | 1,315,412 | 1,467,349 | 11.5% | |
| Total Equity | 2,241,055 | 2,161,417 | 2,069,451 | (4.3%) | |
| Cash Assets | 46,382 | 70,939 | 53,080 | (25.2%) | Cash Assets are lower than budget mainly as a result of higher operating costs (wages and salaries and external services purchased). |

Key performance indicators summary

The Department continued to work towards achieving the key performance indicator targets set in the 2018/19 budget statements.

The ongoing growth in the complexity of civil and criminal matters, coupled with operational constraints, impacted on the Supreme Court results. The median time to finalise non-trial matters within the civil jurisdiction of the Supreme Court was five weeks above the target of 19 weeks at 24 weeks. The median time to trial for criminal matters in the Supreme Court criminal jurisdiction was 39 weeks, 11 weeks above the 28 week target. The introduction of the *Court Jurisdiction Legislation Amendment Act 2018* (WA), which transfers all non-homicide related matters from the Supreme Court criminal jurisdiction to the District Court criminal jurisdiction, effective from 1 January 2019, is anticipated to lead to a significant reduction in the number of criminal matters in the Supreme Court criminal jurisdiction when the backlog of older matters is cleared.

The median time to finalise non-trial matters is used in the Family Court of Western Australia to measure the capacity of the court to resolve applications for final order by methods other than by formal trial. In 2018/19, the time to finalise non-trial matters continued to be higher than target, reaching 45 weeks, 18 weeks above target. This was due to the reallocation of magistrates to trial work and continuous growth in the complexity and volume of final order parenting applications and court ordered finalisations. Applications seeking parenting orders take longer to finalise and represent more than 66 per cent of the Family Court's finalisations.

In the District Court criminal jurisdiction, the median time to trial for criminal matters was 41 weeks, nine weeks above the target of 32 weeks. This was due to a consistent increase in the number of cases committed to trial, which increased the criminal workload and had an impact on trial availability.

The State Administrative Tribunal (SAT) continued to achieve positive results. The median time to finalise a matter was one week better than the target of 15 weeks. This is mainly attributed to various process changes introduced in previous years and continuous improvements in case management practices by SAT.

The median time to trial for combined criminal and civil matters in the Magistrates Court was 25 weeks, six weeks above the target of 19 weeks. This result was the same as in 2017/18 and 2016/17. The higher than target result was mainly due to a higher number of criminal charges per case, as well as a 10 per cent increase in the number of matters going to trial in 2018/19.

Two additional magistrates and assisting staff were appointed to the Magistrates Court of Western Australia in September 2018 to address the increasing number of matters proceeding to trial.

The Coroner's Court continued to focus on older backlog coronial cases during 2018/19, with 73 per cent of inquests held over the target of 128 weeks. The median time to inquest was 151 weeks, which was 23 weeks above the target, reflecting an increase in the number of older inquests finalised in 2018/19.

The Fines Enforcement Registry result of 31 per cent of fines and costs satisfied within 12 months of referral was below the target of 35 per cent. The 2018/19 result for infringements satisfied within 12 months remained the same as last year at 52 per cent, which was below the target of 57 per cent.

The Office of the Public Advocate continued to experience ongoing and increasing demand for its services to vulnerable adults with decision-making disabilities. The percentage of guardians of last resort allocated in one day was 82 per cent, which was below the target of 95 per cent. However, approval of funding for additional resources from 2019/20 is expected to result in an improvement and enable the Office to better manage its increasing caseload.

The Public Trustee administered 4.1 per cent of deceased estates in Western Australian during 2018/19, meeting the annual target of four per cent. The percentage of clients who have services provided by the Public Trustee at a subsidised cost has steadily increased over the last four years and reached 57 per cent in 2018/19, exceeding the target of 50 per cent.

Key performance indicators summary (continued)

The Registry of Births, Deaths and Marriages met the target of 97 per cent accuracy of its source records, with 98 per cent of registrations recorded accurately in 2018/19. The timely delivery of certificates issued within two days result of 89 per cent was slightly lower than the target of 90 per cent.

The Parliamentary Counsel's Office continued its strong support for the State Government's legislative and reform agenda, meeting 100 per cent of the Government's timeframes for legislation it drafted.

Twenty-four government agencies participated in a survey on the delivery of services by the State Solicitor's Office and the responses showed a 100 per cent satisfaction rating.

As a result of a significant disturbance at Greenough Regional Prison in July 2018, where ten prisoners escaped, the target of zero ault escapes was not met. All prisoners were re-captured and an independent review into the incident made 58 recommendations, of which almost one-third have been completed. Corrective Services is also progressing with capital works investment to fortify the Greenough Regional Prison including security upgrades. There were no escapes from youth detention.

The rate of return of adult prisoners (either to prison or community corrections) was 40.8 per cent, slightly above the target 39 per cent. Similarly, the rate of return to youth detention was also above the target of 50 per cent, at 52.9 per cent, however was a decrease from 58.7 per cent in the previous financial year.

There was an increase in the successful completion rate of adult community corrections orders, from 63.8 per cent to 64.2 per cent. However, the successful completion rate of youth community-based orders decreased from 57.1 per cent to 56.4 per cent.

The Key Performance Indicators section of this report provides more detail.

Achievements at a glance

Community safety

Significant progress in the \$12.3 million fortification work at Greenough Regional Prison



\$3.1 million video link facility at Hakea Prison, reducing the need for prisoner transport

\$186M

in 2019/20 for Casuarina Prison's second stage expansion including **344** additional beds



\$1.4M

planning for Broome's new prison

Funding for an additional **48** community corrections officers

Actioned recommendations regarding Greenough Regional Prison disturbance



\$23.7M

upgrade and expansion at Bunbury Regional Prison including new beds

160



\$46.7M

in 2019/20 to expand the electronic monitoring of offenders and defendants in the community



We managed **5,902 adults and 1,524 young people** in the community



\$244.8 million

as part of the Government's Meth Action Plan, breaking the cycle of drug related crime, we opened the



1st

dedicated drug treatment facility for women in WA



to reduce the backlog



Corrective Services managed **6,908 adults and 134 young people** in prisons and detention

Combating drugs in prisons

Trained **3** new drug detection dogs and handlers



Tough new prisons drug strategy to stop the supply of drugs into prisons



\$96.3M

upgrade to Casuarina Prison in 2018/19 including 512 beds and the State's first dedicated alcohol and drug facility for men

Conducted almost **3,600** drug searches using our drug detection dogs



Achievements at a glance

Trained **34**
young people at
Banksia Hill
Detention
Centre in the
Army Cadets
program



Aboriginal people, women and young people

A new youth
emergency services
program with DFES
to give young people
in detention
more training
and job
opportunities



Celebrated 15 years of
operations as the
"shining light in the
corrections enviroment"
Boronia Pre-release
Centre for Women



**Prisoners
gave back
to the
community**

Enabled prisoners to
contribute to society with
more than 45,000 hours of
community work by
section 95
prisoners



Produced more than
\$11M in produce and
services to offset our
running costs



Supporting our staff

We are approximately 4,500 staff strong



A new intelligence led
strategy to **disrupt**
dangerous behaviour in
prisons, particularly
targeted at outlaw
motorcycle gangs in our
prisons

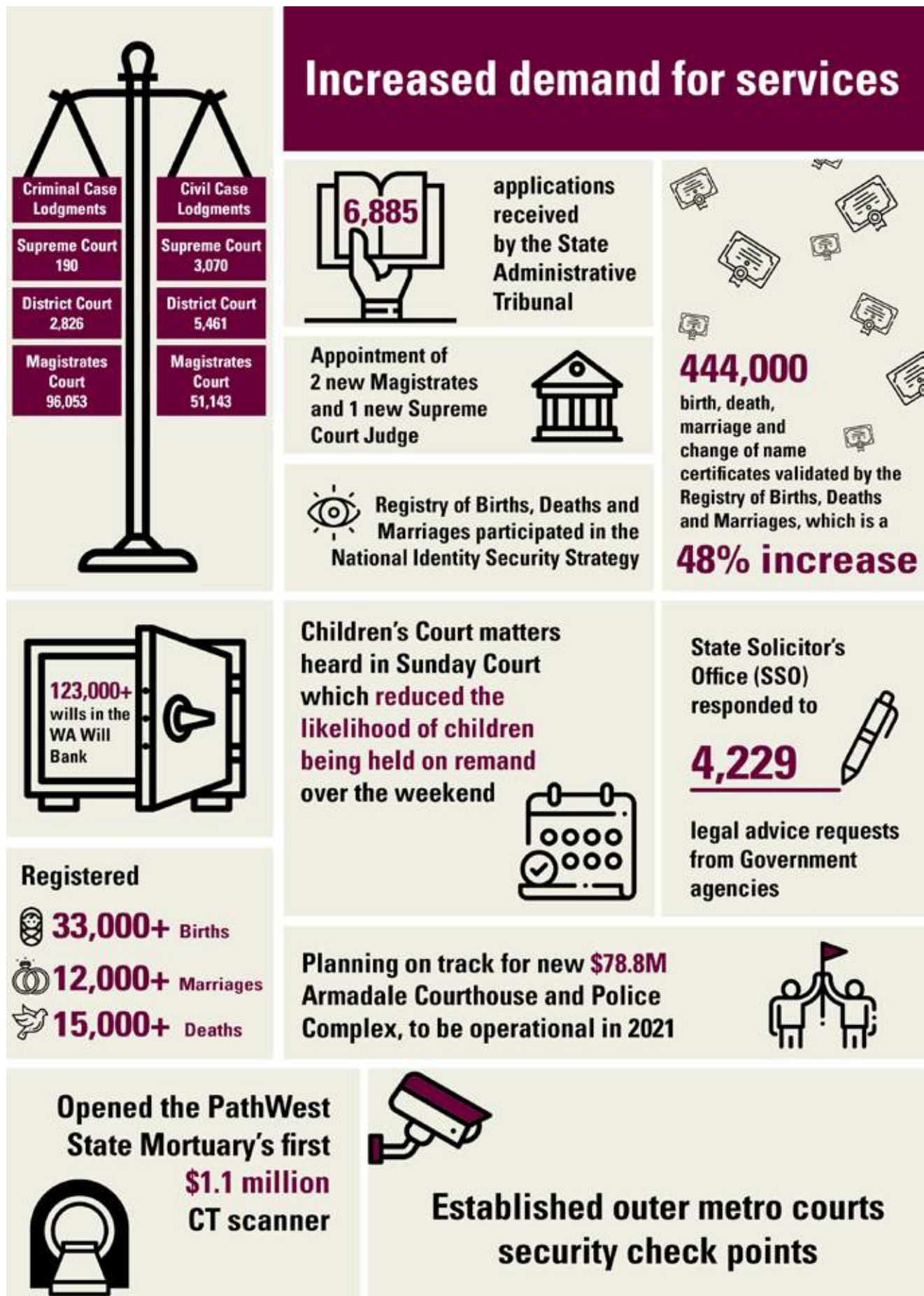


Committed to
recruiting more
than 450 additional
prison officers

Trained 423 staff,
including **235**
new prison
officers



Achievements at a glance



Achievements at a glance

Supporting vulnerable people

Public Trustee and Public Advocate identified cases of alleged elder abuse



Public Trustee conducted **1,700+** investigations into welfare of adults with a decision-making disability

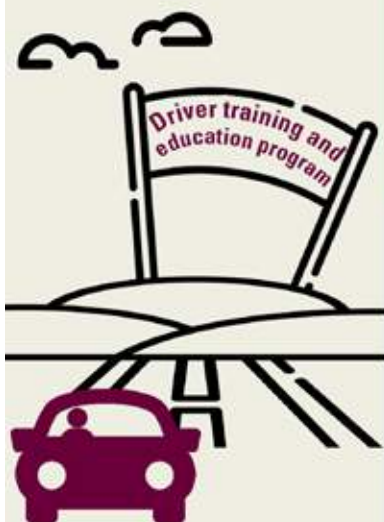


Continued advocating and investigating against elder abuse

Hosted a forum for World Elder Abuse Awareness Day to fight financial elder abuse



Being responsive to the needs of Aboriginal people



858 enrolments
392 learner's permits
288 provisional motor vehicle driver's licences

Supporting Victims of Crime



Almost 2,000 people attended
over \$1million fines paid back
1116 licence suspensions lifted

Launch of the **Aboriginal Workforce Development Strategy** as part of the Reconciliation Action Plan

Offering Victim Support and Child Witness Services in regional areas



Victims of Crime processed \$132K in funeral assistance payments for the expenses of 17 homicide victims' funerals



CVOC led WA in the National Redress Scheme for victims of institutional child abuse

Public Trustee managed trusts for 6,239 clients, which was an **increase of 1,003 new clients**



Public Advocate appointed as guardian for 2,100+ adults, which was an increase of 11%

Progressed with the **Western Australian Registry System** modernisation program to enhance the Registry of Births, Deaths and Marriages' IT business system



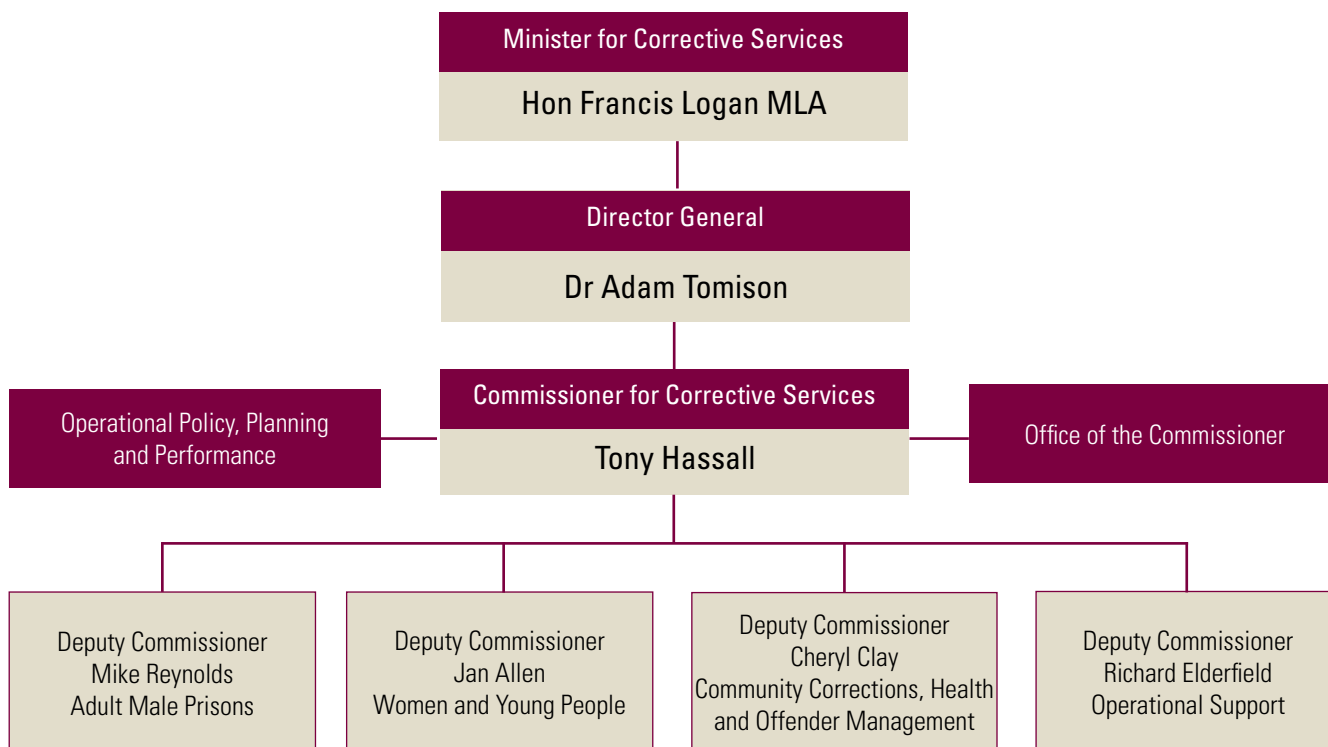
Corrective Services

The Corrective Services Division is responsible for the State's adult prison and youth detention populations, as well as adults and young people living in the community, who are being managed by community corrections. The key priorities are community safety, rehabilitation and operating in an ethical and transparent way.

This year, Corrective Services continued to refine and enhance the structural realignment following the machinery of Government amalgamation with the former Department of the Attorney General to become the Department of Justice.

The appointment of four dynamic Deputy Commissioners charged with the responsibility of delivering in priority operational areas, has allowed Corrective Services to focus its efforts on rehabilitation, integration, services, system improvements and workload distribution.

Corrective Services - Organisational Structure



Corrective Services employs approximately 4,500 staff and has an operating budget of almost \$1 billion, supplemented by prison industries which provided more than \$11 million worth of produce and services across the prison estate this year.

The geographical span of Corrective Services operations is vast, with prisons and community corrections offices located from Wyndham in the north, to Warburton in the east and Albany in the south.

In 2018/19 WA prisons held on average a daily population of 6,908 adults in custody and 5,902 adults were managed in the community. During the year there was an average

daily population of 134 young people detained at Banksia Hill Detention Centre and 1,524 young people in the community.

This year the State Government invested \$310 million in infrastructure upgrades and additional prison beds to manage the growing prison population. Much of this infrastructure work has been enacted this year.

This section of the annual report explores the results of Corrective Services' efforts this year, showing the highlights, the performance statistics and those areas where improvements could be made.

The Department is pleased with the progress made during this second year of transformation and is well positioned to deliver safer communities for all Western Australians, today and into the future.

In 2018/19:

- Corrective Services embarked on a recruitment campaign aimed at employing 458 new prison officers across the State. An open-ended recruitment campaign started on 30 November 2018. This has increased the number of applications for regional and metropolitan locations and has continued to provide a pipeline of prison officer recruits to support the prison estate.
- Infrastructure and recruitment investment has been coupled with other investment measures and policy initiatives, carefully designed to meet the growing prison population now and into the future, promote rehabilitation and improve community safety.
- Corrective Services continued to contribute to the Government's efforts to fight the scourge of methamphetamine, with the biggest milestone being the opening of Wandoo Rehabilitation Prison. The State's first dedicated alcohol and other drug rehabilitation prison for women was brought back into public hands and repurposed in 2018 to help women break the cycle of drug-related crime.
- Construction of the first dedicated alcohol and other drug unit for men is being built as part of stage one of Casuarina Prison's expansion and will be in operation in 2020.
- Corrective Services put into action a tough new drug strategy this year to stop the supply of drugs into prisons. Three new drug detection dogs and their handlers were trained and almost 3,600 drug searches on prisoners and visitors were conducted.
- Corrective Services also implemented a new intelligence-led strategy to disrupt dangerous behaviour in prisons, particularly targeted at outlaw motorcycle gangs, and recruited and trained 235 new staff.
- At Hakea Prison, WA's main male remand facility, a \$3.1 million video link facility was built to improve prisoners' access to court appearances, reducing the need to transport prisoners to and from court.
- Corrective Services also managed the \$23.7 million, 160 bed upgrade and expansion of Bunbury Regional Prison; the \$96.3 million, 512 bed, stage one upgrade and expansion of Casuarina Prison; planning for the \$186 million second stage of Casuarina Prison's expansion; and \$1.4 million for the planning of the new prison in Broome.
- Boronia Pre-release Centre for Women celebrated 15 years of operation which was labelled the estate's "shining light in the corrections environment" by the former Inspector of Custodial Services, Professor Neil Morgan.
- Young people at Banksia Hill Detention Centre benefited from a new youth emergency services program run in partnership with the Department of Fire and Emergency Services, to give young people in detention more training and employment opportunities. During the year, 34 young people also graduated from Banksia Hill's Army Cadets program, seven from Banksia Hill's barista course, 27 completed construction inductions and 34 completed a pre-driver course.
- Corrective Services committed to supporting prisoners to overcome addiction and provide rehabilitative programs, training and employment opportunities in order to prepare them for reintegration into the community ultimately reducing recidivism and improving community safety.
- The work camp programs enabled section 95 prisoners to learn new skills and make reparation to the community, with more than 45,000 hours of community work.
- The work with prisoners in custody is supported by the efforts of community corrections, where offenders are managed and supported within the community, providing better chances of successful reintegration and lower risks of reoffending.
- In August 2018, the Minister for Corrective Services, the Hon Francis Logan MLA hosted the Corrective Services Minister's Conference in Perth which provided opportunities for the sharing of innovative ideas and insights across Australian corrective services jurisdictions. In the spirit of sharing best practices, Corrective Services also hosted a number of international delegates over the year from Thailand, Mauritius and Singapore.

Western Australia's prisons

Western Australia has 15 public prisons, two private prisons and five work camps, which in 2018/19 collectively housed on average, 6,908 adult prisoners per day, including 76 prisoners per day in work camps.

| Prison population at a glance | | | |
|-------------------------------|---------|---------|--------|
| Average daily population | 2018/19 | 2017/18 | Change |
| Overall | 6,908 | 6,771 | 2.0% |
| Prison location | 2018/19 | 2017/18 | Change |
| Metropolitan | 5,029 | 4,798 | 4.8% |
| Regional | 1,879 | 1,972 | -4.7% |
| Gender | 2018/19 | 2017/18 | Change |
| Male | 6,171 | 6,062 | 1.8% |
| Female | 736 | 709 | 3.8% |
| Aboriginality | 2018/19 | 2017/18 | Change |
| Aboriginal | 2,694 | 2,592 | 3.9% |
| Non-Aboriginal | 4,214 | 4,179 | 0.8% |
| Personal security rating | 2018/19 | 2017/18 | Change |
| Maximum | 1,800 | 1,713 | 5.1% |
| Medium | 3,498 | 3,387 | 3.3% |
| Minimum | 1,610 | 1,671 | -3.7% |

Population management

Corrective Services continued to accommodate and manage an increasing prisoner population this year, with the average number of prisoners increasing from 6,771 in 2017/18 to 6,908 in 2018/19, representing a two per cent increase. Of the adult population in 2018/19, 28 per cent were on remand.

Continuing high remand levels resulted in increased demand for remand beds. Corrective Services also experienced a backlog in individual management plans, which are initial assessments used to determine what programs and services each prisoner requires during their time in prison.

In addition to the Government's significant investment in infrastructure and recruitment, which will ease population pressure, a number of strategies were developed and implemented to address the backlog in individual management plans. These included:

- prioritising the completion of individual management plans for prisoners with sentences greater than six months, but less than two years
- referring prisoners with less than six months to serve, for a pre-parole report with a community corrections officer, instead of an individual management plan
- the recruitment of additional staff to process individual management plans.

Clearing this backlog will improve rehabilitation and reintegration opportunities for sentenced prisoners.

Focus on adult male prisons

The Adult Male Prisons Directorate is responsible for four public metropolitan male prisons, eight regional prisons (three for men and five for men and women), one private metropolitan male prison, five regional male work camps and the State-wide prison industries.

The Directorate works to ensure prisons are safely and securely managed and that male prisoners are treated with respect, while being offered education and training opportunities as part of their overall rehabilitative journey.

Key achievements this year included:

- the management of 6,171 male prisoners
- employment of approximately 235 new prison officers
- \$23.7 million for a 160 bed upgrade and expansion to Bunbury Regional Prison
- \$96.3 million for a 512 bed upgrade and expansion to Casuarina Prison, including the State's first dedicated alcohol and other drug facility for men
- planning for the \$186 million second stage of Casuarina Prison's expansion involving 344 additional beds and upgrades
- significant progress in the \$12.3 million fortification work at Greenough Regional Prison
- \$1.4 million in planning for a new prison in Broome
- \$3.1 million video link facility at Hakea Prison, reducing the need for prisoner transport
- produced over \$11 million in produce and services to offset running costs
- enabled section 95 prisoners to contribute to society with more than 45,000 hours of community work.

Adult males make up 89 per cent of the State's prisoners, with 38 per cent being of Aboriginal or Torres Strait Islander descent.

The Government's \$310 million investment into prison infrastructure, particularly the construction of 1,228 new prison beds and the employment of approximately 450 new prison officers, will significantly increase the estate's capacity and ultimately enable Corrective Services to more safely and effectively manage the growing prison population.

The Adult Male Prisons Directorate in particular, will benefit from the 160 bed upgrade and expansion to Bunbury Regional Prison, the 856 bed upgrade and expansion to Casuarina Prison, including the State's first dedicated alcohol and other drug facility for men, with

planning underway for a new prison in Broome.

Hakea Prison is the main remand facility for men. Managing a largely transient population comes with unique challenges compared to managing more stable populations where prisoners have been sentenced. This, in addition to population pressure at Hakea Prison saw an increase in serious assaults by prisoners, on other prisoners and on staff.

During 2018/19, the Department undertook a review of its key performance indicator data in relation to the rate of serious assaults per 100 prisoners. As a result of this review, the Department improved the way it captures data regarding assaults.

The Department has enhanced the software used to report incidents, strengthened the quality assurance processes around incident recording and introduced a new category of assault to better capture the range of violence experienced by prisoners and staff. This has led to a far more comprehensive data collection and has enabled the Department to more accurately report and record assaults against prisoners and staff. Further improvements will be made to the reporting and recording of this data in 2019/20.

The State Government's strong investment into infrastructure will see 1,228 new beds available across the estate which will ease the population pressure and associated issues in managing Hakea's population in the medium to long-term. In the short-term an intelligence-led strategy was introduced to disrupt dangerous behaviour in prisons, particularly that of outlaw motorcycle gang members.

Hakea Prison also benefitted from a \$2.1 million video link facility which was purpose-built at the prison this year. The facility improved video-link capability and capacity for court appearances and reduced the need for prisoner transport.

The Department undertook a Ligature Minimisation program to address the issue of opportunistic self-harm through a program of ligature removal, complimented by the implementation of suicide prevention strategies. In 2018/19, the Department completed ligature minimisation for 13 cells in Casuarina Prison and six cells in Hakea Prison.

As prison population growth continues, the challenge of dealing with the specialised needs of particular groups (cohorts) of prisoners also increases. Consistent with national trends, there is an increasing population of ageing prisoners and prisoners with mental health and drug and alcohol issues.

Corrective Services has commenced the expansion of Casuarina Prison, with 512 beds now under construction and a further 344 new beds to be delivered using an additional \$186 million secured as part of the 2019/20 budget. The construction investment also includes expanding and improving the current infirmary, establishing a suitable mental health unit to deal with serious psychiatric conditions and suitable aged care and high-risk, high-security accommodation options.

These investments are collectively targeted at delivering Western Australia's first dedicated alcohol and other drug treatment facility for men as well as maximising investment in local industry and delivering local jobs and quality services for the community.

Having Wandoo Rehabilitation Prison now operational as a women's alcohol and other drug facility and the development of the men's alcohol and other drug unit as part of the Casuarina expansion will meet a commitment in the Government's Methamphetamine Action Plan and will strengthen Corrective Services' ability to provide alcohol and other drug treatment services to prisoners to assist in breaking the cycle of alcohol and drug related crime.

Greenough Regional Prison

Greenough Regional Prison was opened in 1984 to replace Geraldton Prison and operates a minimum, medium and maximum security level for male and female prisoners.

A major disruption took place at the prison in July 2018 and resulted in significant infrastructure damage. A report into the incident prepared by former Commissioner of Corrections Victoria, Jan Shuard, made 58 recommendations. All 58 recommendations were accepted by the Department which worked tirelessly to address these recommendations this year, with almost one-third completed already.

Most significantly, Corrective Services is progressing the Government's \$12.3 million capital works investment to further fortify the prison, including a security upgrade for the female compound with a 4.6 metre-high pulse-energised fence. A new workshop, medical consulting space and educational programs are also being built and a number of cells and offices in various units are being painted and refurbished.

In addition to security improvements and upgrades, Corrective Services has made a number of improvements to governance and emergency management preparedness at all prisons. These include the establishment of Local Risk Management Committees at every prison to provide coordinated leadership to improve service delivery, the implementation of emergency management exercise schedules and the development of a master equipment register to confirm security and response equipment capability.

Corrective Services has also provided additional primary response and basic riot control training to Greenough staff and training in intelligence reporting to strengthen intelligence culture and capability.

Other improvements include the revitalisation of the Aboriginal Services Committee which, in collaboration with the local Aboriginal community, ensures the delivery of culturally appropriate services for Aboriginal prisoners within the prison.

From the local area, 24 new staff have been employed, as well as senior officers including an assistant superintendent and a business manager. The prison is expected to resume operations at full capability and capacity in 2020, with 333 beds.

Work camps

Work camps have been operating in Western Australia for more than 20 years with thousands of prisoners and community groups benefitting from the program. Community groups and not-for-profit organisations can apply to the Department for eligible prisoner workers to assist with their project.

Eligible minimum security prisoners are those who are nearing release and benefit from learning new skills and becoming job ready, while making reparation to the community. These prisoners are able to work in the community, under section 95 of the *Prisons Act 1981* (WA) and are therefore referred to as 'section 95 prisoners'.

Typical projects include tree planting and coastal regeneration, maintenance of national parks and reserves, restoring heritage sites and buildings of significant historical value, as well as a range of other community projects undertaken for not-for-profit organisations.

Western Australia's five work camps are located in Roebourne, the Kimberley (Wyndham), Eastern Goldfields (Warburton), the Wheatbelt (Dowerin) and the Great Southern (Walpole).

In 2018/19, Western Australia's work camps completed 45,051 hours of community work across the State valued at \$861,826, with projects including:

- upgrade to the Maggie Creek Road – as a result of their hard work, three workers were offered full time jobs upon their release
- beautification of the Lilly Lagoon, Kununurra – working with community volunteers, prisoners have restored the main town waterway, not only enhancing its visual appearance, but allowing water species to flourish
- support with the Kimberley Moon Experience including the Ord Valley Muster
- ongoing maintenance of the Munda Biddi and Bibbulmun tracks
- assistance to the Department of Fire and Emergency Services and the Department of Biodiversity, Conservation and Attractions in responding to local bush fires construction, trail marking and clearing of historical stock droving route for farming families in the Manjimup and Bridgetown-Greenbushes shires
- long-term weed management and revegetation of sand dunes with native plants around the City of Karratha and surrounding areas
- restoration and maintenance of the Cossack township – including clearing pathways and the restoration of historic buildings
- maintenance of the Cossack cemetery including weeding, rubbish clearing and painting
- the redevelopment of the Roebourne Victoria Hotel.

Prison Industries

It is essential that prisoners engage in meaningful activities and have a structured routine of work, study, training and programs.

Prison Industries support a range of activities designed to provide prisoners with useful skills, deliver services to community and charity groups, and make the operation of WA prisons largely self-sufficient.

Prisoners can work in the abattoir, dairy, bakery, laundry, textiles and cabinet workshops, with industries connected to accredited TAFE courses and apprenticeships, making them 'job ready' upon release from prison.

All milk, egg and meat products consumed within State operated prisons are supplied by Prison Industries along with many fruit and vegetable crops.

This year, the three industries produced \$11,655,763 in products and services including:

Meat products: 760,678 kgs valued at \$9,797,120.

Milk: 1,491,806 litres valued at \$1,491,806.

Eggs = 124,274 dozen valued at \$366,837.

This represents an increase of approximately \$103,000 compared to what was produced in 2017/18.



Prisoners baking and packaging bread at Casuarina Prison.

Prisoners restore historic community asset

Prisoners from Bunbury Regional Prison have restored a historic house built by their counterparts more than a century ago – learning skills they will be able to apply on release.

Section 95 prisoners were responsible for the restoration work on the historic house which was built by ticket-of-leave convicts, as well as Noongar people and deserting seamen, 162 years ago.

Ellensbrook House in Margaret River is now a National Trust property. Back in 1857 it was owned by Ellen and Alfred Bussell, who were among the district's first settlers, making a living selling farm produce.

Bunbury Assistant Superintendent Shane Dowell said 18 section 95 prisoners and three vocational support officers – Steve Smith, Dave Robins and Marcello Rampin – worked on the restoration over several months.

Section 95 activities are designed to help prisoners to successfully reintegrate back into the community post-release.

"Over a week of training, local experts taught the prisoners how to lime wash and how to build fences as they did in the 1850s, slotting split timbers into each other," Shane said.

"The prisoners worked alongside local people to transform the historic property from a cobwebby wreck into a showcase home that gives visitors an insight into the lives of the district's pioneers.

"The stone house has an old-style tin roof. The prisoners helped on every aspect of it, including the floorboards, timber windows, doors and paving.

"The project gave them skills they will be able to take into the community post-release, hopefully enabling them to gain jobs and to not reoffend.

"The local people who worked with the prisoners were very impressed with them. The prisoners were aware that they were representing the Department and they behaved really well.

"This kind of worthwhile project breaks down barriers between prisoners and the community. Without the contribution of the prisoners and the three vocational support officers, the restoration of this valuable property would have taken much longer and would have cost a lot more."

"The prisoners are really proud of what they've achieved," Shane said. "They like to know they're giving back to the community."

The officers and prisoners will continue to visit Ellensbrook House to carry out regular maintenance.

Another National Trust property, Wonnerup House near Busselton, also benefited from Bunbury section 95 prisoners who worked on a general clean-up of the property, which was built in 1859.



VSOs Marcello Rampin, Steve Smith and Dave Robins, Assistant Superintendent Shane Dowell and National Trust representatives and local residents Kylie Maxfield, Guy Weguelin, Caroline Stokes and Rodney Weguelin.

Focus on women and young people

The creation of a Women and Young People Directorate is driving a program of reform and improvement designed to address the special needs of female prisoners and young offenders.

The Directorate is responsible for three public metropolitan female prisons, one private metropolitan female prison and the female populations within five mixed-gender regional prisons.

The Directorate is also responsible for Banksia Hill Detention Centre, the State's sole youth detention facility as well as young people being managed in the community.

Key achievements this year included:

- the management of 736 female prisoners
- the management of 134 young people in detention
- the management of 1,524 young people in the community
- the opening of the State's first alcohol and drug treatment facility for women – Wandoo Rehabilitation Prison
- 25 women completed the rigorous therapy program at Wandoo Rehabilitation Prison
- celebrating Boronia Pre-release Centre for Women's 15 years of operation
- the training of more than 57 per cent of Bandyup Women's Prison staff in trauma-informed care
- a new youth emergency services program with the Department of Fire and Emergency Services to give young people in detention more training and employment opportunities
- training of 34 young people at Banksia Hill Detention Centre in the Army Cadets program
- starting a reading recovery program at Banksia Hill Detention Centre to improve literacy levels.

Women

The three public female prisons, Wandoo Rehabilitation Prison, Boronia Pre-release Centre for Women and Bandyup Women's Prison are actively sharing best practice and working together to improve the delivery of services to all female prisoners across the State.

Work is underway to separate women specific performance recommendations from the adult male estate to ensure response actions are gender appropriate.

A key focus going forward is the delivery of gender and culturally appropriate services to women in prison, to ultimately deliver a safer community.

Wandoo Rehabilitation Prison

Wandoo was re-purposed as Western Australia's first dedicated female alcohol and other drug rehabilitation facility and was officially opened in August 2018.

Within a minimum-medium security campus style setting, featuring low rise accommodation, communal kitchens, laundries and sports facilities, Wandoo caters for up to 77 prisoners.



A resident at Wandoo training as a barista.

The program is a rigorous, minimum 26-week, intensive therapy course designed to tackle the root causes of addiction, delivered under contract by Cyrenian House. It offers a safe, healthy and respectful environment to recover and make positive, lasting change with the support of a multi-disciplinary team.

Prisoners can continue their therapy post release, to support their ongoing rehabilitation and abstinence.

In 2018/19, 25 women successfully completed the therapy program.

Wandoo is open for business



Wandoo Rehabilitation Prison, the State's first alcohol and drug rehabilitation prison for women, was officially opened. Premier Mark McGowan and Corrective Services Minister Francis Logan planted a Wandoo tree in the prison grounds to mark the occasion. The Wandoo (as the white gum is known by Noongar people) is a hardy tree that sheds its old bark, just as people could shed bad habits.

Director General Dr Adam Tomison said Wandoo offered eligible women prisoners a chance to beat the alcohol or drug addiction which had contributed to their offending in the first place.

Before the planting, Commissioner Tony Hassall explained to guests that Wandoo's model-of-care draws on best-practice principles from around the world.

"We've looked at best-practice facilities internationally and around Australia and are confident we'll be able to target the most needy cohort with the right treatment and the right care, individualised to get the best results for prisoners and their families," Mr Hassall said.

The Premier praised Dr Tomison, Mr Hassall, Wandoo Superintendent Sue Rowley and Department staff for their outstanding efforts in getting the new prison up and running

within 16 months. It was previously managed by Serco as Wandoo Reintegration Facility for young men.

"I'm very excited about bringing Wandoo back in-house and putting in place something that is special to deal with what is a long, hard, difficult problem: addiction," the Premier said.

During the opening ceremony – after a Welcome to Country by Noongar Elder Mrs May McGuire – the Premier and the Minister unveiled a plaque and Karla Hart and the Kwarbah Djookian dance group performed several Noongar songs and dances.

The Minister also congratulated the Department, union representatives and everyone involved in the remarkable turnaround of the prison and wished Sue Rowley and her staff all the best in their work.

Boronia Pre-Release Centre for Women

This year, the internationally recognised Boronia marked its 15th year of operation as a minimum-security reintegration prison.

The prison manages minimum-security female prisoners in a community-style setting and prepares women for re-entry into the community by offering meaningful rehabilitation activities and work placements.

Boronia provides a supportive culture that promotes physical, psychological and spiritual well-being for all women, taking into account their diverse needs and risks.



An aerial view of Boronia.

Bandyup Women's Prison

Bandyup houses the majority of the State's maximum-security prisoners. A significant achievement at Bandyup has been the training of more than 57 per cent of staff in trauma-informed care.

This training is now being used in the development of an online training package, 'Working with Female Offenders', to increase the capability of staff in regional mixed-gender prisons.

Young people

Youth justice services is responsible for the safety, security and rehabilitation of young people in detention along with those living in the community and engaged with Corrective Services.

Youth justice staff work with young people at Banksia Hill Detention Centre and in the community to reduce reoffending through programs and services designed to encourage better life choices and to divert young people away from the criminal justice system.

Young people in the community

Young people in the community at a glance

| Average daily population | 2018/19 | 2017/18 | Change |
|--------------------------|---------|---------|--------|
| Overall | 1,524 | 1,581 | -3.6% |
| Gender | 2018/19 | 2017/18 | Change |
| Male | 1,172 | 1,270 | -7.7% |
| Female | 351 | 310 | 13.2% |
| Aboriginality | 2018/19 | 2017/18 | Change |
| Aboriginal | 839 | 908 | -7.6% |
| Non-Aboriginal | 554 | 568 | -2.5% |

| Order/service category | 2018/19 | 2017/18 | Change |
|-------------------------------|---------|---------|--------|
| Court orders (including bail) | 626 | 634 | -1.3% |
| Supervised release orders | 57 | 53 | 7.5% |
| Juvenile justice teams | 577 | 615 | -6.2% |
| Other youth justice services | 445 | 468 | -4.9% |

On an average day during 2018/19, youth justice services managed 1,524 young people in the community. This was a decrease of almost four per cent compared to 2017/18.

In 2018/19, youth justice services:

- managed, on an average day 1,524 young people in the community
- provided a supervised bail option, on an average day, to 58 young people across the State
- produced 3,360 reports to sentencing, releasing and other authorities
- worked with young people to achieve a successful completion rate of almost 87 per cent of cases referred to juvenile justice teams (including court conferencing)
- started work to implement changes to the Total Offender Management System to enable a linked information sharing system and assessment model from juvenile community to detention and back to community.

Youth detention population at a glance

| Average daily population | 2018/19 | 2017/18 | Change |
|--------------------------|---------|---------|--------|
| Overall | 134 | 148 | -9.5% |
| Legal status | 2018/19 | 2017/18 | Change |
| Sentenced | 60 | 75 | -20.0% |
| Unsentenced | 74 | 73 | 1.4% |
| Gender | 2018/19 | 2017/18 | Change |
| Male | 121 | 141 | -14.2% |
| Female | 13 | 7 | 85.7% |
| Aboriginality | 2018/19 | 2017/18 | Change |
| Aboriginal | 102 | 108 | -5.6% |
| Non-Aboriginal | 32 | 41 | -22.0% |

Banksia Hill Detention Centre

On an average day during 2018/19, Banksia Hill Detention Centre managed 134 young people in detention. This was a decrease of nine per cent compared to 2017/18.

Banksia Hill Detention Centre is Western Australia's sole facility for the detention of young people aged 10 to 17 years who have been remanded or sentenced to custody.

Offering a diverse range of rehabilitative programs focusing on substance abuse, psychological counselling, life skills, health and development, Banksia Hill provides a safe, secure and culturally appropriate environment for young people with specific programs for females.

The Department is also working to support the State Government's priority to reduce the over-representation of Aboriginal people in detention through specific programs for Aboriginal and Torres Strait Islanders at Banksia Hill.

In 2018/19 there was a six per cent decrease in the number of young Aboriginal people in detention. The number of young people who re-entered detention because of a new sentence or because their supervised release order was cancelled or suspended decreased almost six per cent this year, with approximately 59 per cent re-entering detention in 2017/18 compared to approximately 53 per cent in 2018/19.

Corrective Services established the Banksia Hill Project to ensure safe operations at Banksia Hill. Stage one of the project has been completed and several positive outcomes have been achieved, including the creation of an intensive support unit for at risk young people.

Stage two of the project has also achieved several outcomes including the progression of the Banksia Hill Model of Care which involves the implementation of multi-disciplinary teams in partnership with other Government agencies to support young people with complex needs.

In 2018/19 Banksia Hill Detention Centre:

- managed, on an average day, 134 young people which was a decrease of nine per cent compared with 2017/18
- had a 5.6 per cent reduction of Aboriginal young people in detention compared with 2017/18
- assisted young people at Banksia Hill to complete a total of 296 education units, 27 White Cards (general construction inductions), 34 Keys for Life (Pre-Driver Programs) and seven barista certificate qualifications
- implemented a reading recovery program to improve literacy
- since January 2018, trained 209 Banksia Hill staff in foetal alcohol spectrum disorder (FASD) through the Telethon Kids Institute to better engage and support young people with FASD at Banksia Hill
- processed 1,674 receptions of young people into detention, including 1,583 where the young person was unsentenced at reception and 91 where they were sentenced (one reception does not equate to one young person in detention, as a young person may be admitted to a facility more than once)
- processed 1,707 discharges of young people from detention, including 1,489 discharges where the young person was unsentenced and 218 discharges of young people who had been sentenced to detention.
- Implemented multi-disciplinary teams in partnership with other Government agencies to support young people with complex needs as part of the Banksia Hill Model of Care developed in stage two of the Banksia Hill Project.

CASE STUDY

Banksia Hill young people learn to give back to the community

One of the most significant initiatives for young people at Banksia Hill Detention Centre this financial year was the launch of a landmark emergency services pilot program.

In a partnership between the Departments of Justice and Fire and Emergency Services, young people learned how to fight fires, search for missing people and administer first aid.

Run by more than 140 Western Australian emergency services volunteers and staff, the program also taught young people life skills including abseiling, tying basic knots, and reading maps and navigation instruments.

The program started in May 2019 and runs for a six-week period, three times annually.

Corrective Services Minister Francis Logan said the State Government was committed to giving young people in detention training, education and employment opportunities to help them re-enter the community and make a positive contribution to society on their release.

"The 'Youth in Emergency Services' program is an innovative project where emergency services volunteers give practical lessons to Banksia Hill detainees, while making them feel part of a close-knit emergency services community," he said.

"This program has the added potential to create career pathways or to foster an ongoing interest in volunteering."

Emergency services taking part include the State Emergency Service, Volunteer Fire Rescue Service, Volunteer Fire Emergency Service, Urban Search and Rescue Taskforce and Volunteer Marine Rescue Service.

The youth emergency services program is in addition to a number of engaging programs available to Banksia Hill detainees, including an army cadets program, general construction inductions, pre-driver courses, barista qualifications and general education units.



Focus on community corrections, health and offender management

The Community Corrections, Health and Offender Management Directorate works to rehabilitate and manage offenders while keeping the community safe.

Managing the complex needs of offenders and addressing criminal behaviours requires a long term, case management approach supported by evidence, research and data, in order to reduce the likelihood of further offending.

Key achievements this year included:

- the management of 5,902 adults in the community
- \$46.7 million allocated in 2019/20 to expand the electronic monitoring of offenders and accused in the community
- funding for an additional 48 community corrections officers to address workload pressures
- all regional and metropolitan community corrections officer positions being permanently filled
- newly relocated Adult Community Corrections Offices in Broome and Roebourne
- winning the Director General's Award at the 2018 WA Health Excellence Awards in recognition of the Hepatitis C program to reduce the rate of hepatitis C in prisons
- the enrolment of 8,103 prisoners in an education or vocational training activity, with 3,257 (40 per cent) being Aboriginal descent
- entered into new service agreements with 13 non-Government organisations, totalling \$114.4 million over three years from 1 April 2018
- started a new assessment tool in prisons, to determine the level of intervention for offender needs
- trained a number of staff in the delivery of a new violence prevention program.

Adult Community Corrections

Adult Community Corrections manages a range of adult offenders who are either completing their sentence in the community or offenders requiring supervised bail while waiting for a conviction or sentence.

The types of orders imposed by the Courts include:

- court ordered community sentences
- high risk offenders subject to post-sentence supervision orders, such as community supervision orders or continuing detention orders pursuant to the *Dangerous Sexual Offenders Act 2006* (WA), or post sentence supervision orders, pursuant to the *Sentence Administration Act 2003* (WA).

The average number of offenders managed in the community has increased by 36 per cent over the last five years, mostly due to an increase in parole orders and conditional suspended imprisonment orders. The introduction of post-sentence supervision orders on 1 July 2017 has further increased the need for community supervision.

There are 24 Adult Community Correction centres in WA, managing just over 5,900 adult offenders, scattered throughout the metropolitan area and regional parts of the State, together with four specialty teams located at the Central Law Courts and two specialty teams operating from the central business district.

The percentage of successfully completed community corrections orders remained stable at 64 per cent in 2018/19.

In 2018/19 Corrective Services managed on average 23 dangerous sexual offenders on Community Supervision Orders, 23 dangerous sexual offenders on Continuing Detention Orders and 86 offenders on Post Sentence Supervision Orders.

Adults in the community at a glance

| Average daily population | 2018/19 | 2017/18 | Change |
|--------------------------|---------|---------|--------|
| Overall | 5,902 | 5,418 | 8.9% |
| Gender | 2018/19 | 2017/18 | Change |
| Male | 4,585 | 4,195 | 9.3% |
| Female | 1,313 | 1,221 | 7.5% |
| Aboriginality | 2018/19 | 2017/18 | Change |
| Aboriginal | 1,868 | 1,749 | 6.8% |
| Non-Aboriginal | 4,012 | 3,638 | 10.3% |

| Older category | 2018/19 | 2017/18 | Change |
|----------------------------------|---------|---------|--------|
| Bail order | 362 | 385 | -6.0% |
| Court order | 4,227 | 4,042 | 4.6% |
| Early release orders | 1,178 | 875 | 34.6% |
| Post sentence supervision orders | 109 | 64 | 70.3% |
| Work development orders | 160 | 201 | -20.4% |

E-monitoring

Electronic monitoring has been used in Western Australia for many years and is known to increase compliance and reduce reoffending while offenders are wearing the devices.

In May 2019, the Government announced a \$52.3 million investment to help improve community safety with an expansion of electronic monitoring to include more classes of offenders. This expansion will bring WA into line with more than 30 countries around the world, including New Zealand, England, the USA and many parts of Europe, where the use of electronic monitoring is routine.

The state-of-the-art GPS technology allows for multiple curfew and location restrictions to be configured and programmed into the devices. An alert will be triggered if any of the restrictions are breached or if the offender attempts to tamper with the device, enabling a swift response by community corrections electronic monitoring officers and police authorities.

Eligible offenders will be monitored 24/7 by an electronic monitoring team which is now based at the Police State Operations Command Centre. This relocation of the monitoring team has allowed for enhanced information exchange between the Department and WA Police Force.

Specialist reports

Adult Community Corrections provides timely and effective advice to a number of justice statutory agencies including the Prisoners Review Board, the Mentally Impaired Accused Review Board and the courts.

Adult Community Corrections also supports people appearing in Perth's Drug Court, the Mental Health Start Court Diversion Program, the Intellectual Disability Diversion Program and the Family and Domestic Violence Court List.

In 2018/19 a total of 14,118 reports were prepared. This included 9,798 reports to the Supreme, District, Children's and Magistrates Courts and 4,320 early release reports to various authorities.

Support for victims of crime

The Victim Offender Mediation Unit provides an essential service to support victims of crime and their offenders, including a notification register to keep victims informed of an offender's progress through the justice system.

This year, there were 1,657 victims registered for 1,323 offenders.

In 2018/19, the Victim Offender Mediation Unit:

- received 678 applications for the victim notification register
- prepared 1,857 reports for sentencing and releasing authorities
- provided input into protective conditions for the victims of 1,455 community-based offenders.

Responding to increasing demand

This year the Department worked with Department of Treasury on a project to develop a useful costing model that better captures the changing workload for Adult Community Corrections officers, following increases in offender numbers, legislative changes and the introduction of Post Sentence Supervision Orders. The new Treasury funding model identified an immediate shortfall of 48 field officer positions which were subsequently funded. The recruitment of these additional officers will ensure offenders receive greater oversight and support as they satisfy their Orders, while keeping the community safe.

Health Services

People in prison have complex health care needs, with a recent report showing Australia's prisoners have higher rates of mental health conditions, chronic disease, communicable disease and acquired brain injury. They also have higher rates of tobacco, drug and alcohol use than people living in the general community.

As a nationally accredited healthcare provider, Corrective Services is committed to providing patient-centred, comprehensive and coordinated primary health care for offenders in Western Australia's prisons.

Service provision

All prisoners undergo a comprehensive health assessment within 24 hours of admission to prison. The assessment includes interventions to identify and manage acute and chronic conditions.

Services provided include health assessment, diagnostics and treatment of those presenting with acute and chronic conditions, health promotion and education, referral to specialist services and discharge planning for transition to the community.

The primary health care team is comprised of medical, nursing and allied health staff.

Led by Corrective Service's Chief Pharmacist, a central pharmacy based at Hakea Prison purchases, packs and distributes medicines to all prison clinical sites.

Mental health, alcohol and other drug dependency

Many prisoners have a mental health disorder, including associated alcohol and drug dependency. Health Services includes a specialised team of nurses with expertise in mental health and alcohol and other drugs and is supported by a Memorandum of Understanding with the State Forensic Mental Health Services in-reach team.

Prison counselling services

Prison counselling services provides a vital role in the assessment, management and intervention of prisoners who may be at risk to themselves, or who have been deemed as vulnerable and require additional support and monitoring.

Providing supportive counselling to groups and individual prisoners, counselling services also contributes to multidisciplinary case planning, critical incident debriefing, crisis and other interventions, as well as crucial support for new prisoners experiencing difficulties adjusting to prison life.

Recognising infectious disease management Highlight

Western Australia's prison Health Services is one of the biggest notifiers of hepatitis to the Department of Health, and puts a number of strategies into place to reduce the risk of contracting and spreading blood borne viruses. Programs include the 'Health In Prison, Health Outta Prison' education program, the hepatitis C treatment program and provision of dental dams and condoms.

The hepatitis C treatment program was recognised at last year's WA Health Excellence Awards, winning awards in categories including 'overcoming inequities' and the Director General's Award. The program was also recognised at the Corrective Services Awards, winning the 'rehabilitation' category in 2018.

Management of infectious diseases in correctional facilities not only includes blood-borne viruses but also diseases such as influenza and gastroenteritis. Prisoners are often more vulnerable to infectious diseases due to their pre-existing health conditions along with living in close proximity. In 2018/19, Health Services managed three gastroenteritis outbreaks and five influenza outbreaks.



Providing supportive counselling to prisoners

Offender Management

Offender Management delivers a range of services to address the rehabilitation and reintegration needs of prisoners and offenders in the community. This includes education and employment services, contract management of non-Government organisations who provide support services, programs to address offending behaviour, psychological services and sentence management.

In 2018/19 a new assessment tool in prisons was introduced to determine the level of intervention an offender needs and to ensure the right programs are delivered to the right prisoners. A number of staff were also trained in the delivery of a new violence prevention program which has been shown to reduce both violent and general offending.

Education, employment and transitional services

Prisoner education is delivered through a registered training organisation and in partnership with universities and TAFE colleges. A range of career and employment services, such as job readiness and employability skills, are delivered to support prisoners and ex-prisoners in securing sustainable employment options.

Education and training services are delivered to prisoners in the following curriculum areas:

- adult basic education
- women's access and equity
- indigenous language and culture
- vocational training at certificate, traineeships and apprenticeship level
- tertiary studies
- personal development
- driver education
- educational counselling
- career guidance
- employment preparation and placement.

In 2018/19 8,103 prisoners were enrolled in an education or vocational training activity, with 40 per cent being Aboriginal. Of these 8,103 prisoners, 6,318 were enrolled in basic adult education courses, 7,691 in nationally accredited units of vocational training, 138 prisoners in higher education and 22 prisoners were participating in tertiary preparation programs.

Prison support services

Prison support services consists of the Aboriginal Visitors Scheme, the Peer Support Program and Prison Support Officers. They provide cultural support and assist prisoners who are at risk of self-harm and suicide and those vulnerable prisoners at risk of harm from others.

Offender programs

Offender Management is responsible for the delivery of therapeutic and criminogenic programs to offenders in custody and being managed in the community.

The programs delivered across the State cover a number of areas including substance use, violent offending, family and domestic violence and sexual offending.

Psychological services

Psychological assessments, consultation and individual treatment are provided to offenders in the community and in prison. These services aim to reduce the likelihood of reoffending by addressing offending behaviour. Psychological services also provide psychological reports and advice to the courts and releasing authorities.

Sentence management

Sentence management ensures compliance with legislative requirements in relation to parole, re-socialisation programs and absence permits for the purposes of rehabilitation and reintegration and for compassionate grounds such as attendance at funerals and visits to unwell relatives.

Departmental representatives attend Prisoners Review Board hearings to provide advice to the Board in making their considerations of persons for release to parole and review of persons on parole.

Flying visits do justice to rewarding day job

There are not many people who can say a plane trip is part of their morning commute, but Susan Hargreaves, Adult Community Corrections Officer, regularly travels vast distances to supervise offenders in the community.

Susie and her husband left their home in rural Victoria 13 years ago looking for adventure. They found it in Kalgoorlie.

Susan's job has taken her on road-trips of up to 3,400kms to remote communities during which she encounters wild camels, brumbies, lizards, kangaroos and emus – not to mention floods, bushfires and flat tyres.

She often visits country on the borders of Western Australia, South Australia and the Northern Territory. She and her colleagues travel vast distances to meet clients, often sitting under a tree or on a verge to talk or, in a bigger community, catching up at one of the multi-function facilities that house Adult Community Corrections, Youth Justice Services, Department of Communities and the WA Police Force.

"Our clients come from three or four Aboriginal groups. Some speak several Aboriginal languages and have limited English so we use interpreters and also simplify our own language to make ourselves understood," Susan said.

"Our job is to build rapport with people, understand them and motivate them to make positive changes so they can be welcomed back into the community. We encourage them to function in society and put skills in place so they don't reoffend.

"We have some really good news stories, such as clients who have jobs, like working in a shop. The offenders take part in community development programs, such as cleaning up around communities, working on local gardens and swimming pools and collecting firewood."



Adult Community Corrections Officer Susan Hargreaves.

Focus on operational support

The Operational Support Directorate has a critical role in enhancing security outcomes across the prison estate and delivering improvements to Corrective Services and the Department. Ultimately, the work of the Directorate contributes to community safety through its:

- provision of security and response services across the prison estate, including emergency response operations and drug and alcohol mitigation
- delivery of intelligence services to identify security and safety risks relating to prisoners, facilities, staff and by liaising with external agencies such as the WA Police Force and other Commonwealth agencies, in safely managing offenders in the community
- management of the Corrective Services Academy
- development, maintenance and compliance monitoring of operational standards and procedures.

Key achievements this year included:

- implementing a tough new drug strategy to stop the supply of drugs into prisons
- training three new drug detection dogs and handlers to service metropolitan and regional prisons
- conducting almost 3,600 drug searches using drug detection dogs and other technology
- accepting responsibility for and actioning one third of the 58 recommendations resulting from the Greenough Regional Prison disturbance
- implementing a dynamic new strategy to disrupt dangerous behaviour in prisons, particularly targeted at outlaw motorcycle gang members
- supporting the recruitment and training of 235 new prison officers, with recruitment drives ongoing, to appoint a total of 458 new prison officers by June 2020
- delivery of training for 20 youth justice officers, 38 juvenile justice officers, 73 vocational support officers, 17 community corrections officers, 23 assistant senior officers and 17 prison prosecutors, across the State.

Stopping drugs in prisons

In 2018/19, efforts were further strengthened to stop the supply of drugs into prisons. Corrective Services is committed to ensuring prisons are drug-free and to break the cycle of drug related crime.

A new two-year drug strategy was established which provides a blueprint for how the challenge of drugs in prisons will be addressed in order to create a drug-free custodial environment. This involves detecting, disrupting and denying drugs and other contraband from entering and being trafficked within the custodial estate, supported by complementary efforts to reduce the demand for drugs by offenders and the harm they cause through misuse.

Prisoners who use or traffick drugs and visitors and staff who traffick drugs within the prison estate will be held accountable.

Operations ranged from unannounced searches of vehicles, visitors and staff entering prisons, through to searches of prisoners, workshops and cells, working closely with prison security, the Drug Detection Unit, intelligence and the Professional Standards Division.

Overall, the operations have been highly effective, with significant detections and seizures that have disrupted and deterred the supply of drugs and other contraband from entering and being trafficked within prisons.

Intelligence services

Intelligence services provides tactical, operational and strategic intelligence support to Corrective Services, covering the custodial, community corrections, adult and youth directorates. Intelligence services identify security and safety issues relating to prisoners, staff and facilities, and provides advice and assessments to operational and strategic areas to inform decisions regarding the management of prisoners.

Intelligence services also works extensively with a number of external agencies, predominantly law enforcement, assessing and sharing information related to community safety and offender management and working collaboratively on operational matters.

A 'disruptive prisoner prison order' was also introduced this year. This intelligence-led strategy was designed to disrupt dangerous behaviour in prisons, particularly that of outlaw motorcycle gang members. This new approach was key in addressing issues faced at Hakea Prison which included an increase in serious assaults.

Special Operations Group

The Special Operations Group provides specialist 24/7 armed emergency response and security support services for all correctional facilities within the State. The Special Operations Group also provides surveillance and intelligence collection, high-security escorts, specialist training and exercises.

During the year a specialist response was provided to the major disturbance and escapes at Greenough Regional Prison. Corrective Services assumed command of the tactical response for the prisoner evacuations, prisoner containment and the eventual control and security of the prison.

Strategic prison projects

The strategic prison projects initiative was established by the Commissioner for Corrective Services in September 2018 and aims to oversee the delivery of Departmental and Government priority projects across the Corrective Services estate.

The two main projects of note during 2018/19 were the expansion of Casuarina and Bunbury Regional Prison.

These expansion projects are part of the State's strategy to meet medium-term demand for male custodial accommodation and form part of Corrective Services wider custodial management plan.

With a focus on design flexibility and future proofing, the aim is for these new assets to remain suitable for managing changing cohorts over the next 50 years or more and to reduce lifecycle and maintenance costs.

Corrective Services Academy

Forecasting models indicated the need to employ up to 458 additional prison officers to ensure the growing prison estate is adequately staffed. This growth was made possible with the Government's investment in infrastructure including expansions at Casuarina Prison and Bunbury Regional Prison.

The first ever open-ended State-wide recruitment campaign started in November 2018 with the aim of developing a continuous pipeline of new trainees to fulfil projected staffing demands. The campaign appealed to a diverse range of potential applicants, in particular women and Aboriginal people.



Construction of the Casuarina expansion.

There was also a specific focus on increasing the regional workforce with targeted campaigns aimed at attracting staff to join the Eastern Goldfields Regional Prison, Greenough Regional Prison, Albany Regional Prison and West Kimberley Regional Prison.

The Academy is responsible for innovative and sustainable training development, identifying and delivering current and future operational learning and development needs, at the individual, team and organisational level.

During the year the Academy was responsible for the training of prison officers, adult community corrections officers, youth justice officers, youth custodial officers and training for a range of other positions including vocational support officers and assistant senior officers.

To avoid the need for regional candidates to relocate to the metropolitan area for the 11 week Prison Officer Entry Level Training Program, in 2018/19 the Academy developed a decentralised training model to deliver Entry Level Training Programs onsite at Eastern Goldfields, Greenough, Bunbury, Albany and West Kimberley regional prisons. This model has proven to be highly effective and has contributed to the attraction and retention of local staff in those regional areas.

Operating standards and procedures

The Department's prison estate includes two privately operated-facilities, Acacia Prison and Melaleuca Remand and Reintegration Facility. While both prisons are owned by the Department, their management was outsourced to external service providers.

Acacia is a medium security prison housing approximately 1,500 male prisoners in the metropolitan area. It is managed by Serco. Melaleuca is Western Australia's primary female remand facility, housing approximately 250 maximum security female prisoners and is managed by Sodexo.

The contractors, Serco and Sodexo, are responsible for the management, control and security of the two prisons and for the delivery of services to prisoners housed there.

The Department also outsources the transport of prisoners to external service provider Broadspectrum. Under the court security and custodial services contract, Broadspectrum are responsible for the provision and sustainment of a secure vehicle fleet, as well as the transport of adults in custody across the State, via road and air travel.

Monitoring and compliance

The Monitoring and Compliance Branch is responsible for ensuring all areas of Corrective Services comply with the relevant operating standards and procedures. Corrective Services works to undertake objective, fair and impartial assessment of the performance of all locations and to identify opportunities for improvement.

In 2018/19 the Monitoring and Compliance Branch undertook 12 compliance reviews, 63 desktop compliance checks, 120 checks on the practices and processes associated with the management of prisoners on section 95 orders and completed specific reviews at the instruction of the Commissioner, including a review into the serious assault of a prisoner which tragically resulted in the prisoner's death.

Custodial operational policies and procedures

In July 2018, work started on reviewing and amending the entire raft of Corrective Services custodial policies and procedures, relevant to all of the Department's prisons and its youth detention facility. The aim of this work is to establish a set of clear, simplified and consistent custodial operational policies and procedures. This will ensure officers involved in the corrections system know exactly what is required of them.

The 18 month project will include consideration of relevant legislation, international and national standards and recommendations from external agencies such as the Office of the Inspector of Custodial Services, the Corruption and Crime Commission, the Office of the Auditor General and Royal Commissions.

In its first 12 months, the project team had finalised nine policies for Banksia Hill Detention Centre and seven policies for prisons. All policies are on track to be finalised by early 2020.

New prisons drug strategy

The Department launched its new prisons drug strategy 2018-2020 this financial year.

The strategy is based on the Western Australian Auditor General's 2017 Report 'Minimising Drugs and Alcohol in Prisons' and aims to target supply, reduce demand and reduce harm.

Director General Dr Adam Tomison said the high correlation between drug use and crime was a significant issue confronting the State's criminal justice system.

"A particular challenge we face as a Department is responding effectively to drugs – both licit and illicit - in our prisons," Dr Tomison said.

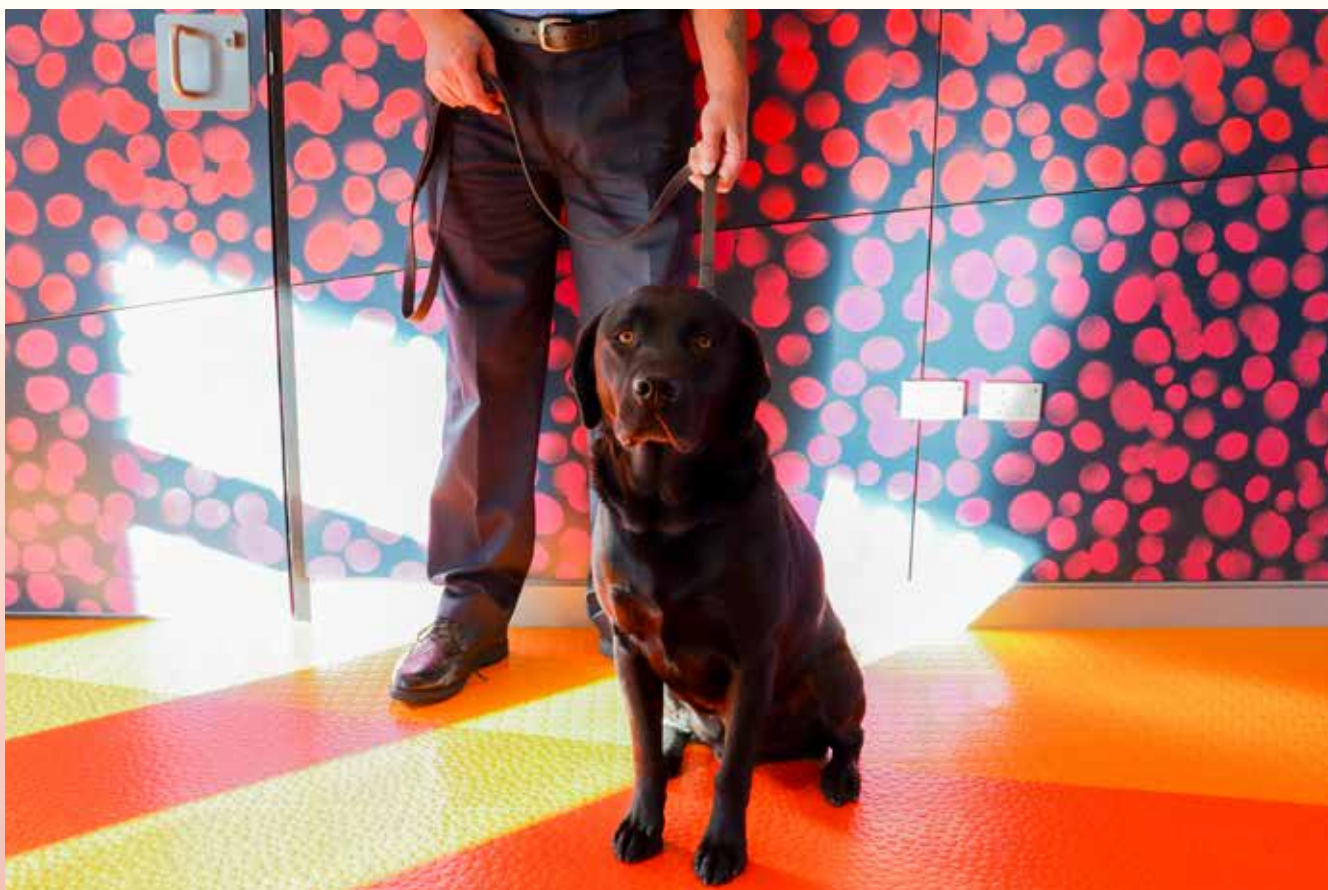
"We are committed to ensuring our prisons remain drug-free and will ensure prisoners, staff and visitors who use or traffick drugs are held accountable.

"This new strategy demonstrates the strong actions the Department is taking to prevent drugs coming into prisons while we work to minimise the negative impacts of drug use and improve prisoners' rehabilitation outcomes."

Corrective Services Commissioner Tony Hassall said the goal of the strategy was safer and healthier prison environments and ultimately safer communities.

"The Department is strengthening measures to combat the supply of drugs into prisons," the Commissioner said.

The strategy includes initiatives such as a review of the drug prevalence testing program, the introduction of a waste-water drug monitoring program, improving staff drug and alcohol testing and the use of intelligence, a review of the penalties and sanctions for tracking drugs to ensure they are a sufficient deterrent, increasing the number of drug detection dogs and improved drug education, programs and transitional support.



A drug detection dog and handler at Wandoo Rehabilitation Prison's gatehouse.

Recognising our Australian Corrections Medal recipients

The Australian Corrections Medal recognises the dedication and challenging work of the Department's officers to keep the Western Australian community safe 24/7.

Corrective Services is proud that three staff were recognised in the 2019 Australia Day Honours for their efforts.

"It's a good job because you can help people get back on track," Rodney, a Yawuru man said. "It's something I've been doing for 29 years and I've always appreciated the opportunity to remind Aboriginal prisoners about the importance of Country and culture and to give them their pride back."

Rodney said another important aspect of his work was breaking down communication barriers to help prisoners and unit staff understand information from medical staff.

Prison Education Campus Manager at West Kimberley Regional Prison, Caroline Jolly said she was thrilled to

be recognised. Education programs at infill where most prisoners are Aboriginal, include media training and a weekly radio show produced by prisoners, broadcast on community stations nationally.

"If our prisoners can see that an education program will help them on release, they're more interested," she said.

When Superintendent Stephen Blenkinsopp heard he was to be awarded the Australian Corrections Medal, he said he was surprised and proud.

"I love the job. There's a daily challenge dealing with people but at the heart of it is the need to make the community safer by treating prisoners humanely and providing an environment conducive to rehabilitation so that they come out wanting to do better."

"What motivates me is community safety. As a father who lost a son through violence, I feel that if we can change some people's outlook in prison, then the community as a whole can be safer."



"I have always appreciated the opportunity to remind Aboriginal prisoners about the importance of Country and culture."

Rodney Rahman



"The radio show began in 2015 and three of our former prisoners now have jobs at radio stations."

Caroline Jolly



"I feel that if we can change some people's outlook in prison, then the community as a whole can be safer."

Stephen Blenkinsopp

Court and Tribunal Services

Courts

The Department's Court and Tribunal Services Division administers more than 80 court locations across Western Australia.

Courts and Tribunal Services is also responsible for managing tribunals and boards, the Sheriff's Office and the Fines Enforcement Registry, as well as providing services to victims of crime.

Key achievements this year included:

- continuing to deliver high quality services to the community by the Supreme Court finalising 2,832 civil cases, 243 criminal cases, 7,497 probate applications and 491 appeals
- launching new websites for all courts providing a valuable resource for the public, the legal profession and staff as well as a reviewed Self-Represented Litigants Guide
- appointing two new magistrates to the Magistrates Court to address the increase in the number of matters proceeding to trial
- extending the Mental Health Court adult and children's diversion programs for another 2 years to July 2021
- extending the jurisdiction of Sunday Court magistrates to include children's matters, reducing the likelihood that children will remain in custody over the weekend
- continued collaboration between the Department and the Mental Health Commission to jointly deliver programs aimed at reducing offending as a result of the use of drugs and/or alcohol
- continued interagency collaboration via the Family Violence List aimed at breaking the cycle of family violence and producing better outcomes for victims
- acquisition of a dedicated Computed Tomography scanner for the State Mortuary allowing coronial cases to be resolved more quickly and with less invasive procedures
- further progressing the Coroners Court Legislative Project aimed at addressing the recommendations of the LRCWA Report on the Review of coronial practice in Western Australia including significant amendments to the relevant legislation

- the appointment of a new Chief Assessor for Criminal Injuries Compensation and appointment of an extra assessor for a period of two years to address the growing number of applications for compensation
- providing increased support to Justices of the Peace by conducting 64 training seminars, workshops and online training modules
- continuing to provide a range of specialist services to assist victims of crime interacting with the justice system
- finalising the establishment of a primary security check point workforce at several courts and tribunals resulting in the seizure of an increased number of weapons
- collection, by the Sheriff's Office and Fines Enforcement Registry, of \$132.8 million in fines and infringements
- creating an enhanced library collection for the use of the Court of Appeal at Stirling Gardens.

Supreme Court

The Supreme Court is the State's highest court and is divided into two divisions - the General Division and the Court of Appeal.

The General Division hears the most serious criminal charges such as murder and manslaughter. The Supreme Court also deals with breaches of Commonwealth drug enforcement laws and civil cases involving complex issues or significant matters.

The *Court Jurisdiction Legislation Amendment Act 2018* came into effect on 1 January 2019, removing all matters from the criminal jurisdiction of the Supreme Court except homicide related matters. Matters committed prior to the change in jurisdiction remain with the Supreme Court until completion. This shift in jurisdiction does not affect the Court's authority to hear Commonwealth drug offences or civil matters.

The General Division also deals with probate matters (including disputes over Wills), admiralty issues (disputes involving ships), disputed elections and applications under the *Corporations Act 2001*. The Court of Appeal hears appeals from single-judge decisions of the Supreme Court, lower courts and various tribunals.

The Hon. Wayne Martin AC QC resigned on 27 July 2018 after more than 12 years in the role of Chief Justice of Western Australia. The Hon. Justice Peter Damien Quinlan SC was appointed as a judge of the Supreme Court and as Chief Justice of Western Australia on 13 August 2018, after several years as Solicitor General.

Outcomes 2018/19

The median time to trial for criminal matters was 39 weeks (11 weeks above the budget target). The Supreme Court has continued to deliver high quality services to the community in the following ways:

- finalised 2,832 civil cases and 243 criminal cases
- finalised 7,497 probate applications
- conducted 63 criminal trials and 41 civil trials
- finalised 354 criminal appeals and 137 civil appeals
- managed 190 criminal cases in the Stirling Gardens Magistrates Court through to the committal stage.

Family Court of Western Australia

The Family Court of Western Australia hears matters relating to divorce, parenting orders, division of the property of a marriage or de facto marriage, maintenance, adoptions and surrogacy. It has State and Federal jurisdiction in matters of family law.

The Chief Judge of the Family Court, the Hon. Stephen Thackray resigned with effect from 6 January 2019 after 21 years on the bench. The Hon. Justice Gail Sutherland commenced as Chief Judge from 7 January 2019.

Outcomes 2018/19

The Family Court continues to experience high demand for its services. The Court received 15,897 applications in 2018/19, including:

- 3,038 Initiating Applications for final orders
- 5,202 Interim order applications
- 5,235 Divorce applications
- 2,178 Consent order applications.

The time to trial increased from 95 weeks to 102 weeks. The continuing rise in the number of applications seeking parenting and interim orders continues to be a major factor in the increase in time to trial.

District Court

The District Court hears serious criminal offences, excluding those with a maximum term of life imprisonment other than serious drug offences. The court also exercises a significant civil jurisdiction. It hears and determines commercial and debt recovery matters involving claims up to \$750,000, while exercising unlimited jurisdiction in claims for damages for personal injuries and exclusive jurisdiction for damages claims for injury sustained in motor vehicle accidents. The court also has a civil appeal jurisdiction.

The District Court launched its new website on 30 June 2019 providing a valuable resource for the public and the legal profession as well as staff. The website includes a reviewed Self-Represented Litigants Guide.

Outcomes 2018/19

The criminal median time to trial in the District Court was 41 weeks (nine weeks above the budget target). Eighty four per cent of all cases were finalised within the budget target timeframe of 52 weeks. During 2018/19 the court had:

- 2,826 criminal cases lodged, an increase of 10.1 per cent
- 2,598 criminal cases finalised, a decrease of 2.5 per cent
- 5,461 civil cases lodged, 110 of which were appeals from lower courts
- 5,200 civil cases finalised, 161 of which were appeals from lower courts
- 489 criminal cases and 85 civil cases finalised by trial.

A contributing factor to the lodgment increase is the recent jurisdictional shift resulting from the introduction of the *Court Jurisdiction Legislation Amendment Act 2018*. Effective 1 January 2019, all offences relating to armed robbery and arson are lodged with the District Court.

Magistrates Court

The Magistrates Court of Western Australia hears criminal and civil matters involving people aged 18 years and above. The Magistrates Court operates in more than 75 locations across the State. Criminal offences (known as simple offences) are heard in the Magistrates Court, in addition to 'either way' offences which can be heard in either a lower or superior court, depending on a determination made by the court. The Magistrates Court also deals with civil matters for claims up to \$75,000, as well as the disposal of uncollected goods, dividing fences, restraining orders and extraordinary driver's licence applications.

Outcomes 2018/19

During 2018/19, the Magistrates Court had more than 96,000 criminal case lodgments, a six per cent (6,000 cases) decrease from 2017/18. This was driven primarily by decreases in lodgments of traffic offences, acts intended to cause injury, public order offences and offences against justice procedures, government security and government operations. During the same period, criminal charge lodgments decreased four per cent; charges per case remained high at 2.0 charges per case. A charge per case figure indicates the number of offences alleged against a defendant within a single case. A case represents any number of charges lodged at one registry on a single day against one defendant.

The Magistrates Court has experienced a two per cent increase in civil lodgments since 2017/18. The largest increases were Perth (three per cent, 724 cases), Joondalup (21 per cent, 926 cases), Goldfields (six per cent, 72 cases) and South West (two per cent, 89 cases).

The median time to trial for criminal and civil trials in the Magistrates Court was 25 weeks, above the budget target of 19 weeks. This was the same as 2017/18. The result was mainly due to increasing criminal charges per case as well as a 10 per cent increase in the number of matters going to trial when compared to 2017/18. This variance increases to 20 per cent when compared to the number of matters going to trial in 2014/15. Two additional magistrates were appointed to the Magistrates Court of Western Australia in September 2018 to address the increasing number of matters proceeding to trial.

Mental Health Court (Start Court and Links)

The Start Court (adults) and Links (Children) commenced in 2013 and is the first mental health court diversion program in Western Australia.

The 2018/19 State budget process saw the extension of the adult and children's diversion programs for an additional two years to July 2021.

The Mental Health Court Diversion and Support Program provides a tailored response for individuals whose offending is linked to mental illness. Program participants are supervised by a court while they receive holistic treatment and support that address the underlying causes of their offending behaviour.

This approach aims to improve participants' health and wellbeing, break the cycle of offending and provide an alternative to imprisonment. It is also aimed at improving community safety.

The Program is a joint initiative between the Mental Health Commission and the Department. The project involves dedicated and trained staff from multiple agencies including Legal Aid Western Australia, the Mental Health Law Centre, the Western Australia Police Force and the Department of Health – State Forensic Mental Health Services. Outcare, a non-government organisation and a private psychologist also provides services to the Program.

The adult component of the program, Start Court, operates as a dedicated court within the Perth Magistrates Court, and the children's component, Links, offers clinical and psycho-social support to young people who appear before the Perth Children's Court.

Outcomes 2018/19

There were 327 referrals to Start Court in 2018/19, and 81 per cent of cases that exited the program experienced clinical improvement. The Links Clinical Assessment Team provided advice, clinical assessment or assistance to 388 referrals during 2018/19, and 66 per cent of the children who were case managed by Outcare had their community support needs met at completion.

Sunday Court

Sunday Court at the Perth Police Centre began on 6 July 2014 and has been operating successfully since that time. The Sunday Court deals with accused people held in custody at the police complex, allowing persons in custody access to a magistrate at the earliest opportunity. This reduces the likelihood that accused people are held in custody over the weekend.

The Sunday Court also deals with accused people from regional police lockups and hospitals via video or audio link, again allowing persons in custody access to a magistrate at the earliest opportunity.

In September 2018, the President of the Children's Court agreed to the Sunday Court magistrates being appointed as acting magistrates of the Children's Court to ensure that young people are also brought before the court for the determination of bail at the earliest possible opportunity. Again, this reduces the likelihood of children being held in custody over the weekend.

Outcomes 2018/19

From 1 July 2018 until 30 June 2019, 2,666 accused persons appeared before the Sunday Court, 73.5 per cent of accused persons were released on bail or had their matters finalised. Of the 2,666 accused persons:

- 707 were remanded in custody to appear at a future court date
- 1,487 were bailed to reappear to a future court date
- 472 accused had their charges finalised.

Since September 2018, 205 Children's Court matters have been heard at the Sunday Court.

Perth Drug Court and Diversion Programs

The Perth Drug Court diverts serious offenders who have complex substance abuse problems into highly intensive and supervised treatment responses. Participants who successfully complete a Drug Court Program will have addressed their offending behaviour and may avoid a term of imprisonment in order to continue their rehabilitation in the community.

A series of diversion programs are also delivered within the Magistrates Court and Children's Court that specifically assist people with drug and/or alcohol related problems. These programs are jointly delivered by the Mental Health Commission and the Department. Participants in these programs are able to access treatment and counselling aimed at assisting them to break their cycle of drug and/or alcohol related problems and offending.

Since 2013, offenders in the broader metropolitan area who experience alcohol-related problems are now also able to access these programs. In response to the increasingly complex needs of offenders, the Diversion Programs are also available within other case management regimes including the Family Violence List and the Start Court.

Outcomes 2018/19

Including the Drug Court, a total of 986 offenders throughout the State gained access to a diversion program during 2018/19.

Family Violence List

The Family Violence List is for criminal matters in the Magistrates Court of Western Australia at Armadale, Fremantle, Joondalup, Midland, Perth and Rockingham where a matter has been identified as related to family violence. A key feature is a collaborative and integrated response from stakeholders. This is supported by a Memorandum of Understanding and interagency collaboration between Government departments – including Department of Communities, WA Police Force and the Department of Justice.

There is also an Aboriginal Family Violence Court in Geraldton, Barndimalgu Court, which is the only one of its kind in Western Australia. Since 2007, Barndimalgu Court has provided a culturally appropriate court based model that meets the needs of the Geraldton Aboriginal community in reducing family and domestic violence.

Children's Court

The Children's Court of Western Australia deals with offences alleged to have been committed by young people aged 10 to 17 years. The Court also hears protection and care applications for children under the age of 18. The Mental Health Court Diversion Program, known as Links, gives the President and magistrates of the Children's Court access to a team of mental health specialists, including a clinical psychologist, a consultant psychiatrist, mental health nurses and support workers. The Links team is on-hand to provide assessments and reports to the court, make referrals to appropriate services and offer clinical intervention. Links aims to divert young offenders from the criminal justice stream to ensure they receive necessary treatment as well as alternative sentencing options for those whose offences are the result of mental illness. The Perth Children's Court also delivers a Children's Drug Court, which aims to divert young people who are experiencing drug-related problems into intensive case management and treatment.

Outcomes 2018/19

- Finalisation of criminal cases decreased from 7,457 finalisations in 2017/18 to 6,683 in 2018/19.
- Civil lodgments increased to 2,206 in 2018/19 compared with 2,052 in 2017/18.
- The Links Clinical Assessment Team has provided advice, assessment or assistance in 388 cases during 2018/19, (44 case managed by LINKS team), compared with 396 in 2017/18. Of the 44 case managed clients, 72 per cent (32) were substance users (cannabis, alcohol and methamphetamine).

Coroner's Court

The Coroner's Court investigates more than 2,450 cases each year where the death arises from apparent unnatural causes or when the cause of death is unknown.

The role of the Coroner is to ensure deaths reported to the Coroner are investigated and, where appropriate, an inquest is held. The hearing is usually open to the public. During an inquest, witnesses are called to give evidence to enable the Coroner to determine a cause of death.

A comprehensive annual report on the deaths which have been investigated is provided each year to the Attorney General for Parliament by the State Coroner under section 27 of the *Coroners Act 1996* (WA).

A dedicated Computed Tomography (CT) scanner was funded by the State Government for use by the State Mortuary and was installed at Sir Charles Gardner Hospital in Nedlands in April 2019. The CT scanner is a high-tech example of non-invasive medical imaging technology, commonly used by coronial staff to help establish causes of death. The new equipment will allow cases to be resolved more quickly, it will also benefit grieving families whose cases are part of the coronial backlog. It is hoped that use of the new scanner means that fewer Western Australians will need an invasive post-mortem examination, which is often resisted by families and also goes against some cultural beliefs.

An additional Coroner was funded for the first six months of 2019 and this will continue for 2019/20 (at 0.5 FTE) to address the long term missing persons cases referred to the Coroner's Court from WA Police, a current case load of 45 inquests.

Outcomes 2018/19

During the year the Coroner's Court Legislative Project continued to be progressed as part of a three-year reform strategy. This project addresses the recommendations of the Law Reform Commission of WA (LRCWA) Report – Review of Coronial Practice in Western Australia. The LRCWA Report on Coronial Practice made 113 broad ranging recommendations aimed largely at legislative reform but also suggesting changes to policy and procedure to regain the public's confidence in the coronial system and improve coronial outcomes for the Western Australian community.

The Coroners Amendment Bill 2017 passed through the Legislative Council on 18 September 2018 and came into effect on 21 September 2018 facilitating the legislative changes for the implementation of recommendations 55 and 56 of LRCWA's Report on Coronial Practice. The recommendations led to the enactment of section 19A (discontinuance of investigation) and section 25(1A) (non-narrative findings) and the acquisition of a dedicated CT scanner for the State Mortuary which will bring about significant changes to the working practices of the Coroner's Court, WA Police and PathWest. Triage meetings will be arranged on a daily basis involving the commitment of a duty Coroner, Principal Registrar, Pathologist, WA Police officer and the Counselling Services.

The Coroner's Court continued its focus on older backlog coronial cases. As at 30 June 2019 the backlog of coronial cases was 458, which is an increase of 90 backlog cases compared to 30 June 2018. It should however be noted, that the number of cases awaiting external agencies supplying reports or information had increased by 107 cases and was 74 per cent of the total backlog, compared to 63 per cent in the previous year.

In 2018/19 the court dealt with 2,452 reportable deaths, in addition to 1,458 death certificates, and finalised a total of 2,293 matters. The Coroner's Court sat for 113 days in 2018/19 and finalised 62 inquest cases.

CASE STUDY

New CT scanner will help find answers for grieving families

Families waiting for answers after a loved one dies suddenly will benefit from Western Australia's first mortuary scanner, which is expected to reduce time to trial in the Western Australian Coroner's Court.

The first dedicated post-mortem CT scanner in the PathWest State Mortuary is proving to be an essential tool in determining the cause of unexplained or unexpected deaths in WA.

Attorney General John Quigley opened the first CT scanner dedicated entirely to coronial cases in June 2019. Previously, CT scanners used by the general public had to be used for coronial work.

The State Government allocated \$1.1 million for the scanner in the 2017/2018 State Budget, plus a further \$1.2 million over the next four years for staffing and maintenance costs.

The images and 3D renderings provided by the scanner will enable forensic pathologists to see internally and potentially identify cause of death, without always having to perform an invasive post-mortem.

This advancement in forensic medical examination and imaging technology means that fewer grieving WA families will have to contemplate an autopsy of their loved one to establish their cause of death, and will contribute to a more efficient State coronial system.

The extra resource is part of the State Government's ongoing commitment to reduce the backlog of cases in the Coroner's Court.



Tribunal

State Administrative Tribunal

The State Administrative Tribunal hears a broad range of matters, from large planning and development disputes to safeguarding the rights of vulnerable members of the community in guardianship and administration matters. The Tribunal uses less formal procedures than other jurisdictions and is designed to encourage self-represented litigants and to increase access to the justice system.

During the year, Justice Jeremy Curthoys returned to the Supreme Court after almost five years as President of the Tribunal. Justice Janine Pritchard returned to the Tribunal as the new President and started her five year term on 4 June 2019. Previously Justice Pritchard served as Deputy President of the Tribunal after her appointment to the District Court of Western Australia in June 2009. Subsequently, she was appointed as a judge of the Supreme Court of Western Australia in June 2010, and as a judge of the Court of Appeal in September 2018. Although Justice Pritchard is commencing her new role as President, she will also maintain her commission as a judge of the Supreme Court and the Court of Appeal.

Outcomes 2018/19

The median time to finalise a matter (excluding guardianship and administration and commercial tenancy section 13(7), 13(7b) and 14A(3) matters) in the Tribunal was 14 weeks, a result of one week under the budget target and a two week increase compared with the previous year.

Eighty per cent of guardianship and administration matters were finalised within 10 weeks compared with 9.4 weeks in the previous year.

The Tribunal received 6,855 applications in 2018/19, a decrease of 5.3 per cent on 2017/18.

Key application trends included:

- Two per cent increase in guardianship and administration applications, with 3,938 applications that accounted for 57 per cent of the applications received by the Tribunal.
- 14 per cent decrease in commercial and civil applications, largely the result of an 18 per cent decrease in applications under sections 13(7), 13(7b) and 14A (3) of the *Commercial Tenancy (Retail Shops) Agreement Act 1985*.
- 15 per cent decrease in development and resource applications, with decreases mainly relating to the *Planning and Development Act 2005*.
- Three per cent decrease in vocational regulation applications, mainly the result of a 23 per cent decline in applications under the *Health Practitioner Regulation National Law (WA) Act 2010*.

Boards

The Department provides administrative support to four justice-related boards. These are the:

- Prisoners Review Board
- Mentally Impaired Accused Review Board
- Supervised Release Review Board
- Gender Reassignment Board.

Prisoners Review Board

The Prisoners Review Board is an independent statutory authority that is administered by the Department. The Prisoners Review Board considers whether prisoners are eligible for release from custody, sets or varies conditions of release and considers applications for the suspension and/or cancellation of orders. During the year the Prisoners Review Board held 592 meetings, on par with the previous year.

The Prisoners Review Board made 2,011 orders to release offenders on discretionary parole during 2018/19 which is an increase of 21 per cent when compared to 2017/18. Parole was denied on 1,356 occasions. Parole was suspended or cancelled on 369 occasions.

A comprehensive annual report for the Prisoners Review Board is provided each year to the Attorney General for Parliament by the Chairperson under section 112 of the *Sentence Administration Act 2003 (WA)*.

Mentally Impaired Accused Review Board

The Mentally Impaired Accused Review Board is an independent statutory authority that is administered by the Department. The Mentally Impaired Accused Review Board is concerned with people found not guilty of a crime due to unsoundness of mind and those found to be mentally unfit to stand trial.

In 2018/19 the Board held 24 meetings. Pursuant to section 33 of the *Criminal Law (Mentally Impaired Accused) Act 1996 (WA)*, the Board is required to provide the Minister with a written report about an accused at least once in every year. In 2018/19, the Board prepared 37 statutory reports.

A comprehensive annual report for the Mentally Impaired Accused Review Board is provided each year to the Attorney General for Parliament by the Chairperson under section 48 of the *Criminal Law (Mentally Impaired Accused) Act 1996 (WA)*.

Supervised Release Review Board

The Supervised Release Review Board is an independent statutory authority that is administered by the Department. The Supervised Release Review Board is created under the *Young Offenders Act 1994* (WA), and is responsible for determining the suitability of juvenile offenders (young offenders) for release from detention into the community on a Supervised Release Order (SRO) and to impose the conditions of that Order. During 2018/19 the Board met 47 times.

A comprehensive annual report for the Supervised Release Review Board is provided each year to the Minister for Corrective Services for Parliament by the Chairperson under section 165 of the *Young Offenders Act 1994* (WA).

Gender Reassignment Board

The Gender Reassignment Board considers applications from people wishing to have their gender reassigned from male to female or female to male and issues gender recognition certificates, in accordance with the *Gender Reassignment Act 2000* (WA). In 2018/19 the Board received 34 applications, consistent with the previous year.

Criminal Injuries Compensation

The *Criminal Injuries Compensation Act 2003* (WA) provides for victims of crime to be compensated for injuries suffered as a consequence of the commission of an offence.

Ms Charmaine Holyoak-Roberts was appointed as Chief Assessor Criminal Injuries Compensation on the retirement of the former Chief Assessor Ms Helen Porter. An additional assessor was also appointed in May 2019 for a period of two years to address the growing number of new applications for criminal injuries compensation.

Outcomes 2018/19

The number of criminal injuries compensation applications accepted this year increased by 14.3 per cent from 3,173 in 2017/18 to 3,626 in 2018/19.

Finalisations increased by 12.8 per cent on last year from 2,104 finalisations in 2017/18 to 2,373 finalisations in 2018/19.

In 2018/19 a total of \$32.6 million was awarded to victims of crime. To assist in compensating the State for this cost, a total of \$1.637 million was recovered from offenders, five per cent more than the previous year.

A comprehensive annual report on the operations of the Office of Criminal Injuries Compensation is provided

each year to the Attorney General for Parliament by the Chief Assessor under section 62 of the *Criminal Injuries Compensation Act 2003* (WA).

Justices of the Peace

The office of Justice of the Peace (JP) is a voluntary and statutory position involving a range of duties and responsibilities, most commonly including witnessing of documents. At many justice facilities throughout Western Australia JPs are also required to preside in Magistrates Courts, particularly in regional areas. The Department has responsibility for supporting and training Western Australian JPs.

Outcomes 2018/19

This year the Department continued to increase training opportunities for the State's 2,614 JPs. In particular, training was targeted at the 194 JPs who are eligible and make themselves available for judicial duties.

A total of 64 training seminars/workshops/online modules were conducted in the year which included 12 in the metropolitan area, 32 in regional/country locations and 20 online modules.

A total of 499 JPs participated in approved Departmental training seminars/workshops/online modules.

Court Counselling and Support Services

Court Counselling and Support Services provide a range of services including the Victim Support Service, Child Witness Service, Family Violence Service and Family Court Counselling and Consultancy Service. The key focus is on improving the quality of such services to the people of Western Australia.

Victim Support Service

The Victim Support Service (VSS) provides a range of specialist services to assist victims of crime with their contact with the criminal justice system and to help them in their recovery from trauma. The provision of service often requires intensive case management and support to victims of crime. In addition, the VSS continued to provide victim awareness training to all new recruits at the WA Police Academy.

These services are provided in a variety of ways; by telephone, in person or by email. A range of court-based information and support services to assist victims attending court is also available, together with help to prepare victim impact statements. The VSS also provides

the prosecution agency with assessment reports to support applications to the court for vulnerable witnesses to provide their evidence via CCTV.

As well as support in the metropolitan area, there are contracted Victim Support and Child Witness Services within regional courthouses.

Outcomes 2018/19

During 2018/19, VSS received 12,664 referrals, compared to 12,461 the previous year. Offer of service letters were sent to all referred clients.

Support and case management is provided to victims of crime who voluntarily request assistance. The total number of people assisted was 7,857, compared with 7,205 in 2017/18.

Child Witness Service

The Child Witness Service (CWS) provides services to children who give evidence in all criminal jurisdictions. It provides an assessment, court preparation and support service to children under 18 years of age. The CWS also provides advocacy to ensure children receive all their entitlements under the legislation, and assists with victim impact statements.

The CWS also continued to provide valuable training to a range of key stakeholders including the WA Police Force, the Office of the Director of Public Prosecutions and other agencies about the impact on children who give evidence. This training included appropriate ways to interact with children to ensure the best possible outcomes for them and to support children so they may provide the best evidence possible to the court.

These services are available in the metropolitan area and also Regional Victim Support and Child Witness Services within regional courthouses.

Outcomes 2018/19

There were 1,090 CWS referrals across the State in 2018/19, compared with 1,085 in the previous financial year. Offer of service letters and follow up support were provided to all referrals.

Fifty eight per cent of clients were aged between 13 and 17 years, with the majority of clients aged 15 years of age (16 per cent).

Family Violence Service

The Family Violence Service (FVS) provides services to victims of family violence in the Magistrates Court of Western Australia at Armadale, Fremantle, Joondalup, Midland, Perth and Rockingham. This includes providing support to family violence victims who are making an

application for a restraining order and/or are involved in a Family Violence List criminal matter. The service also provides support to judicial officers in the Family Violence List through the provision of bail risk assessment reports.

Outcomes 2018/19

During 2017/18, 3,101 victims of family and domestic violence received support compared with 3,364 in the previous financial year. This decreasing trend indicated that there was some scope to provide support to family violence victims through new and expanded service delivery strategies. These will become operation over 2019/20.

Family Court Counselling and Consultancy Service

The Family Court Counselling and Consultancy Service (FCCCS) provides services relevant to child-related proceedings in the Family Court of WA. The service assists the Family Court to individually case manage and assess child-related proceedings before the Court. This will often involve making referrals to other agencies, gathering information and reporting back to the magistrate or judge who is responsible for the case. FCCCS provides assessment through either a case assessment conference, family report, or child dispute conference.

Outcomes 2018/19

The FCCCS received 1,622 new referrals, an increase compared with the previous year with 1,489. This increase has not increased wait times for case assessment appointments.

Court Security

The Court Risk Assessment Directorate operates in close consultation with security and custodial service providers at the State's courts and tribunals. This relationship is enhanced through close collaboration between the parties and by the early identification and treatment of risks at courts and tribunals throughout Western Australia.

The Directorate's focus has been the provision of enhanced security infrastructure at courts including the establishment and upgrade of weapons detection systems to reduce the likelihood of contraband being taken into a courthouse.

Security planning around trials involving serious offences and multiple accused persons remains a core feature of the Directorate's workload and remains ongoing.

A key objective during the year was to finalise the establishment of a primary security check point workforce at each of the outer metropolitan courthouses, State

Administrative Tribunal and at the Northbridge court on weekends. The success of this objective has seen an increase in the number of weapons seized.

The Directorate continued to work in close cooperation with Federal, State and private sector service providers to promote a safe, open and accessible court environment in support of the judicial process.

Sheriff of Western Australia

The Sheriff of Western Australia is responsible to the courts for the state-wide delivery of enforcement services associated with civil court orders, criminal court fines and outstanding infringements or penalties referred to the Fines Enforcement Registry of the Magistrates Court. The Sheriff is also responsible for provision of jury services to the District and Supreme Courts.

The Sheriff also holds appointments as Marshal of the Family Court, Deputy Marshal of the High Court and Deputy Sheriff of the Federal Court of Australia. The position's authority is vested from a range of State and Federal legislation, each with a statutory responsibility to the courts.

Civil Enforcement

The Civil Enforcement Team is responsible for the service of processes and enforcement of orders and warrants issued by the courts from civil proceedings and for the service of witness summonses on behalf of the Office of the Director of Public Prosecutions. These services are provided directly by the Sheriff's Office in the Perth Metropolitan Region and through a network of bailiffs appointed by the Sheriff for regional and remote areas of the State.

Outcomes 2018/19

In 2018/19 the Civil Enforcement Team dealt with an increase of four per cent in the number of civil case lodgments and increased the number of satisfied civil cases by 15.8 per cent. As at 30 June 2019, there were 184 matters on hand compared with 193 for the same time last year.

The number of witness summonses and documents requiring service increased by 5.4 per cent compared to the previous financial year.

Fines Enforcement Registry

The Fines Enforcement Registry (FER) is responsible for the collection of unpaid court fines and infringements registered by a number of prosecuting authorities throughout Western Australia.

Outcomes 2018/19

The number of court fines lodged in 2018/19 decreased by 7.6 per cent from 89,223 to 82,418. The number of infringements lodged decreased by 18.5 per cent from 421,038 to 343,199. The higher number of infringements lodged in 2017/18 was primarily due to the lodgment of approximately 55,000 infringements by the Electoral Commission. Overall, the number of lodgments decreased by 16.5 per cent in comparison with 2017/18 while completions decreased by 3.8 per cent.

FER collected \$126 million, or \$2 million less than the previous year due to the reduction in matters lodged.

Criminal Enforcement

The Sheriff's Office criminal enforcement work consists of the execution of Enforcement Warrants issued to the Sheriff by the Registrar of FER when FER has not been able to recover outstanding fine or infringement amounts. This work is performed through the Sheriff's Office Criminal Enforcement Team, Regional Sheriff Community Development Officers and contractors.

Outcomes 2018/19

\$6.8 million in collections compared with \$6.1 million in 2017/18.

Jury Services

The core function of Jury Services is to provide sufficient jurors for the Supreme Court and District Court jury trials held across the State. Jury Services assists community members, who have been selected for jury duty, in meeting and understanding their civic responsibilities as jurors.

Outcomes 2018/19

During the 2018/19 financial year Jury Services summoned 44,843 people for possible selection on 774 scheduled trials, of which 21,521 people attended and 7,219 were selected for 525 trials that actually commenced.

Community Reference Group helps drive Armadale project



People in Perth's south-east corridor will benefit from an \$86 million Armadale Courthouse and Police Complex, set to be open and ready for business in 2021.

In a collaboration between the Department of Justice and the WA Police Force, the Armadale Courthouse and Police Complex Community Reference Group met several times during the year to provide feedback and advice about the project and to hear about how it is progressing.

The group, which includes members from the Department and the community, play an important role in communicating the diverse views of the local community to the project team.

The complex will provide a modern and safe environment for court users, including video conferencing and secure facilities for victims of crime. It will also have a shared custody area between the courthouse and the police facility, meaning people in police custody will be able to go straight to court.

The complex, pictured, will be an important civic landmark in the centre of Armadale and will cater for future population growth.



Office of the Commissioner for Victims of Crime

The Office of the Commissioner for Victims of Crime advocates on behalf of victims of crime, to give them a greater voice in how they are treated across Government and to ensure they receive the support they deserve.

Its key priorities are to:

- advocate for and encourage good practice in the treatment of victims across Government
- provide a mechanism for victims to lodge complaints regarding Government services
- provide advice on the preparation of criminal injuries compensation claims and victim impact statements
- work with victims to prepare submissions to the Supreme Court regarding Dangerous Sex Offenders
- examine and comment on legislation affecting victims of crime.

After five years of operation, the Office has firmly established its role as a dedicated victim advocacy unit for the Western Australian community. Improved awareness of this Office and its functions saw an increase in direct contact from victims and their families in 2018/19, with the Office providing advice, advocacy and practical support to a growing number of vulnerable people in the community.

This section of the annual report explores the results of the Office's efforts this year, showing the highlights and progress made in introducing a range of victim-centred legislation and policy initiatives which will improve outcomes for victims and their families.

Key achievements this year included:

- Developed legislation to criminalise the non-consensual distribution of intimate images, also known as 'revenge porn', which led to the introduction of the *Criminal Law Amendment (Intimate Images) Act 2019*
- Implemented and managed the historical homosexual conviction expungement scheme to remove convictions for historical homosexual sex offences from people's criminal records
- Coordinated Western Australia's participation in the National Redress Scheme for survivors of institutional child sexual abuse, on behalf of all Western Australian Government agencies
- Established the homicide funeral assistance scheme to cover funeral costs for homicide-related deaths in Western Australia. The Office of the Commissioner for Victims of Crime processed payments totalling \$132,858, for the funeral expenses of 17 homicide victims
- Continued to represent Western Australia on the National Victims of Crime Working Group consult with a broad range of stakeholders from across Government, the non-government sector, victims and their families
- The Acting Commissioner for Victims of Crime delivered the keynote address at the Australia and New Zealand Forensic Science Society International Symposium on Forensic Sciences.

Criminalising the non-consensual distribution of intimate images

The Office developed legislation to criminalise the non-consensual distribution of intimate images, otherwise known as 'revenge porn'. Introduced on 15 April 2019, the *Criminal Law Amendment (Intimate Images) Act 2019* (WA) made sharing intimate images of someone without their permission a crime that attracts up to three years in prison and/or a fine of up to \$18,000.

The Acting Commissioner visited every region in Western Australia to raise community awareness of the new legislation. During these visits, the Commissioner spoke at public forums, schools, not-for-profit organisations and with police and prison officers.

The first successful prosecution under the new legislation saw a man plead guilty on 11 June 2019, to distributing intimate images of his former partner on Instagram after their relationship ended. He was due to be sentenced on 22 July 2019.

Implementing the historical homosexual conviction expungement scheme

The Office supported the implementation of the *Historical Homosexual Convictions Expungement Act 2018* (WA) to remove convictions for historical homosexual sex offences from people's criminal records. The scheme started on 1 October 2018, and is open to people with a conviction for a range of historical homosexual offences which related to consensual homosexual activity that would not be illegal today. The Office continues to accept applications for expungements and provides recommendations to the Director General regarding those applications.

Leading the National Redress Scheme for Western Australia

On 1 January 2019, Western Australia joined the National Redress Scheme for survivors of institutional child sexual abuse. The National Redress Scheme was established in response to recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse. The aim of the scheme is to provide an avenue for survivors to seek compensation via an easier and more supportive avenue than civil litigation.

The scheme is operated by the Commonwealth Government and provides support to survivors through counselling, a direct personal response from the responsible institution and a redress payment.

The Office was given the responsibility of leading Western Australia's participation in the scheme, with Western Australia's Redress Coordination Unit established within the Office. The unit coordinated requests for information from the Commonwealth Government, for applications relating to Western Australian Government institutions. The unit also liaised with government agencies to provide accurate and timely responses to assist the Commonwealth Government in making determinations on applicants' eligibility for redress. To protect the confidentiality of survivors, the Office is unable to report on the number of applications that have been dealt with.

The Office has continued to play a key role in developing policies to ensure the effective and equitable operation of the scheme in Western Australia, with the Acting Commissioner chairing the WA Redress Implementation Working Group and representing Western Australia on the national redress working group.

Implementing the homicide funeral assistance scheme

The homicide funeral assistance scheme was established in 2018 to cover funeral costs for homicide-related deaths in Western Australia. The scheme provides \$8,000 towards the cost of a funeral to eligible applicants, where the cause of death was murder, manslaughter or unlawful assault causing death. The scheme is funded through the Department's Criminal Property Confiscation Grants Program.

In 2018/19 the Office processed payments totalling \$132,858, for the funeral expenses of 17 homicide victims.

Participation in international conferences and national working groups

In September 2018, the Acting Commissioner delivered the keynote address at the Australia and New Zealand Forensic Science Society International Symposium on Forensic Sciences, speaking on the need to maintain a person-centred approach to victims across each element of the criminal justice process.

The Acting Commissioner for Victims of Crime continued to represent Western Australia on the National Victims of Crime Working Group, which has become an important forum for sharing best practice and innovative approaches to responding to the needs of victims. The Acting Commissioner was also a member of the National Family Violence Working Group. This work is influential in providing cross-jurisdictional supports for victims and ensuring that victims are treated equally across Australia.

Consultation with stakeholders

At a State level, the Acting Commissioner for Victims of Crime met with a broad range of stakeholders within government and non-government sectors and with victims of crime. This ongoing consultation has been the key source of advice to the Acting Commissioner and has contributed to all of the outcomes achieved by the Office in 2018/19.

The Acting Commissioner continued to educate Government agencies and other stakeholders about issues relating to victims of crime and raise awareness of the guidelines for the treatment of victims in the Victims of Crime Act 1994 and available victim support services.

Review of Victims of Crime Act 1994

The review of the *Victims of Crime Act 1994* was not completed in 2018/19 as anticipated. It is expected that this review will be completed before the end of 2019.

The position of the Commissioner for Victims of Crime was not substantively filled during this financial year. It is expected that this position will be permanently filled in 2019/20.

Future initiatives

In 2019/20 the Office will continue to support victims of crime and advocate for change to improve the services and support available to victims across the justice system.

The following initiatives were developed in 2018/19, and will be implemented in 2019/20.

Family Violence Bill

The Family Violence Amendment Bill was developed for Government by the Office in 2018/19. The Bill includes a range of reforms to improve victim safety, accountability of perpetrators and responsiveness of the justice system, by making it easier and less traumatic for victims to obtain protection from violence in WA. The Bill will include a new criminal offence for non-fatal strangulation, to recognise the risk to victims posed by the act of strangulation, particularly in the context of family violence. The Bill is due to be introduced into Parliament in the second half of 2019.

Online victim feedback process

An online victim feedback webpage was developed by the Office to provide the first dedicated channel for victims of crime to provide feedback on their experience with the criminal justice system and Government agencies. The new webpage will allow victims to lodge a complaint form if they feel the guidelines for the treatment of victims of crime, as set out in the *Victims of Crime Act 1994*, have been breached. The webpage will also provide information about making a complaint and a form for providing compliments and feedback. The main aims of the webpage are to provide victims with a voice, improve the responsiveness of the criminal justice system, and create a tool to gather information from victims of crime data on issues important to victims of crime. The webpage will go live on the Victims of Crime website in 2019.

Media guide for victims of crime

Victims and their families are often approached by the media regarding their story. This can be overwhelming, distressing and confusing in the period immediately following a crime or trial. During the year the Office developed a media guide to provide advice and guidance to victims and their families to help them deal with these approaches from the media and reduce the associated stress they experience. The media guide will be released in 2019.

Keeping WA informed about revenge porn

Acting Commissioner for Victims of Crime Kati Kraszlan visited every region of the State since mid-April 2019, on a mission to spread the word about our State's new 'revenge porn' legislation.

She spoke at town halls and public forums in the Kimberley, Pilbara, Gascoyne, Goldfields, South-West, Great Southern and at the State Library in Perth to explain the legislation. Kati also talked about the new laws at schools, not-for-profit organisations and with members of the WA Police Force around WA and given many regional radio interviews.

Introduced on 15 April, the Criminal Law Amendment (Intimate Images) Act 2019 made sharing intimate images of someone without their permission a crime that attracts up to three years in prison and/or a fine of up to \$18,000.

"The last thing you want is to introduce a new law without explaining the implications," Kati told a radio journalist by phone as she was about to catch a plane to Albany to deliver the last of her forums.

"I give people information about the statistics around the issue, outline the risks and advise them on what they can do if they are worried an image of themselves might be shared without their consent.

"I focus on juveniles and the special aspects of the law relating to young people. Parents want to know what they can do. It's totally legal for adults to share intimate images if they have consent, but it's illegal if you're under 18 to send a naked selfie, and to be in possession of such an image could be regarded as a child exploitation matter.

"I also tell victims what they can do and assure them that if they go to the Police, they will be taken seriously and their matter will be handled sensitively."

Kati said research published by RMIT University revealed that one in 10 people had committed image-based sexual abuse.

"The Department is committed to increasing awareness of the new laws," she said. "Revenge porn is an increasingly common feature of family and domestic violence, used as a way of controlling the victim."

The first successful prosecution under WA's new revenge porn laws happened only a few weeks after the legislation was introduced, with a Perth man pleading guilty on 11 June 2019 of distributing intimate images of his former girlfriend and posting them on Instagram after their relationship ended. He was due to be sentenced on 22 July 2019.



It is a crime to share an intimate image of someone without their consent.

For more information visit www.victimsofcrime.wa.gov.au

JAIL TIME OF UP TO 3 YEARS

FINES OF UP TO \$18,000

BE AWARE B4 U SHARE

#endrevgeporn

Advocacy, Guardianship and Administration Services

Office of the Public Advocate

The Office of the Public Advocate protects and promotes the human rights of adults with a decision-making disability through the functions given to the Public Advocate under the *Guardianship and Administration Act 1990*.

A person's ability to make reasoned decisions in their own best interests can be affected by an intellectual disability, dementia, a mental illness or an acquired brain injury. These vulnerable members of the community may face the risk of exploitation, abuse and neglect.

The Office works to reduce these risks by providing services including:

- investigations into the need for guardianship and/or administration orders for adults with a decision-making disability
- guardian of last resort; that is, the legal decision-maker for personal, lifestyle and treatment decisions, for adults with a decision-making disability
- information, advice and training regarding the guardianship and administration system and the documents adults can use to plan for their future decision-making, as a safeguard in the event they lose decision-making capacity.

In 2018/19, the Office's main objectives were to meet the growing demand for advocacy and investigation services; meet the growing demand for guardianship services; provide community education regarding the guardianship and administration system and the planning documents – enduring powers of attorney, enduring powers of guardianship and advance health directives; and continue to promote and protect the human rights of adults with a decision-making disability.

Key achievements this year included:

- carrying out 1,717 investigations into the personal or financial welfare of adults with a decision-making disability, representing a 10 per cent increase on the previous year
- managing 1,350 new referrals from the State Administrative Tribunal for investigations into the personal or financial welfare of adults with a decision-making disability, representing an 11 per cent increase from the previous year
- acting as guardian for a total of 2,140 people at 30 June 2019, representing an 11 per cent increase from 30 June 2018
- making personal, lifestyle and treatment decisions for people through a total of 3,037 guardianship orders and reviews of orders, representing an eight per cent increase from the previous year
- being newly appointed as guardian of last resort for 591 people, compared with 526 in 2017/18, an increase of 12 per cent
- delivering 24 community education seminars regarding the guardianship and administration system, the legislation and the planning documents available to people under the legislation
- addressing 7,062 enquiries from 5,537 people via our advisory service.

Reforms within the disability sector, brought about by the bilateral agreement to roll-out a nationally consistent but state-delivered National Disability Insurance Scheme (NDIS) in Western Australia, continued to impact the Office in 2018/19.

A number of clients who receive disability support, including accommodation and services, and are under 65 years of age, were affected by the scheme. Delegated guardians from the Office worked with NDIS staff throughout the year on the development and approval of NDIS support plans.

The impact of the introduction of the scheme in WA can also be seen in appointments of the Public Advocate as guardian. For over a decade, dementia accounted for the largest proportion of those adults for whom the Public

Advocate was appointed as guardian. This year however, marked the second year in a row that a decision-making disability other than dementia accounted for the largest proportion of appointments. Twenty nine per cent of the 2,140 adults for whom the Public Advocate was appointed as guardian for at 30 June 2019, had an intellectual disability, 27 per cent had a mental illness and 26 per cent had dementia.

Orders appointing the Public Advocate as guardian, 2018/19

| Type of decision-making disability | Number | Percentage |
|------------------------------------|--------------|------------|
| Acquired brain injury | 338 | 16 |
| Dementia | 566 | 26 |
| Intellectual disability | 630 | 29 |
| Mental illness | 571 | 27 |
| Other | 35 | 2 |
| Total | 2,140 | 100 |

The Office continued to target elder abuse in 2018/19, with a range of activities including its advocacy, investigation and guardianship services; its membership of the Alliance for the Prevention of Elder Abuse; policy development; and collaboration with other agencies.

Initiatives aimed at raising awareness and understanding with community members and professionals continued, including our targeted education sessions, publications and advisory service. We aim to empower people with information about their choice to plan for the future and potentially protect themselves by making an enduring power of attorney and enduring power of guardianship.

The Office's community guardianship program aims to match adults who have the Public Advocate appointed as their guardian with volunteers from the community who are willing and able to take over the role as guardian. At 30 June 2019, the Office had 18 volunteers engaged in the program, 14 of whom were appointed as guardian for their represented person.

Fighting financial elder abuse

People experiencing financial elder abuse were able to get support and advice during the year and also at a forum to mark World Elder Abuse Awareness Day.

More than 200 people attended the event at the State Library in Perth, hosted by the Public Trustee and the Office of Public Advocate.

Financial elder abuse involves the inappropriate use of a vulnerable or dependent person's financial assets by someone close to them, often a relative or friend.

Nine seminars covering a range of topics from 'Being Informed and Planning Ahead' to 'Who Can Help – Services Supporting Older People's Rights' were popular with the attendees.

There was also a mini-expo with information booths providing attendees with useful information and advice. Stakeholders presenting at the forum included Advocare, Legal Aid, Older People's Rights Service, Department of Communities and the City of Melville.

To coincide with the day, the State Government launched its elder abuse prevention strategy – a first for WA – for public comment. The strategy's priorities are raising awareness and early identification of the problem, prevention and early intervention, integrated and coordinated responses, and improving the availability of data and evidence.

Interagency seminars

In an example of strategic interagency co-operation, the Office of the Public Advocate and the State Administrative Tribunal started a series of joint education sessions in 2018/19, explaining the Guardianship and Administration legislation and Tribunal processes for health professionals.

Health professionals often make applications to the Tribunal or have clients involved with the Guardianship and Administration system and may need to access Office of the Public Advocate services.

These joint education sessions were promoted through the Department of Health's internal networks and enabled health professionals to gain a greater understanding of the legislation and processes.

The first education session in April was attended by almost 30 healthcare professionals with minimal knowledge of guardianship and administration.

Attendee's had mixed experience and different levels of knowledge but the feedback from the session was overwhelmingly positive.

The session featured presentations from the Office of the Public Advocate's Manager Advocacy Investigation and Legal and the State Administrative Tribunal's Manager Case Management, as well as many interesting questions and discussion points from the audience.

State Administrative Tribunal's Manager Case Management said, "Information sessions give these professionals the information they need to ensure they are on the right track, by considering less restrictive options first for their patients or clients and also understanding that if these are not an option, then they feel comfortable in how to go about making an application to the Tribunal."

Further joint seminars are planned for next year.



Principal Legal Officer Michael Bowyer presenting at the forum

Trustee Services

The Public Trustee

The Public Trustee provides a range of will, deceased estate administration and trustee services, which are available to all Western Australians. The statutory authority manages net assets of around \$1.2 billion and has the responsibility for managing the legal and financial affairs of many vulnerable people in our community, as well as examining the accounts of private administrators.

Key achievements this year included:

- managing trusts for 6,239 clients
- being appointed to manage 1,003 new trust clients
- continuing to achieve self-funding
- automating a number of processes within our trust management software
- identifying 78 cases of alleged elder abuse
- storing 123,257 wills in the WA Will Bank
- submitting 469 probate applications
- delivering 60 seminars across Western Australia, reaching more than 4,500 people.

In 2018/19 the Public Trustee managed trusts for 6,239 clients. The trend of strong growth in demand continued this year, as the Public Trustee was appointed to manage a further 1,003 new trust clients.

Of these new trust clients, the majority were referred by the State Administrative Tribunal, representing 770 new appointments, compared with 725 in the previous financial year. The continued rise in Tribunal referrals is attributed to increases in the number of people whose decision-making capabilities are adversely affected by conditions such as dementia, intellectual disability, mental illness, acquired brain injury or substance abuse, which can make them vulnerable to neglect, abuse or exploitation.

The Public Trustee continued to focus on streamlining and operational efficiencies, including reviewing deceased estates business processes in line with stakeholder and legislative changes, realigning trust management teams to better reflect modern day needs, and recruiting and training new staff to manage the significant growth in clients under financial administration.

With the global financial market beginning to stabilise, our common account performed well against comparable benchmarks (such as other common funds and cash management accounts) and the Public Trustee investment funds provided steady growth and returns.

In 2018/19 the Public Trustee continued to achieve self-funding. During the year the Public Trustee used its business development reserves to support business transformation and investments in technological upgrades and completed a number of projects aimed at innovation, cost saving and efficiency improvements. These included innovations within the Public Trustee's trust management software (MATE) to automate the processing of client electronic funds transfer receipts, the introduction of investment management software, further enhancements to the automation of client invoice payments allowing 100 per cent of invoices to be processed through the automated system and significant progress toward the digitisation of incoming mail.

In the legal directorate, the Public Trustee made improvements to its flexible, easy to use, in-house will-making system and developed a resource for professionals and community members to use which explains the law around guardianship, administration, litigation and trusts for people with mental impairments.

The Public Trustee – along with the Office of the Public Advocate and Legal Aid WA – are members of the Alliance for the Prevention of Elder Abuse in Western Australia.

During the year the Public Trustee carried out activities to improve public and stakeholder awareness of and access to its services and related issues (such as elder abuse and intestacy). These included hosting a 'Preventing Financial Abuse of Older Western Australians' forum, attended by 200 people, and a range of public education seminars to community groups, service providers, legal professionals, trust practitioners and other Government agencies in both metropolitan and regional areas. The number of public seminars held increased by 87.5 per cent over the past year from 32 to 60 seminars, with the number of seminar attendees rising to 4,634, an increase of 126 per cent. The Public Trustee also continued to provide training sessions for private administrators in partnership with the Office of the Public Advocate and shared educational messages electronically through e-publications and social media.

Give2Good

The Public Trustee's Give2Good Foundation enables everyday Western Australians to make a lasting contribution to their community both during their lifetime and beyond. Charitable gifts are made to Give2Good in the form of endowed funds, which are invested to accumulate and create a stream of ongoing funding for charitable organisations. Give2Good continued to attract bequests throughout 2018/19 as it is an easy, secure and cost-effective vehicle for charitable donations. This year saw the launch of Give2Good Week on 5 May 2019 and the Public Trustee ran a communication program to promote the benefits of giving and volunteering.

Entering its final year, PT2020 has made good progress in developing a culture that embraces change in order to better understand and support client needs and deliver highly efficient and technologically advanced services. With increasing and sustained growth in demand across the Public Trustee's portfolio of services, dedicating resources to develop and apply service improvements will be an ongoing challenge in 2019/20 and in future years. The Public Trustee will continue to monitor and address these changing requirements through a range of initiatives, including the launch of a new "people first" focused initiative.

WA Will Bank

The Public Trustee's WA Will Bank provides active management and safe storage of more than 120,000 wills. The WA Will Bank is free to the public and continued to attract positive feedback from testators and their loved ones.

Public Trustee 2020 and beyond

The 'PT2020 & Beyond' project was introduced in 2017 to create an office-wide culture of proactive and innovative thinking, continuous improvement and transformational change. Initiatives which have come out of the project aim to explore and respond to changing client and stakeholder needs and plan for the potential impact of sector/market developments such as aged care reforms, the National Disability Insurance Scheme (NDIS), parliamentary enquiries and changes to transactional processes with Centrelink, the Australian Taxation Office, Landgate, banks and other organisations.

In 2018/19 consultants worked alongside deceased estates project officers to identify enhancements to technology, service standards, policies and procedures through the completion of a comprehensive business process mapping and optimisation exercise. Officers worked to action a number of recommendations to streamline the Public Trustee's deceased estates service and reduce delays. Similar mapping exercises will be completed in the Trust, Legal and Private Administrator Support areas over the next 12 months.

Viability of the Public Trustee's trust management system (MATE) was identified as the agency's most significant business risk and most resource-intensive project. After exploring the limited options, the decision was made to extend the lifespan of MATE for a further five years and start developing a number of system enhancements to be actioned, which align with e-Government priorities.

Registry of Births, Deaths and Marriages

The Registry creates and permanently stores birth, death, marriage and change of name records for life events occurring in Western Australia. The Registry also performs civil marriages in the Perth Registry Office.

Key achievements this year included:

- registering 4,068 changes of name, at an average of 339 per month
- registering a total of 33,221 births, which equates to 2,768 per month
- registering 12,054 marriages, at a rate of 1,004 per month
- registering 15,182 deaths for the financial year, equating to 1,265 per month.

Same sex marriage

One of the most significant changes for the Registry this year was the increasing number of same-sex marriages. Commonwealth legislation which enabled same-sex marriage came into effect in December 2017.

Between 1 July 2018 and 30 June 2019, the Registry registered 577 same sex marriages.

Accessibility of records

The Registry's expanded presence in regional Western Australia meant regional communities had greater direct access to certificate issuing services, rather than requiring regional people to apply at the Perth Registry. In 2018/19 this resulted in 32,155 birth, death, marriage and change of name certificates issued on behalf of the Registry from 21 courthouses.

Protection of personal information

The protection of personal information and the prevention and detection of identity fraud and theft is a key priority for agencies responsible for issuing identity documents in the community. The Registry validated more than 444,000 Western Australian birth, death, marriage and change of name certificates were validated against Registry information during 2018/19. This is an increase of 48 per cent from last year, due to many other private sector agencies now having access to the Document Verification Service. The increase was from 301,000 in 2017/18 to 444,000 in 2018/19.

The Registry also remained a key participant in the National Identity Security Strategy.

The Strategy is a Council of Australian Government's initiative, to better protect the identities of Australians by strengthening the integrity and security of identity credentials such as birth certificates, which can be authenticated through the Commonwealth Document Verification Service (DVS). DVS checks, available to State and Federal Government agencies since 2009, are now available to private sector entities to identify their customers.

Registration and certificates

The Registry recorded a slight decrease in the total number of births, deaths, marriages and changes of name in Western Australia in 2018/19. The Registry issued 130,541 certificates during 2018/19, one per cent down on the overall number of certificates it issued the previous year.

Births

The Registry recorded a total of 33,221 births in 2018/19, a reduction of just over three per cent compared to the previous year.

Marriages

In 2018/19 the Registry received 21,887 requests for marriage certificates, almost on par with the previous financial year and carried out 1,080 marriage ceremonies during 2018/19, a decrease of 16 per cent from 2017/18.

An analysis of birth places of brides and grooms in Western Australia revealed 100 countries were represented. The top 16 countries are shown below.

| Place of Birth | Total |
|----------------|-------|
| Australia | 473 |
| China | 159 |
| India | 108 |
| Vietnam | 82 |
| England | 78 |
| Malaysia | 71 |
| Philippines | 57 |
| New Zealand | 35 |
| Indonesia | 32 |
| Taiwan | 32 |
| Brazil | 31 |
| Myanmar | 23 |
| Thailand | 23 |
| Hong Kong | 20 |
| Kenya | 20 |
| Singapore | 20 |

Deaths

In 2018/19 the Registry processed 23,573 requests for death certificates, 180 more than the previous financial year.

Open Day Program

The Registry continued its involvement in the Department's Open Day program during 2018/19. This initiative, operating in partnership with the Strategic Reform Division and other key stakeholders, aims to provide significantly improved services to disadvantaged or vulnerable people living in regional and remote Aboriginal communities.

A birth certificate is often the first step in establishing a person's identity, which has to be done to access education, get a driver's licence, gain employment or claim government benefits.

Once again this year, Registry staff helped Aboriginal people register their births and obtain birth certificates at Open Days. This service helped Aboriginal people overcome barriers that may limit their ability to participate more fully in society by not having a birth certificate.

Since the Registry's involvement with the Open Day program started in 2011/12, the Registry has issued more than 4,818 birth certificates, registered 1,749 previously unregistered Aboriginal births and issued more than 2,131 confirmation of birth letters.

Of the 1,749 previously unregistered births, about 18 per cent of births (311) registered through the Open Day program related to births which had occurred more than 30 years ago.

During the financial year, the Registry issued more than 588 birth certificates, registered 176 previously unregistered births and issued more than 66 confirmation of birth letters through the Open Day program.

Baby names

Most popular girls' names as collated by the Registry in the 2018 calendar year:

| Position in 2018 | Name | Occurrence | Position in 2017 | Position in 2016 | Position in 2015 |
|------------------|-----------|------------|------------------|------------------|------------------|
| 1 | Ava | 186 | 6 | 2 | 2 |
| 1 | Charlotte | 186 | 3 | 1 | 3 |
| 2 | Mia | 171 | 2 | 3 | 4 |
| 3 | Olivia | 166 | 4 | 6 | 1 |
| 4 | Amelia | 151 | 5 | 5 | 8 |
| 5 | Isla | 149 | 1 | 4 | 5 |
| 6 | Harper | 142 | 7 | 8 | 15 |
| 7 | Grace | 135 | 9 | 9 | 7 |
| 8 | Chloe | 125 | 8 | 12 | 10 |
| 9 | Willow | 124 | 20 | 19 | 25 |
| 10 | Zoe | 123 | 17 | 14 | 22 |

Most popular boys' names as collated by the Registry in the 2018 calendar year:

| Position in 2018 | Name | Occurrence | Position in 2017 | Position in 2016 | Position in 2015 |
|------------------|---------|------------|------------------|------------------|------------------|
| 1 | Oliver | 244 | 1 | 1 | 1 |
| 2 | Jack | 223 | 2 | 2 | 2 |
| 3 | Noah | 200 | 4 | 4 | 4 |
| 4 | William | 176 | 3 | 3 | 5 |
| 5 | Leo | 155 | 12 | 15 | 20 |
| 6 | James | 147 | 5 | 6 | 3 |
| 7 | Thomas | 145 | 7 | 6 | 6 |
| 8 | Ethan | 143 | 7 | 5 | 7 |
| 9 | Logan | 126 | 9 | 14 | 16 |
| 9 | Charlie | 126 | 8 | 8 | 12 |
| 10 | Lucas | 125 | 6 | 7 | 11 |

The State's top regional baby names are available on the Department's website www.bdm.justice.wa.gov.au.

Aboriginal Justice Program Open Days



Aboriginal people in some of Western Australia's most remote communities benefitted from 57 Aboriginal Justice Program (AJP) Open Days held in different locations throughout the year.

Staff from the Registry of Births, Deaths and Marriages, the Department of Transport and Centrelink provided people with access to key Government services.

Open Days are "one-stop-shops" where various Government agencies help many people at the same time, enabling them to get birth certificates, make change-of-name applications and arrangements to resolve outstanding fines, ask about getting driver's licences, undertake theory and practical driving tests and access financial and legal services.

Open Days aim to reduce the over-representation of Aboriginal people in the criminal justice system by helping them to obtain identity documents, and driver licensing support to become job-ready through breaking down barriers between Government and local communities.

Open Days bring people services that are usually difficult for them to access due to remoteness.

Services to Government

Strategic Reform

Strategic Policy Development and Advice

The Department's Strategic Reform Division analyses key reforms in the justice system and gives strategic policy advice to the State Government. This is achieved by:

- facilitating the amendment of legislation to reform criminal and civil law and procedure
- developing policy initiatives to improve justice-related outcomes for all members of the community, with a particular emphasis on outcomes for Aboriginal people
- carrying out reviews, evaluation and research to recommend improvements to, and future directions for, policy, legislation and services
- carrying out research and statistical analysis about current justice issues and trends.

Key achievements this year included:

- driving forward the State Government's significant legislative drafting and policy agenda
- the development of new and amending legislation including landmark fine default and class action laws, laws relating to criminal appeals, the introduction of the High Risk (Sexual and Violent) Offenders Board and laws relating to mentally impaired accused
- working to reduce the contact between Aboriginal people and the criminal justice system through the Aboriginal Justice Program
- addressing 7,062 enquiries from 5,537 people via advisory service.

Legislative functions

Legislation assented to

In 2018/19, the Department guided the development of the following new and amending pieces of legislation:

- *Historical Homosexual Convictions Expungement Act 2018* (WA) (18 September 2018)
- Amendments to the *Coroners Act 1996* (WA) (21 September 2018)
- Amendments to the *Financial Transaction Reports Act 1995* (WA) (17 October 2018)
- Amendments to various Acts governing court jurisdiction (2 November 2018)

- *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018* (WA) (5 December 2018)
- Amendments to the *Sentence Administration Act 2003* regarding multiple murders (WA) (12 December 2018)
- Amendments to the *Gender Reassignment Act 2000* (WA) (19 February 2019)
- Amendments to the *Criminal Code 1913* (WA) regarding intimate images (26 February 2019)
- *Child Support (Commonwealth Powers) Act 2019* (WA) (15 May 2019)
- Amendments to the *Suitors Fund Act 1964* (WA) (15 May 2019)

Each piece of legislation was passed by both Houses of Parliament and assented to by the Governor in 2018/19.

Bills introduced to State Parliament

In 2018/19, Strategic Policy guided the introduction of the following Bills into State Parliament:

Civil Procedure (Representative Proceedings) Bill 2019

This Bill was introduced in June 2019 and puts into effect recommendations made by the Law Reform Commission of Western Australia in its final Representative Proceedings report, tabled in State Parliament on 21 October 2015. The Bill will introduce a legislative representative proceedings scheme in Western Australia.

Representative proceedings, also known as group proceedings or class actions, are proceedings in which a single representative brings or conducts a claim on their own behalf and on behalf of a group of seven or more members in the same, similar or related circumstances. These proceedings are particularly useful in situations where, although many people are affected and the total amount at issue is significant, each person's individual claim is small.

These proceedings also allow the court to deal with multiple, similar individual claims that would be large enough to merit separate proceedings. Representative proceedings facilitate the efficient use of court resources by allowing all claims arising out of the same, similar or related circumstances to be considered and finalised in one proceeding.

The scheme in the Western Australian Bill is closely based on the Commonwealth scheme, and is similar to those enacted in Victoria, New South Wales and Queensland.

Criminal Appeals Amendment Bill 2019

This Bill was introduced in February 2019 and provides a new statutory right for an offender convicted of an offence on indictment, to bring a second or subsequent appeal to the WA Court of Appeal against conviction where there is fresh and compelling, or new and compelling, evidence relating to the offence.

Criminal Law Amendment (Uncertain Dates) Bill 2019

This Bill was introduced in June 2019. It aims to overcome impediments where uncertainties regarding the exact date of an offence, age of the victim, or age of the accused prevent a person being found guilty of a crime that can otherwise be proved, having particular regard to sexual offences against children.

High Risk Offenders Bill 2019

The High Risk Offenders Bill 2019 proposes to deal with serious violent offenders in the same way dangerous sexual offenders are dealt with under the *Dangerous Sexual Offenders Act 2006* (WA). This would mean a person convicted of certain sexual or violent offences may be subject to an application made by the State to the Supreme Court, which may provide for post-sentence detention or supervision in the community in order to protect the community from the offender committing a similar offence following their release.

New legislation under development

In 2018/19, Strategic Reform developed the following key pieces of legislation:

Criminal Law (Mentally Impaired Accused) Act 1996 (WA) (CLMIA Act)

Reforming the CLMIA Act was one of our highest priorities in 2018/19. During the year we made significant progress in drafting this legislation. The reforms will meet the commitments that the WA Labor Government took to the 2017 State election and ensure best practice in the management of this group of vulnerable members of our society. The reforms will also address more than 50 recommendations from previous reviews into the operation of the CLMIA Act.

In particular, the new legislation is intended to introduce custody orders aligned to the sentence that a mentally impaired person would have been likely to receive, had they been convicted and to empower the Mentally Impaired Accused Review Board to make decisions as to release removing the power from the Governor. The legislation also aims to provide greater support for people with mental impairment during the court process and provide an avenue to test the evidence against people with a mental impairment who have been found unfit to stand trial.

Criminal Law (Unlawful Consorting) Bill 2019

The Criminal Law (Unlawful Consorting) Bill 2019, will introduce a broader consorting offence to disrupt and restrict serious criminal activities which may lead to the commission of offences by convicted offenders associated with organised crime. The Bill will also provide the WA Police Force with additional powers in relation to prosecuting consorting offences.

Evidence Bill 2020

During the year Strategic Reform worked on the reform of evidence legislation with the intent of introducing a new Act to replace the *Evidence Act 1906* (WA) (Evidence Act) in 2020.

Strategic Reform worked on a new Evidence Act which will bring WA's evidence laws in line with the Commonwealth Act (the *Evidence Act 1995*). This will benefit Western Australians by retaining the sound provisions of the *Evidence Act 1906* (WA) while introducing new provisions which strengthen protections and support for vulnerable witnesses. Many of these new provisions will put into place key recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse and will further protect victims of family and domestic violence.

Western Australian Crime Statistics and Research Office (WACSAR)

During the year drafting instructions for the legislation to support this office were completed, ready for drafting. Work on establishing the WACSAR continued and one of the tools it may use – the Justice Pipeline Model – was completed and is currently subject to peer review.

Legislative amendments in development during 2018/19 include:

Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019

The Department is committed to addressing the over-representation of Aboriginal and Torres Strait Islander people in the justice system.

A key initiative aimed at addressing this is the reform of the State's fines enforcement legislation, the *Fines, Penalties and Infringement Notices Enforcement Act 1994* (WA) (FPINE Act), as Aboriginal and Torres Strait Islander people represent a large proportion of fine defaulters and often find themselves in prison as a result.

The tragic death of Ms Dhu in 2014, two days after being taken into custody for unpaid fines, highlighted the disproportionate impact fines can have on Aboriginal and Torres Strait Islander people.

The State Coroner made a number of recommendations after Ms Dhu's death, including that warrants of commitment should no longer be an option for enforcing the payment of fines, or alternatively, that such warrants must be subject to a hearing in the Magistrates Court and therefore issued by a Magistrate.

During the year the Department progressed reforms to the FPINE Act to cover key policy areas including better information sharing, and requiring the Fines Enforcement Registrar to apply to a Magistrate for a warrant of commitment, thereby putting into practice the alternative recommendation of the Coroner by restricting the ability to apply, to very limited circumstances. Strategic Reform also progressed work which will introduce mandatory garnishee orders which could be applied to a debtor's salary or bank account to satisfy their outstanding debt, and a voluntary work and development permit scheme for significantly disadvantaged debtors. Drafting is well advanced and an Amendment Bill is expected to be introduced into Parliament before the end of 2019.

Trespass Legislation Amendment Bill 2019

During 2018/19, the State Government committed to introducing legislation to better protect the agricultural sector from unlawful disruption by animal activists. The Department worked with the Government to progress this commitment through the development of a detailed law reform proposal and associated cabinet submission. The amending legislation will be introduced to State Parliament in the 2019/20 financial year.

Family Violence Legislation Reform Bill 2019

The Family Violence Amendment Bill was developed by the Office of the Commissioner for Victims of Crime in 2018/19. The Bill includes reforms to improve victim safety, accountability of perpetrators and the responsiveness of the justice system by making it easier and less traumatic for victims to obtain protection from violence in Western Australia.

The Bill will include a new criminal offence for non-fatal strangulation, to recognise the risk to victims posed by the act of strangulation, particularly in the context of family violence.

The Bill is due to be introduced into State Parliament in the second half of 2019.

Non-legislative functions

Copyright

The Department continued to manage the State Government's statutory obligations under section 183 of the *Copyright Act 1968* (Cth) to pay copyright owners for the use of copyright works used for the services of the State. The Department administered centrally funded, whole of government agreements with the following copyright collecting societies:

- Copyright Agency Limited (CAL) for the photocopying and electronic copying of works (literary, dramatic, musical and artistic) and published editions of works, other than works that are included in a sound recording, film or television or sound broadcast
- Australasian Performing Right Association Limited for the public performance of music through the use of radio and television receivers in public and work areas, background music in lifts and waiting rooms
- Audio-Visual Copyright Society Limited for the copying of sound and television broadcasts and works included in an audio-visual item

Strategic Reform also negotiated a further whole of government agreement with CAL in December 2018, to capture the State's retrospective and prospective use of survey plans.

Law Reform Commission of Western Australia

The Division continued to provide executive and project management support to the Law Reform Commission of Western Australia. The Commission is an independent statutory authority.

In December 2018, the Commission's report, 'Review of Western Australian legislation in relation to the recognition of a person's sex, change of sex or intersex status' was tabled in State Parliament. The Commission sought and received submissions from a range of interested stakeholders, including representatives of the communities concerned, sections of the medical profession, and religious and legal institutions. The Commission made 17 recommendations including proposing amendments to the *Births, Deaths and Marriages Registration Act 1998* (WA) to simplify the process for an individual to have their gender identity legally recognised.

The Commission continued to work on Project 109, a reference to provide advice and make recommendations for consideration by the Government as to whether there should be any reform to allow for claims for non-economic loss for wrongful death under the *Fatal Accidents Act 1959* (WA).

In addition, the Commission received two new references in 2018-19:

- Maintenance and Champerty in Western Australia, which is considering whether the torts of maintenance and champerty should be abolished or whether the law in relation to their operation should be otherwise modified in Western Australia (Project 110)
- Review of the *Equal Opportunity Act 1984* (WA), which is considering possible amendments to enhance and update the legislation taking into account Australian and international best practices regarding equality and non-discrimination (Project 111).

Professional Standards Council of Western Australia

The Department continued to provide secretariat support to the Professional Standards Council of Western Australia. The Council is an independent statutory authority. The Council is one of eight similar Councils across Australia, with the membership replicated across all Councils. Together, the Councils promote objects of schemes that limit the civil liability of occupational groups, facilitate the improvement of professional standards and protect consumers who use the services provided by service providers in these occupational groups.

In 2018/19, the Department facilitated the reappointment of the Western Australian member of the Council until 2021, in addition, helping introduce a scheme for the

Law Society of Western Australia, and an extension of a scheme for the Western Australian Bar Association.

Aboriginal Justice Program

The Department's Aboriginal Justice Program continued to help address the over-representation of Aboriginal people in the criminal justice system by delivering culturally competent, practical programs throughout the year.

'Open Days' continue to be delivered in priority regional locations by staff using a collaborative service model with partner agencies. This approach allows Aboriginal people to access a range of services relating to birth certificate and registration applications, time to pay arrangements for outstanding fines, driver's licence applications, theory and practical driver testing, driving training and education, Centrelink services, Community Development Programs and in some locations, legal and financial assistance.

Of particular significance in 2018/19 was the continued increase in the number of licence suspensions lifted and the increasing value of fines paid.

| | 2014/15 | 2015/16 | 2016/17 | 2018/17 | 2018/19 |
|--|-----------|-----------|-----------|-------------|-------------|
| Open days held | 39 | 73 | 50 | 50 | 57 |
| People attending open days | 1,611 | 2,751 | 2,107 | 2,116 | 1,936 |
| Conversion of fines – time to pay arrangements, stay of execution and orders to attend | \$178,290 | \$329,096 | \$838,930 | \$843,664 | \$951,116 |
| Fines paid – actual amount | \$464,853 | \$662,094 | \$900,902 | \$1,024,377 | \$1,041,478 |
| People entering into time to pay arrangements | 204 | 339 | 310 | 204 | 228 |
| Stay of warrant executions | 93 | 138 | 164 | 140 | 122 |
| Licence suspensions lifted | 384 | 684 | 345 | 1089 | 1,116 |
| Birth certificate applications | 710 | 925 | 657 | 617 | 588 |
| Confirmation of birth letters issued | 233 | 424 | 253 | 155 | 66 |
| Births registered (pre- and post-1980) | 516 | 337 | 169 | 155 | 176 |
| Practical driving assessments passed | 138 | 146 | 130 | 121 | 159 |
| Theory driving tests conducted | 325 | 232 | 165 | 139 | 211 |
| Driving log books issued/re-issued | 62 | 115 | 74 | 71 | 65 |
| Suspended fines for motor vehicle driver's licences | 123 | 151 | 87 | 105 | 66 |
| Centrelink – applications for Medicare | 95 | 155 | 105 | 104 | 70 |
| Centrelink – concession cards issued | 80 | 146 | 98 | 123 | 80 |

Aboriginal Mediation Service

The Department's Aboriginal Mediation Service provides culturally competent dispute resolution services to Aboriginal people in a range of matters, including disputes involving families, neighbours and multi-party community issues, as well as burial and coronial matters. It aims to assist people to resolve conflicts before they escalate into violence or result in court action.

During 2018/19, the Aboriginal Mediation Service managed 92 enquiries, resulting in 11 matters being considered for pre-mediation, mediation or other alternative dispute resolution processes.

The Aboriginal Mediation Service also attended one interagency meeting with other key Government stakeholders, to assist the referring party to deal with conflict in their community using a culturally competent form of dispute resolution.

Grants

The Department administers the Criminal Property Confiscation Grants Program on behalf of the Attorney General, drawing on funds collected under the *Criminal Property Confiscation Act 2000* (WA).

The legislation allows for the confiscation, in certain circumstances, of property acquired as a result of criminal activity or which is used for criminal activity. It also makes provision for the re-distribution of confiscated funds and proceeds of the sale of other confiscated property for a number of purposes, including the development and administration of programs or activities:

- designed to provide support services and other assistance to victims of crime
- designed to prevent or reduce drug-related criminal activity and the abuse of prohibited drugs
- for any other purpose in aid of law enforcement focusing on community safety and crime prevention initiatives within Western Australia. Under the grants program, incorporated, not-for-profit organisations and

local governments can apply for up to \$200,000 for these purposes. In 2018/19, 13 projects were offered funding totalling more than \$2.13 million:

- City of Greater Geraldton
- Association for Services to Torture and Trauma Survivors
- Whitelion Youth Agency
- Murdoch University
- Stephen Michael Foundation
- Save the Children
- Wunan Foundation
- Tenancy Western Australia in partnership with Women's Council for Domestic and Family Violence Services WA
- Swan Districts Football Club
- Jacaranda Community Centre
- Roots TV
- Law Society of Western Australia
- WA Council on Addictions Incorporated, trading as Cyrenian House.

Driver training and education

In 2018, the Department was allocated additional Royalties for Regions funding over two years to continue the enhanced driver training and education for regional and remote communities program. The program continued to assist Aboriginal people in regional and remote communities, in contact with the justice system, to access driving instruction, driver education and assistance with administrative and testing procedures to obtain, or regain a motor vehicle driver's licence*.

In 2018/19, clients of the program continued to be referred to service providers by a range of justice-related agencies including the WA Police Force and the Department.

| Year | New enrolments | Learner's permits | Provisional motor driver's licences | Motor driver's licences regained | New instructors |
|---------|----------------|-------------------|-------------------------------------|----------------------------------|-----------------|
| 2013/14 | 647 | 170 | 22 | 67 | 5 |
| 2014/15 | 458 | 243 | 51 | 51 | 0 |
| 2015/16 | 699 | 351 | 104 | 106 | 5 |
| 2016/17 | 640 | 388 | 143 | 53 | 5 |
| 2017/18 | 820 | 576 | 272 | 109 | 9 |
| 2018/19 | 858 | 392 | 288 | 70 | 0 |
| TOTAL | 4,122 | 2,120 | 880 | 456 | 24 |

*Motor vehicle driver's licence includes all forms of licence including a learner's permit, provisional licence and motor vehicle driver's licence

Parliamentary Counsel's Office

The Parliamentary Counsel's Office (PCO) provides comprehensive legislative drafting and related services to the State Government, its departments and agencies to ensure that legislation gives effect to government policy and priorities.

Services provided by PCO include:

- preparing drafts of Bills for Ministers to introduce into State Parliament in accordance with the Government's legislative program
- preparing amendments to Bills for Ministers during their passage through Parliament
- preparing drafts of subsidiary legislation for Ministers and Government agencies so the Acts they administer can be fully implemented and properly administered
- providing legislative drafting services to private Members of Parliament and facilitating the work of Parliamentary committees
- compiling texts of Acts and subsidiary legislation with their amendments incorporated so the laws of the State can be made available in a variety of forms to those who must comply with them and those who must apply and enforce them
- hosting and maintaining the Western Australian legislation website, www.legislation.wa.gov.au
- maintaining and arranging publication of information about the legislation of Western Australia.

Key achievements this year included:

- completion of a large number of significant drafting tasks to give effect to the State Government's legislative and policy priorities across a diverse range of portfolios
- five Bills drafted for private Members of Parliament were introduced
- drafting and publishing of more than 250 items of subsidiary legislation
- hosting the Australasian Parliamentary Counsel's Committee, Information Technology, Publishing and Office Systems Forum on 11 to 13 July 2018
- election of the Parliamentary Counsel, Mr Geoff Lawn, as the President of the Commonwealth Association of Legislative Counsel (CALC) at CALC's ordinary general meeting in Zambia in April 2019. CALC is the peak body for legislative drafters in the Commonwealth.

Further detail regarding PCO's significant drafting tasks and subsidiary legislation can be found below.

Significant drafting tasks

- Bail Amendment (Persons Linked to Terrorism) Bill 2018 to provide for a presumption against bail being granted to persons linked to terrorism.
- Betting Tax Assessment Bill 2018 to introduce a point of consumption betting tax to replace the current wagering taxation system.
- Civil Procedure (Representative Proceedings) Bill 2019 to introduce a legislative representative proceedings (class actions) regime in the Supreme Court of Western Australia.
- Consumer Protection Legislation Amendment Bill 2018 to amend a range of Acts administered by the Department of Mines, Industry Regulation and Safety to implement recommendations of the State Coroner with regard to fixing of furniture in rented premises, and to increase outdated penalties and introduce administrative efficiencies.
- Criminal Appeals Amendment Bill 2019 to introduce a new statutory right for an offender convicted of an offence on indictment to bring a second or subsequent appeal to the Court of Appeal against conviction if there is fresh and compelling or new and compelling evidence relating to the offence.
- Criminal Law Amendment (Uncertain Dates) Bill 2019 to make provision for the treatment of charges where the date of the offence, or the age of the victim or accused person, is uncertain.
- Fair Trading Amendment Bill 2019 to provide a mechanism for ensuring ongoing consistency between consumer law in Western Australia and consumer law in other jurisdictions following scrutiny by Parliament of amendments to the law made by the Commonwealth.
- Gaming and Wagering Legislation Amendment Bill 2018 to align gambling practices in Western Australia with other Australian jurisdictions, including provision for the prohibition of undesirable wagering products.
- Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018 to enable same-sex couples and single men to access surrogacy to become parents.
- Infrastructure Western Australia Bill 2019 to establish an independent body, Infrastructure Western Australia, to provide advice and assistance to the Western Australian Government on matters relating to infrastructure, including infrastructure needs and priorities.

- Local Government Legislation Amendment Bill 2019 to introduce reforms aimed at improving the governance of local governments and increasing accountability to the community.
- Metropolitan Region Scheme (Beeliar Wetlands) Bill 2018 to amend the Metropolitan Region Scheme to change the reservation of certain land in the Beeliar Wetlands.
- Mining Amendment (Procedures and Validation) Bill 2018 to address the implications of the High Court decision in *Forrest & Forrest Pty Ltd v Wilson & Ors* [2017] HCA 30 by validating mining tenements and amending the *Mining Act 1978* (WA) to ensure security of mining tenure in the future.
- National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018 to adopt the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth) and to refer certain matters relating to the National Redress Scheme for Institutional Child Sexual Abuse to the Parliament of the Commonwealth.
- Petroleum Products Pricing Amendment Bill 2019 to ensure that motor fuel retailers that sell motor fuel at standard retail prices to members and customers are captured under the FuelWatch scheme.
- Police Amendment (Medical Retirement) Bill 2019 to establish a new stand-alone scheme to medically retire injured or ill police officers.
- Public and Health Sector Legislation Amendment (Right of Return) Bill 2018 to restrict the right of return for members of the Senior Executive Service and the Health Executive Service who are on initial contracts; and reduce the maximum compensation payable to those persons if they cease to be a member of either of those Services.
- Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019 to implement a framework for new immunisation requirements for enrolment in child care services, community kindergartens and schools.
- Residential Parks (Long-stay Tenants) Amendment Bill 2018 to implement the recommendations of a statutory review that aim to improve certainty of contract and fair dealings between long-stay tenants and park operators in residential parks.
- Revenue Laws Amendment Bill 2018 to amend the *Duties Act 2008* (WA), *Land Tax Assessment Act 2002* (WA) and *Pay-roll Tax Assessment Act 2002* (WA) to address significant duty leakage, ensure certain taxpayer exemptions and concessions apply correctly and improve the efficiency of the State's taxation legislation.
- Road Traffic Amendment (Blood Alcohol Content) Bill 2019 to replace the existing practice of retrospective calculation of blood alcohol levels (back calculation) in drink driving cases and replace it with a rebuttable presumption to the effect that a person's blood alcohol content (BAC) at the time of evidentiary testing is taken to have been the BAC at the time of driving, in the absence of proof to the contrary.
- Sentence Administration Amendment (Multiple Murderers) Bill 2018 to establish a scheme of Ministerial directions by which the Minister may direct that a 'designated prisoner', being a mass murderer or serial killer, must not be considered for parole or a re-socialisation program for the period that the direction is in force.
- Small Business Development Corporation Amendment Bill 2019 to enhance the general investigative and reporting functions of the Small Business Commissioner.
- TAB (Disposal) Bill 2019 to provide for the disposal of the whole or part of the Western Australian TAB business conducted by Racing and Wagering Western Australia.
- Ticket Scalping Bill 2018 to restrict the resale of tickets to a range of events hosted in Western Australia and prohibit the use of software designed to circumvent security measures on ticket selling websites.
- Transport (Road Passenger Services) Bill 2018 to replace the existing laws for the regulation of Western Australia's road passenger transport service industry with a modern and consolidated framework that regulates on-demand passenger transport services and on-demand booking services, regular passenger transport services, tourism passenger transport services, and the drivers and vehicles used in the provision of those transport services.
- Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill 2018 to facilitate the implementation and operation of a container deposit scheme in Western Australia under which consumers can return empty containers used for beverage products to a refund point and receive a refund in exchange.
- Wittenoom Closure Bill 2019 to facilitate the closure of the former Wittenoom townsite by providing for the compulsory acquisition of the 17 remaining freehold lots in Wittenoom and fixing the compensation payable in respect of them.

Significant items of subsidiary legislation

- Biodiversity Conservation Regulations 2018
- Biosecurity and Agriculture Management Regulations Amendment Regulations (No. 2) 2019
- Commerce Regulations Amendment (Family Violence) Regulations 2019
- Dangerous Sexual Offenders Amendment Regulations 2019
- Education and Care Services National Amendment Regulations (No. 3) 2018
- Heritage Regulations 2019
- Jetties Amendment Regulations (No. 2) 2019
- Transport (Road Passenger Services) Regulations 2019
- Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019.

Significant issues

Drafting resources

The Government's heavy legislative program continued to challenge the PCO in 2018/19.

PCO has experienced a significant loss of drafting capability since early 2017, principally through the retirement or resignation of a number of senior drafters. PCO is therefore in a rebuilding phase which will need to continue for many years into the future.

In order to address this loss of capability in the short term, PCO engaged on limited term contracts a number of experienced drafters who had retired from PCO (or other Australian drafting offices). These additional drafters have made a significant contribution to the Government's legislative program.

In addition, throughout the year PCO conducted a number of recruitment rounds in order to attract a mix of experienced and inexperienced legislative drafters. While there was limited success in attracting experienced drafters, a number of highly qualified lawyers without previous drafting experience have been recruited and are currently being mentored and trained.

Legislation Bill 2018

The Legislation Bill 2018 was introduced into the Legislative Council on 31 October 2018 and is currently awaiting completion of its second reading. The Bill will modernise the processes for publishing Western Australian legislation, including providing official recognition of both hard copy and electronic versions and replacing the *Reprints Act 1984* (WA) with a more useful set of editorial powers.

In anticipation of the passage of the Bill, PCO has continued to progress work necessary to introduce changes to its systems and processes to enable it to assume responsibility for publishing subsidiary legislation on the Western Australian legislation website when the Bill becomes law. Information technology and support staff have carried out a substantial amount of work to design and test the new workflow processes required in the information technology systems and the Western Australian legislation website

Other

PCO hosted the Australasian Parliamentary Counsel's Committee Information Technology, Publishing and Office Systems Forum from 11 to 13 July 2018. The Committee consisted of the heads of the drafting offices in Australia and New Zealand. This was a substantial undertaking, with more than 60 attendees representing all the Australasian drafting offices, as well as drafting offices in Singapore and Hong Kong.

The Parliamentary Counsel, Mr Geoff Lawn, was elected as the President of the Commonwealth Association of Legislative Counsel (CALC) at CALC's ordinary general meeting in Zambia in April 2019. CALC is the peak body for legislative drafters in the Commonwealth and was established at the Commonwealth Law Conference in Hong Kong in 1983. CALC aims to promote cooperation in matters of professional interest among people in the Commonwealth engaged in legislative drafting or in training people in legislative drafting. CALC has more than 2,200 members drawn from 107 countries. Mr Lawn will hold office until the next ordinary general meeting of CALC in 2021.

State Solicitor's Office

The State Solicitor's Office (SSO) provide broad-based legal services to the Government of Western Australia and many State Government departments, instrumentalities and agencies. These legal services include:

- conducting litigation
- providing legal advice
- representing clients in courts and tribunals, and
- preparing a range of legal documents, including contracts, agreements and court documents.

SSO also advises the Attorney General on legal matters, including those relating to law reform

Our activity

This financial year, SSO received a variety of instructions from 54 Government departments and agencies, including:

- responding to 4,229 requests for advice
- assessing or undertaking 609 prosecutions
- representing agencies in 162 coronial inquests
- involvement in 33 prerogative writs
- supporting the State in 132 industrial relations matters
- delivering more than 5,186 other legal activities to support Government policies and programs.

Significant legal matters

The following section contains a number of cases managed by SSO which decisions are important to the people and Government of Western Australia in a variety of respects, with social, indigenous, environmental and or commercial consequences.

Protection of the State's policy interests

Machinery of Government

SSO has continued to support the State Government with high level advice as it implements Machinery of Government changes which came into effect on 1 July 2017.

Legislative reform

SSO provided legal advice to facilitate the drafting and introduction into Parliament of various legislative reforms, including Bills relating to high risk offenders and voluntary assisted dying.

Royal Commission

In response to a recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse, the State Government amended the *Limitation Act 2004* (WA) to remove the limitation period for survivors to make claims for child sexual abuse. The amendments took effect on 1 July 2018.

SSO lawyers are currently managing over 350 claims alleging negligence against the State, on behalf of the Departments of Communities, Child Protection and Family Support, Education and Justice.

The claims are complex, and include issues including vicarious liability for criminal acts of employees and agents, settling levels of contribution with multiple defendants, the prompt resolution of expedited claims where the claimant has a terminal illness, and pursuing contribution from the Prince's Trust in the United Kingdom in relation to abuse which occurred at Fairbridge Farm Schools.

SSO also continues to provide advice in relation to the National Redress Scheme which commenced in Western Australia on 1 January 2019 along with other law reform measures arising from the Royal Commission's recommendations.

High profile individual cases

Rayney v the State of Western Australia

In late 2017 the Supreme Court found in favour of Mr Rayney in his defamation action against the State for statements made at a police media conference in September 2007. The plaintiff appealed the award of damages, which appeal was stayed pending a decision by the Court of Appeal in respect of a complaint made by the Legal Profession Complaints Committee against the plaintiff. SSO continues to represent the State in defending the appeal.

Peacock – trade official

The Corruption and Crime Commission investigated Mr Peacock, a trade official in Japan and found that he had authorised payment to himself of an allowance when that allowance was also paid directly to him with his salary. SSO sought and obtained a freezing order in relation to Mr Peacock's assets in Australia and in Japan and also commenced recovery proceedings against Mr Peacock in the WA Supreme Court.

Protection of the State's revenue

Procurement integrity

The Corruption and Crime Commission investigated three officers from North Metropolitan Health Service and identified concerns involving contracts entered into with 10 external contractors. SSO provided advice to the Departments of Health and Finance in relation to a process for suspension of the contractors' entitlement to enter into further contracts and the termination of existing contracts. This advice is ongoing, along with the provision of further advice in relation to integrity in procurement.

The Corruption and Crime Commission also investigated a former employee from the Department of Mines, Industry, Regulation and Safety in relation to serious misconduct regarding procurement of environmental services from a contractor. SSO continues to advise in relation to this matter.

Placer Dome

SSO acted for the Commissioner of State Revenue in a significant dispute arising from the 2006 acquisition of Placer Dome Incorporated (Placer) by Barrick Gold Corporation. The dispute concerned valuation issues arising under the land rich provisions of the *Stamp Act 1921* (WA), in particular, the question as to whether goodwill subsists in the mining operations carried on by Placer. The duty in issue is significant. The Commissioner was successful in the hearing before the State Administrative Tribunal but an appeal by Placer to the Court of Appeal was successful. The Commissioner sought and obtained leave to appeal to the High Court. The matter was heard by the High Court in June 2018 and in December 2018 the Court delivered its decision in favour of the Commissioner.

Important social and environmental matters

The Bell Group Ltd (in Liquidation)

SSO continues to advise the State, and be consulted by the Insurance Commission of WA as appropriate, in relation to the liquidation of the Bell Group companies, and distribution of \$1.75 billion in proceeds from a settlement in 2014 of proceedings brought by the Bell Group company liquidator against various banks. Settlement discussions are well advanced, and litigation between parties has been adjourned sine die to facilitate those discussions.

James Point Pty Ltd v WA

SSO continues to represent the State and the Ministers for Transport and Lands in defending proceedings brought by James Point Pty Ltd in November 2011 in relation to the development of a private port at James Point in Kwinana. The litigation is highly complex, raising a number of contractual and statutory issues, and involving significant interlocutory action.

Perth Children's Hospital

SSO is instructed by the Minister for Works in the dispute with John Holland Pty Ltd with respect to the design and construction of the Perth Children's Hospital. A Parent Company Guarantee was provided by Leighton Holdings Limited, now known as CIMIC Group Ltd. The Date of Practical Completion under the contract was 31 May 2015, subsequently extended to 31 August 2015. Practical completion was not achieved until 13 April 2017.

The State anticipates being served with a writ and Statement of Claim claiming in excess of \$300 million for delay costs in relation to water contamination, as well as other indirect costs and interest. Discussions between the parties in relation to these claims continue, but no settlement has been reached.

SSO has continued to advise the State in anticipation of litigation, which has included the rights of the State under the contract with respect to the rectification of defects, which may require substantial expenditure to rectify and in response to variation claims that have been served on the State.

The State has also served a demand for liquidated damages arising out of the delay to achieve practical completion. A demand was subsequently served on the guarantor for the balance of the amount owed by John Holland to the State, and SSO is assisting with preparation for litigation to recover the amount of the guarantee.

Planning and compensation matters

Lefroy v Minister for Lands

The Lefroy family had held several pastoral leases over generations, including Ningaloo Station. In the 1990s, in anticipation of the expiration of pastoral leases in June 2015, pastoral lessees were invited to elect to renew their leases, subject to certain conditions, precedent and the policy on the part of the State to exclude environmentally significant portions of pastoral properties from the renewed leases.

The State's position is that the Ningaloo station lease expired on 30 June 2015 as it had not been renewed on the basis that not all of the lessees had accepted the

areas to be excluded. A lessee of a half interest in the Ningaloo pastoral lease, Mrs Dorothy Lefroy, commenced proceedings to establish that her leasehold interest had renewed on 1 July 2015 unconstrained by environmental exclusions or the consents of other parties who previously also held interests in the expired lease.

The matter was heard in February 2018, and judgment was handed down in March 2019. The court held that the plaintiffs did not establish that the Minister failed to engage in bona fide negotiations on the area to be excluded from the proposed pastoral lease and consequently that the plaintiffs did not establish invalidity in the process which resulted in the Lefroy lessees' deemed withdrawal from the agreement to the grant of a further lease following the expiry of the Ningaloo pastoral lease.

The effect of the withdrawal was that the Minister was under no obligation to grant a further pastoral lease over Ningaloo Station when it expired on 30 June 2015. The plaintiffs are entitled to compensation in accordance with section 114(2) of the *Administration Act 1903* (WA) however, it was held that the plaintiffs were not entitled to the orders that they sought compelling the Valuer-General to undertake an assessment of compensation. As the plaintiffs failed to establish any basis for the grant of relief, the action was dismissed.

Ord Irrigation Cooperative Ltd and Department of Water

Following the determination in favour of the Department of Water in [2017] WASAT 85, Ord Irrigation Cooperative (OIC) appealed to the Court of Appeal, which published its reasons in [2018] WASCA 83 overturning the Tribunal determination.

Between 2004 and 2014, the OIC held successive licences from the Department of Water and Environmental Regulation, conferring a five year Annual Water Entitlement of 335 gegalitres each. In 2014, the OIC applied to the Department of Water and Environmental Regulation for a further renewal of its water licence.

The Department renewed the licence but with a reduced entitlement of 225 gegalitres (subsequently increased to 246.3 gegalitres). The primary basis for reducing the OIC's entitlement was that the OIC had consistently failed to utilise its entitlement of 335 gegalitres.

In 2015, the OIC applied to the State Administrative Tribunal for a review of the Department's decision. SSO was instructed to act on behalf of the Department of Water and Environment Regulation.

The Tribunal had originally determined, consistently

with arguments advanced by SSO on behalf of the Department, that the Department has the power to vary water allocations upon renewal of licences provided such variation is consistent with the Department's policies and the relevant water allocation plan.

On appeal however, the Court of Appeal accepted the ground of appeal that the Tribunal had misstated the onus and standard of proof required to be met by OIC, and required the matter be remitted and reconsidered by a differently constituted Tribunal. The matter is yet to be reheard and is anticipated to be more substantially contested.

Presiding Member of the Southern Joint Development Assessment Panel v DCSC Pty Ltd

SSO was instructed to appeal the decision of the State Administrative Tribunal (SAT) in *DCSC Pty Ltd and Presiding Member of the Southern Joint Development Assessment Panel* [2017] WASAT 114, which involved a review of a decision by the relevant Development Assessment Panel to refuse the development of a petrol station/convenience store in Dunsborough.

The SAT application had also been the subject of a prior preliminary issue determination. The appeal in relation to both findings came before Smith J who contradicted what was understood to be a fundamental principle in finding that a change of law (in particular, the coming into operation of a scheme amendment) during review proceedings, did not operate to limit the ability of the proponent developer to proceed under the proposal the subject of the application or the review of the same.

The matter was the subject of a further appeal by the appellant to the Court of Appeal on the latter point. The Court of Appeal held that the appellant was authorised to institute the appeal to the general division and that the preliminary decision was not binding so as to preclude the SAT from considering the effect of the scheme amendment in making a decision.

It was held that the respondent did not have a right for the SAT to determine the review application on the provisions of the scheme as they stood prior to the scheme amendment which was preserved by section 37 of the *Interpretation Act 1984* (WA). The Court of Appeal ordered that the appellant's appeal be allowed, that the SAT decision be set aside and the matter be sent back to the SAT for reconsideration, by a differently constituted Tribunal, in accordance with the Court of Appeal's reasons.

Western Australian Planning Commission v Board of Valuers and Prestage

The matter originally involved proceedings initiated by Mr and Mrs Prestage against the West Australian Planning Commission (WAPC) (on behalf of which SSO is acting) in the State Administrative Tribunal, seeking to have the quantum of land value determined for land reserved for a public purpose under a region scheme.

There was a dispute about the degree to which the environmental values of the land would limit development potential, which in turn had a bearing on the quantum of compensation payable.

Following Mr Prestage's death, Mrs Prestage withdrew the claim for compensation and discontinued the SAT proceedings, and under a different provision of the *Planning and Development Act 2005* (WA), sought a valuation of unaffected value from the Board of Valuers, providing only limited evidence from that originally prepared for the SAT proceedings, and excluding the WAPC's environmental evidence.

Owing to the limited procedures set out in the Planning and Development Regulations 2009 for the Board to follow, the Board did not confer with the WAPC to ascertain whether there were any other relevant considerations and determined that the land had a higher land value than its environmental qualities would indicate was appropriate. The consequence of the Board's high finding of value was that the WAPC was left with a significant compensation liability. Proceedings were initiated by the WAPC against the Board as to whether the Board owed a duty of procedural fairness to the WAPC as the party liable to pay compensation following the Board's determination. The matter came before Beech J at first instance, and a finding was made against the WAPC case - [2016] WASC 326.

The Court of Appeal heard the appeal in August 2017 and judgment has since been handed down. It was held by majority that the appeal should be dismissed and that no practical injustice arose from the Board's failure to expressly advise WAPC of matters which the Board was entitled to assume WAPC knew.

Guida v Main Roads WA

The State Administrative Tribunal in [2017] WASAT 141 considered a claim for compensation in which the claimant asserted that rural land was injuriously affected by the construction of the Perth to Darwin highway, on the basis that it was not a 'lifestyle property' nor that a highway would adversely affect 'rural ambience' to the degree that its property value would be diminished. The Tribunal's finding of the quantum of compensation payable was below a settlement offer made by the acquiring authority

in accordance with the SAT Rules relating to offers of compromise.

The decision demonstrates the Tribunal's willingness to award costs to a respondent acquiring authority in certain circumstances, notwithstanding the decision of the Court of Appeal in *Western Australian Planning Commission v Questdale Holdings Pty Ltd* [2016] WASCA 32, which suggested that the Tribunal's discretion to award costs in compensation matters was constrained to a significant degree.

Parkridge Group Pty Ltd and Western Australian Planning Commission

SSO acted for the Western Australian Planning Commission (WAPC) in a review application involving a proposal to subdivide land into 70 lots in Eaton, near Bunbury, in the absence of a structure plan approved by the WAPC. WAPC's position was successful.

Chevron v Valuer General

In August 2015, the Valuer-General made a determination of the unimproved value of certain land in the Shire of Ashburton owned by the Western Australian Land Authority (LandCorp) and leased to Chevron Australia Pty Ltd for a gas processing plant. Chevron objected to the valuation and, dissatisfied with the decision of the Valuer-General on that objection, sought a review by the Tribunal of the Valuer-General's decision under section 33(2) of the *Valuation of Land Act 1978* (WA).

The difference between the parties is significant. The Valuer General assessed the value in excess of \$19 million, while Chevron contends that it should be valued at less than \$7 million. The Shire of Ashburton - which will rely on the valuation for rating purposes - had sought to be joined as a party to the proceedings, but was rejected on the basis that it was unlikely to be in a position to adduce new valuation evidence than had not be available to the Valuer General to consider. The SAT set aside the valuation of \$19.8 million, and a new value of \$13.8 million was assessed and substituted.

Native Title claims

SSO continues to represent the State of Western Australia in the mediation and litigation of native title claims in the Federal Court and associated appeals to the Full Court of the Federal Court and the High Court, in particular in respect of the grant of land and mining titles in the National Native Title Tribunal.

SSO provides legal and policy advice to Government in all matters involving native title and Aboriginal heritage issues, including possible changes to State law, amendments to the *Native Title Act 1993* (Cth) and

assistance in negotiating and drafting Indigenous Land Use Agreements. Significant matters include:

The South West Settlement

This is an historic native title settlement, negotiated over a five-year period, with the South West Aboriginal Land and Sea Council and the six south-west native title claim groups for this large area of Western Australia.

The settlement is structured by way of six indigenous land use agreements, which, once agreed by the parties and registered, will involve the surrender of any native title rights and interests by the native title claim groups in exchange for a comprehensive package of benefits including, but not limited to, statutory recognition of the Noongar people as traditional owners of the South West Settlement area, the establishment of a Noongar Boodja Trust into which funding instalments of \$60 million will be paid yearly for 12 years, and land allocations of up to 320,000 hectares.

As part of the settlement, in 2016 State Parliament enacted the *Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016* (WA), which recognises the important relationship the Noongar people have with the Noongar lands, and the significant and unique contribution of Noongar people to the heritage, cultural identity, community and economy of Western Australia.

SSO represented the State of WA in both Federal and High Court challenges by Noongar applicants to the settlement (the McGlade decision), and provided advice to the State Government in respect of the *Native Title Amendment (indigenous Land use Agreements) Act 2017* (Cth) recently passed by the Commonwealth to deal with the impact of the McGlade decision on the settlement, and on indigenous land use agreements generally.

Although all six indigenous land use agreements were successfully registered by the Native Title Registrar, this decision was subject to a judicial review which was heard in the Federal Court on 30-31 May 2019. The applicants at the hearing sought leave to raise an additional ground for review from the recent decision of *Northern Land Council v Quall* [2019] FACFC 77. The Full Court agreed to hear this additional ground of review during their next sitting in late August or early September 2019. As a result, a decision is unlikely to be delivered until late 2019.

SSO continues to represent the State in applications to register the six indigenous land use agreements which comprise settlement on the Register of Indigenous Land Use Agreements and to provide advice on the implementation of the agreements.

Timber Creek Compensation Claim

SSO represented the Attorney General on an intervention before the Full Court of the Federal Court in *Northern Territory v Griffiths* [2017] FCAFC 106, a native title compensation test case which concerned a claim for loss, diminution, impairment or other effects of certain acts on the native title claim group's rights and interests in the land near Timber Creek located in the Northern Territory.

SSO instructed the Solicitor General to appear and advise in that matter. The State submitted before the Full Court of the Federal Court that the effect of the limit in section 51A(1) was that the Northern Territory's liability for the compensation awarded should be capped at the amount that would have been payable if freehold estate in the land had been compulsorily acquired. The State submitted that the Commonwealth was liable for any compensation which exceeded that amount. The Full Court held that because no party had relied on section 51A at trial or on appeal, that the State could not raise that point on appeal.

The Full Court's decision went on appeal to the High Court. The State submitted before the High Court that the High Court's consideration of section 51A should await a case in which this provision is properly raised. Kiefel CJ, Bell, Keane, Nettle and Gordon JJ delivered a joint judgment, and Gageler and Edelman JJ delivered separate judgments. Gageler J agreed with the plurality aside from one aspect of their decision.

The High Court determined that the cap in section 51A applied to the amount for economic loss. The High Court held that it did not apply to interest on that amount, and that it did not apply to the amount for cultural loss. The High Court held that the appropriate compensation in this matter was \$2,530,350, consisting of \$320,250 for economic loss caused by the loss, diminution or impairment of native title rights, \$910,000 for interest upon economic loss, and \$1,300,000 for cultural loss.

The plurality considered that section 53 was a "shipwrecks clause" ensuring the constitutional validity of the compensation provisions contained under Division 5, and Edelman J considered the provision provided a "safety net" if the limit under section 51A would result in the payment of compensation on other than just terms as required by section 51(xxxi) of the Constitution.

The Solicitor General has provided advice following this decision in relation to the proposed construction and operation of sections 51A and 53 of the *Native Title Act 1993*, and advises that the High Court was correct to find that section 51A applies to cap economic loss only, and that this decision is binding and not *obiter dicta*.

Bindinbur and Wutha claim litigation

SSO has represented the State of Western Australia in a number of native title claim litigation hearings, including the Bindinbur claim over a part of the Dampier Peninsula north of Broome, and the Wutha claim in the Goldfields region, in relation to whether the Wutha hold native title in the claimed area.

Special leave to appeal to the High Court of Australia was granted in June 2019 in relation to the Bindinbur Full Court of the Federal Court decision, which was handed down in December 2018.

Consent determinations of Native Title

SSO has represented the State of Western Australia in a number of Federal Court consent determinations of native title, providing advice and negotiating the terms of the agreed determinations, and appearing for the State at the on-country hearings preferred by the native title parties and the Federal Court.

Area 4 compensation case

SSO continues to act on behalf of the State of Western Australia in relation to a \$87 million compensation claim made in 2014 under the *Land Administration Act 1997* (WA) by the Thalanyji native title holders. Efforts have been focused on negotiating an agreed settlement of the claim, following the taking and extinguishment of the Thalanyji people's non-exclusive native title rights and interests over 64.8 hectares of land within Onslow.

The interests in the land were compulsorily acquired by the Minister for Lands in 2013 to enable the land to be developed by Landcorp for residential and associated uses following significant industrial developments in the Onslow area.

Agreements including Indigenous Land Use Agreements

SSO assisted with the negotiation, drafting and implementation of major native title agreements in the Pilbara and Kimberley regions of Western Australia, including Kariyarra and State Indigenous Land Use Agreements.

Land Administration Act Amendments

SSO has provided advice to the Government agencies involved in the development of amendments to a range of State legislation. In particular, SSO has provided advice in relation to proposed amendments to the *Land Administration Act 1997*.

Commercial matters to support the community

SSO supports the State Government across the entire range of commercial legal advice including procurement of goods and services, construction and infrastructure, property and conveyancing, divestment and operations of Government transactions. SSO either directly provides legal services or supervises the provision of services by outsourced commercial service providers.

SSO facilitates the provision of the necessary transaction services, providing steering committee, project control group and working group representation and advice on governance and government specific legal issues, while at the same time acting as contract manager for the service provider and integrity and quality control on the transaction documents. SSO has been responsible for delivering the State's legal resources on a number of key social and economic infrastructure projects, including:

METRONET Project

Yanchep Rail Extension and Thornlie-Cockburn Link

This project involves the 14km extension of the Joondalup metropolitan passenger rail network from Butler to Yanchep and the construction of a new 14.5km rail network between Thornlie and Cockburn Central stations.

The Thornlie to Cockburn link will connect the existing Mandurah and Armadale railway lines and create Perth's first east-west passenger rail connection. The estimated budget for this project is \$1.056 billion. SSO acts in respect of the procurement and contractual documentation required for this project.

Forrestfield Airport Link Project

This project involves the 8.5km extension of the metropolitan passenger rail network from Forrestfield in the Shire of Kalamunda to the Bayswater train station on the Midland Line, providing a direct connection to the Perth CBD. SSO is the State's legal advisor to the Forrestfield Airport Link Project Team and the Public Transport Authority's Major Projects Unit, including with respect to legal issues arising from delivery of the project and legal documentation required with major stakeholders including the Commonwealth and the Perth Airport operator.

Forrestfield Airport Link Project

SSO has also been assisting the Public Transport Authority with the procurement of the following METRONET initiatives:

- Bayswater Station and Turnback Project (estimated budget of \$176 million), and

- Denny Avenue Level Crossing Removal Project (estimated budget of \$70 million).
- Bayswater Station and Turnback Project, which involves the relocation and extension of rail platforms at Bayswater Station, the extension of the pedestrian underpass at Leake Street and the construction of a new rail bridge and additional rail infrastructure between Bayswater and Meltham stations. This project has an estimated cost of \$176 million.
- Denny Avenue Level Crossing Removal Project, which involves the removal of the level crossing located at Denny Avenue and construction of an alternative east/west connection at Davis Road. This project has an estimated cost of \$70 million.

New museum project

The new museum, incorporating heritage buildings, is being constructed at the Perth Cultural Centre, Northbridge, on the existing WA Museum site and will be a museum four times the size of its previous incarnation. The State Government has committed \$396 million to the project.

The Government has contracted with Multiplex to design and construct the museum build and fit-out as well as design and construct the Central Energy Plant for the Perth Cultural Centre. The new museum is scheduled to open in 2020.

SSO provided legal advice to the Government in respect of procurement and contractual documentation for the project and continues to assist throughout the project's delivery.

Casuarina Prison expansion project

The Casuarina Prison expansion involves the delivery of 512 new beds in four accommodation units, as well as new support buildings and upgrades to the existing visits and medical centres. SSO provided legal advice to the State about procurement and contractual documentation for the project and continues to assist throughout the project's delivery.

The State has contracted with Broad Construction to design and build the prison expansion, which has an estimated completion date of mid 2020.

TAB and Landgate

SSO has been significantly involved in the State Government projects to privatise the TAB business currently operated by Racing and Wagering Western Australia and to commercialise Landgate's automated titling functions.

These projects required solicitors from SSO to be members of the steering committees and subcommittees, provide detailed opinions and advice, participate in consideration and resolution of day-to-day project issues, manage external legal providers engaged for the projects and, in the case of the TAB privatisation, review drafts of divestment legislation and assist with Parliamentary debate in relation thereto, while providing or arranging for and coordinating, the full range of legal services to each project.

Energy reform

SSO has been advising the Public Utilities Office in relation to the Government's Energy Transformation Strategy, designed to respond to the transition in the way energy is being supplied and used and to plan for the future of the power system. This includes the progress of reform work to introduce a constrained network access regime and work to improve the State's Wholesale Electricity Market.

In addition, SSO continues to advise the Public Utilities Office in relation to the implementation of a light-handed network access framework, and formalised system operation arrangements, for the Pilbara Electricity System.

The demand for legal services associated with these reform programs has been extensive. SSO has co-ordinated and overseen the work of three different external advisers engaged on behalf of the Public Utilities Office to meet the needs of the State Government's reform agenda.

Matagarup Bridge and Optus Stadium activities

The Matagarup Bridge and Optus Stadium built on the Burswood Peninsula are high profile landmarks east of the Perth central business district. In addition to assistance provided to the respective agencies for the establishment of these facilities, SSO recently assisted the State with respect to a procurement process seeking proponents capable of delivering high quality and sustainable adventure activities from both the Matagarup Bridge and Optus Stadium in order to further stimulate the Burswood Peninsula.

The proposed activities include a bridge and stadium climb as well as a zipline from the bridge to the eastern foreshore, with further activities expected to be available in the future. The focus is to provide a unique, high quality and sustainable adventure experience for Western Australians as well as tourists to support economic and tourism development.

SSO continues to provide advice to the State during the operation phase of the Stadium project as well as assisting multiple Departments with drafting and negotiating various agreements with the stadium operator, Project Co and other users.

Main Roads major projects

SSO has been assisting Main Roads with the procurement of the major projects committed to by the State Government arising from the reallocation of the State and Commonwealth funding from the Perth Freight Link Project. The projects awarded or for which procurement commenced in 2018/19 include:

- Kwinana Freeway northbound widening
- Mitchell Freeway southbound widening
- Marble Bar Road realignment - Coongan Gorge
- Smart Freeways - Kwinana northbound
- Wanneroo Road / Joondalup Drive interchange
- Wanneroo Road / Ocean Reef Road interchange
- Karel Avenue upgrade
- Reid Highway dual carriageway
- Roe Highway / Kalamunda Road interchange, and
- High Street upgrade.

Sale of Port Kennedy land

SSO aided the Department of Planning, Lands and Heritage in negotiating and settling the sale of 66 hectares of Crown land in Port Kennedy to Western Australia Beach and Golf Resort Pty Ltd, for the purposes of developing approximately 700 new homes and \$29 million of public works over a 5-year period.

Expansion of Murujuga national park

SSO aided the Departments of Biodiversity, Conservation and Attractions, along with Planning, Lands and Heritage, in giving effect to the Premier's undertaking to transfer 220 hectares of land to Murujuga Aboriginal Corporation to expand the area of the Murujuga National Park. SSO prepared all necessary agreements and attended to the settlement of the transaction. SSO will be assisting the Departments with further expansions to the Murujuga National Park in due course.

Asset management

The Department manages court, custodial, and other infrastructure around Western Australia on behalf of the community.

These infrastructure assets are regularly reviewed to make sure they are meeting the needs of both the Department and Western Australians.

The Department continues to improve the quality of its asset management and investment advice to the State Government as part of the Budget process, including through integrated planning that involves the courts and custodial and other portfolios.

Infrastructure planning

A whole of Department strategic asset plan was finalised and approved by the State Government during the year.

A long term custodial infrastructure plan for the Corrective Services Division was completed to make sure planning was in place so that there will be enough capacity in the custodial (prison) estate to 2031.

The Department worked closely with the Department of Finance to prepare the plan, with the first stage for key capital issues receiving funding of \$199.7 million approved as part of the 2019/20 budget process. This included:

- Casuarina Prison Expansion Stage two project, which adds 344 more beds and support infrastructure to the adult male custodial estate
- Casuarina Prison security system upgrade
- Greenough Regional Prison female unit upgrade
- Regional prison planning, namely the planning for a new larger regional prison in Broome.

State building - major projects

Custodial

A number of major projects were started or completed during 2018/19, for facility expansions, upgrades or refitting with a total combined project value exceeding \$130 million.

Metropolitan

Casuarina Prison Expansion Stage 1

\$96.3 million was allocated for this project to deliver 512 more beds and supporting infrastructure. The project began during the year and is expected to be completed by mid-2020.

Wandoo Rehabilitation Prison

The \$10.8 million project to deliver an alcohol and other drug facility in the women's estate was completed in July 2018 and is now operational.

Hakea Prison Video Conferencing Facility

A purpose-built video conferencing facility was completed at a cost of \$2.1 million during the year and is now operational.

Regional

Bunbury Regional Prison Expansion

\$23.7 million was allocated for this project to deliver an additional living unit (160 beds), upgrade utilities, and expand support buildings. The project started during the year and is expected to be completed by late 2019.

Greenough Regional Prison

Reconstruction of Unit three and security enhancements to the women's area of the prison were completed following a major disturbance.

New Broome Regional Prison

Funding of \$1.4 million has been allocated to enable the planning for the future replacement of the Broome Regional Prison, including site identification. This will include work on identifying a possible site for the future facility, while considering land size and location requirements.

Courts

Metropolitan

Armadale Courthouse and Police Complex

The Armadale Courthouse and Police Complex project co-locates the Armadale Police Station with a new courthouse. The design phase is now completed by both the WA Police Force and the Department of Justice, and has progressed to the design and development phase. Tender documentation was released in June 2019. The community reference group was appointed and ongoing consultative meetings have been held.

Regional

Fitzroy Crossing Courthouse (asset is managed regionally by WA Police Force)

During 2018/19 the landscaping was upgraded, security screening was applied to external windows and new security cameras interconnecting the adjoining police station were installed.

Audio-visual systems

Audio-visual (AV) systems in Western Australian courts and tribunals provide interactive and real-time video and audio links between local, regional and remote sites. Flexible AV systems ensure multi-purpose use, including receiving evidence from witnesses in other areas of the State and witnesses located interstate and overseas. The AV systems also link in with Western Australia's prisons, community-based services offices, juvenile detention and remand centres as well as some police stations and mining registries.

They also facilitate the replay of evidence in trials. Recent upgrades have enabled the court to web stream proceedings from courtrooms of the Supreme Court (Civil) in the David Malcolm Justice Centre and the Supreme Court Stirling Gardens building. The web streaming capacity allows the court to stream a proceeding live to the internet or record a proceeding and make it available to the public on the court's website for download.

The AV systems enable the recording of audio for transcription as well as video links into the courtroom, reducing the need for persons in custody, witnesses and judicial officers to physically attend court. This makes accessing justice across Western Australia easier, safer, cheaper and faster.

Outcomes 2018/19

In 2018/2019 there were 28,817 video link appearances between courts and prisons, totalling 4,316 hours of court hearing time. The total court appearances by persons in custody was 38,059 of which 75 per cent appeared by video conference. During the year 13,578 video links were made to locations other than prisons, totalling a further 3,629 hours of court hearing time. The Department continued to expand and enhance its court AV facilities to meet demand.

Key project activities included:

- Completed the upgrade of four courtrooms and one remote witness room in the Central Law Courts building including a complete high definition digital video upgrade and equipping them with full jury court functionality.
- High Definition Digital Video Upgrades including a Video Conference upgrade has occurred at the following locations:
 - four courtrooms and two remote witness rooms at the Kalgoorlie Courthouse
 - three courtrooms and a remote witness room and a conference room at the Fremantle Courthouse
 - three courtrooms and a remote witness room at the Rockingham Courthouse
 - three courtrooms and a remote witness room at the Midland Courthouse
 - three courtrooms and a remote witness room and a conference room at the Albany Courthouse
 - courtroom two and a remote witness room at the Supreme Court Stirling Gardens building.
- Installed new court recording systems into Courts 83 and 84 in the Central Law Courts for the Coroner's Court of WA.
- Upgraded the web stream facilities in the David Malcolm Justice Centre and the Supreme Court Stirling Gardens building to incorporate a delay functionality. The web streaming delay allows the Court to ensure that any sensitive information is not streamed to the internet.
- Converted two courtrooms in the Perth Children's Court to integrated AV courtrooms.

Integrated Courts Management System

The primary focus of the Integrated Courts Management System (ICMS) is the replacement of the old and outdated case management systems, critical to the operation of courts and tribunals in Western Australia.

The replacement of these systems in all courts and tribunals creates the opportunity to make information used by courts and tribunals more efficient through the transfer of information across the whole justice system. Since the establishment of the eCourts plan, almost all of the courts legacy systems have been replaced with the ICMS. Only two areas remain, the Coroner's Court and Jury Management.

The Coroner's Court system will be completed by November 2019.

This year the focus has been on replacing the Coroner's Court ageing legacy system with ICMS, developing a single eCourts portal with a range of online functions and information for the public and registered users; the implementation of an electronic file (eFile) for the Supreme Court and Magistrates Courts civil jurisdiction; and the replacement of Lotus Notes and expansion of eBench.

Outcomes 2018/19

The functionality delivered in 2018/19 included:

- Replacement of Lotus Notes:
 - eBench now includes judicial functions such as the preparation of judgments and sentencing remarks (decisions), access to legislation, case law and other judicial references and transcripts.
 - A single court listing extract from ICMS to drive listings boards across the State.
 - A consistent Cause List report/s for distribution to media and other agreed parties.
- eCourts Portal enhancements:
 - ability to flag civil and criminal matters
 - access to criminal matter information for lawyers
 - access to criminal transcripts for parties
 - access to evidentiary items for both civil and criminal jurisdictions
 - all documents now available through eLodgment for Supreme Court, allowing eLodgment to be mandated for lawyers
 - prosecution notice now available for lodgment through the eCourts Portal
 - improved functionality for bail information.
- eFile implemented into Supreme Court Civil.
- Technical update for underlying technology within ICMS to ensure the system does not become a legacy system based on unsupported technology.
- The ability for court notices to be sent to parties electronically via eDistribution.
- SMS/email reminders for arrest warrants issued and cancelled.
- WA Police now receive arrest warrants electronically, discontinuing the need for court to send any paperwork.
- Expansion of eLodgment Magistrates Courts, with over 100 documents now available through eLodgment.
- Residential tenancy online application improved for more seamless user experience and ability to upload attachments.

Contracts

The Infrastructure, Contracts and Procurement branch is responsible for procurement, governance, buyer training, maintaining the Oracle purchasing system and procurement process development.

During the financial year, the branch assisted business units to establish and administer a diverse range of contracts which support the deliverables of the Department as well as assisting business units to issue purchase orders for a diverse range of goods and services which support the work of the Department.

The monetary thresholds are derived from State Supply Commission guidelines.

The numbers below reflect where a formal contract has been executed in the form of a Letter of Engagement or Advice of Acceptance of Offer as a result of a quotation or tender process.

Contracts awarded

| Contracts summary | |
|-------------------------|--------|
| Value | Number |
| \$0 - \$4,999 | 0 |
| \$5,000 - \$49,999 | 8 |
| \$50,000 - \$249,999 | 38 |
| \$250,000 - \$4,999,999 | 20 |
| \$5 million + | 4 |

Purchase orders issued

21,584 purchase orders against 1,404 suppliers.

| Contracts summary | |
|-------------------------|--------|
| Value | Number |
| \$0 - \$4,999 | 18,057 |
| \$5,000 - \$49,999 | 3,180 |
| \$50,000 - \$249,999 | 250 |
| \$250,000 - \$4,999,999 | 95 |
| \$5 million + | 2 |

Information and Communications Technology

In 2018/19 the Department began implementing its ICT Transformation Program, in line with the State ICT Strategy: *Digital WA*.

In December 2018 the Department began transitioning its computer and storage capability to a cloud-based platform and co-locating the remaining physical computing assets into a GovNext data centre. The Department's transition into GovNext is also refreshing the network infrastructure across the State and modernising the Department's phone services.

As at 30 June 2019, the Department had migrated 60 per cent of workloads into the new cloud environment and migrated approximately 25 per cent of sites to the upgraded network and telephone platform. The transition of cloud and co-location services is scheduled for completion in September 2019. Transition of networks and phone services at all sites is scheduled for completion by the end of 2019.

Due to the imminent expiry of a long standing contract for the provision of ICT Managed Infrastructure Services, the Department released a tender to the open market on 27 May 2019 for management of ICT services that are outside the scope of the GovNext ICT Common User Agreement. The services to be provided under this tender will be transitioned in 2019/20.

As part of the move to cloud services, the Department is continuing to transition to Microsoft Exchange online. The migration of all mailboxes and de-commissioning of the on-premises mail environment is expected to be completed within 2019/20. This will provide the foundation for moving Microsoft desktop applications to the cloud hosted Microsoft Office 365 service to support modern ways of working. Office 365 trials are currently in progress and are planned to be expanded.

Library and Information Services

On 1 July 2018 responsibility for the day to day activities of the Library and Information Services Branch (LISB) was transferred to the Higher Courts Directorate of the Court and Tribunal Services Division where it has continued to support the work of the judiciary, government legal officers and legal practitioners outside of the Department. The Law Library Advisory Committee has also continued to provide professional oversight of the Law Library collection and services. This Committee is chaired by a Judge of the Supreme Court and includes representatives of the Law Society of Western Australia, the WA Bar Association, the Legal Practice Board and the Department.

During the year, a structural review of LISB was carried out resulting in some minor changes to the existing organisational structure. As part of this review all heads of the various jurisdictions and key stakeholders were consulted and provided valuable feedback about library collections and services.

The project aimed at creating an enhanced collection for the use of the Court of Appeal at Stirling Gardens was completed in September. A ceremony was held in November and was attended by the Chief Justice as well as the current and past Presidents of the Court of Appeal. At that ceremony, the collection was officially named The Chris Steytler Library. The Honourable Chris Steytler is a former judge of the Supreme Court of Western Australia and President of the Court of Appeal who was awarded an Order of Australia, in part for his contribution to legal education.

In May Library staff started a project to move the Symphony Library Management System into the cloud hosted by the suppliers of Symphony. When completed this project will provide a new and modern interface for library services and will improve service delivery for users of the Library.

Professional standards

In August 2018, the Corruption and Crime Commission (CCC) reported publicly on the risk of misconduct and corruption occurring within the Department, outlining weaknesses in the Corrective Services internal control framework. Director General Dr Adam Tomison committed to address this risk and other anti-corruption and governance requirements by creating a Professional Standards Division and introducing new business initiatives to address misconduct and risk.

Key achievements this year included:

- Establishment of the division and recruitment to all but two management positions.
- Managing and actioning the CCC recommendations.
- Reduction in legacy misconduct investigation matters and the development of an enhanced, case triage and investigations approach.
- Proactive targeting of serious misconduct and criminality in conjunction with WA Police Force.
- Development of a Guide for Reporting Misconduct in the Department to provide information to staff on the frontline regarding misconduct.
- Refinements to the Department's Code of Conduct.

The Professional Standards Division commenced operation on 2 January 2019. The Division consolidates all of the Department's governance and accountability functions and includes the former Investigation Services (now the Integrity and Accountability directorate - IAD) and Performance, Assurance and Risk (PAR) directorates along with a new Corruption Prevention and Education (CPE) Directorate.

The PAR directorate is responsible for providing the internal audit, assurance and risk function for the Department to meet its governance obligations. The PAR directorate has been instrumental in managing, coordinating and delivering the Department's response to the CCC recommendations.

The IAD has focused on:

- Operation Egrus, implemented to reduce the backlog of legacy and ongoing investigation files.
- Development and implementation of an enhanced assessment and triage process to ensure consistency in identifying and managing misconduct.
- Using internal resources to re-engineer the current

information system to address data integrity, file management, reporting and workflow issues to deliver more efficiency and effectiveness in operations and strategic reporting/trend analysis.

- A redevelopment of the investigatory process and the proactive targeting of serious misconduct and criminality in conjunction with the WA Police Force.

The new CPE directorate was created to focus on:

- corruption prevention, education and early intervention
- ethical standard issues such as policy, procedures, standards, research, conflicts of interest; gifts and benefits; and secondary employment
- integrity screening checks
- at risk personnel; early intervention and behaviour modification strategies
- integrity testing.

The Division works in partnership with all entities within the Department and beyond to instil a values-based culture. A key piece of work has been the development of the Department-wide Justice Integrity Framework that provides an integrated governance approach to protect the Department's integrity, expose and prevent misconduct, corruption, fraud and theft, by implementing best practice controls.

The Justice Integrity Framework is the operational policy document for the Division. It has four key principles: Leadership, Culture, Strategies and Environment. The Division is responsible for administering the Framework by providing strategic coordination of ethical standards, integrity and assurance functions across the Department.

Another substantial body of work for the Division was the development of the Justice Ethics and Integrity Action Plan. The Plan summarises and reports on actions, timelines, and accountabilities to implement recommendations made by the CCC. In all, the CCC made 60 recommendations to address misconduct risk in Corrective Services.

The Department responded to and accepted all of the findings making a commitment to report back to the CCC in May 2019 on progress to implement the findings. The findings of the Office of the Auditor General report into minimising drugs and alcohol in prisons are also broadly represented in the recommendations of the CCC.

Each of the recommendations have been analysed by the Department and assigned an accountable officer with timelines for completion currently being drafted. From the 60 recommendations made across a number of custodial facilities, systems and processes there are 39 unique recommendations for the Department to address.

The Department recognises that coordinated, efficient and time bound implementation of the recommendations is required and delivering on these commitments will be achieved through collaboration across responsible Divisions.

The PAR directorate is responsible for monitoring and overseeing progress on all recommendations through regular reporting against the Plan.

The Director General has established a Director General's Governance Group to maintain oversight and ensure accountability for the implementation of the recommendations and progression to completion.

Managing our people

Human Resources

The Department is committed to delivering excellent service to the community, its stakeholders and Government. To make this happen the Department continued to focus on building a strong workforce, driven by the development of the skills and expertise of its staff.

Employee Perception Survey

In 2018, Department of Justice staff, as well as staff from other selected Departments, were invited to take part in the Public Sector Commission's Employee Perception Survey, with the results being published for staff on the Department's intranet. The survey was considered particularly important as it was done after the wide-reaching Machinery of Government changes.

Three key themes were identified in feedback from staff:

- culture, leadership and management
- employee recognition, motivation and career opportunities
- job satisfaction, and capability development.

There was further engagement with divisional heads across the Department to inform a detailed action plan. Nineteen actions were identified and discussions have been ongoing with staff about how to move forward.

Employee relations

Following State Government approval, the Department began negotiations to update several key industrial agreements, replacing the Department of Justice (Jury Officers) CSA Agreement 2017 and the Department of Justice (Youth Custodial Officers) CSA Agreement 2017 with the Civil Service Association. The Department also started negotiations with the Australian Nursing Federation for a replacement of the Department of Corrective Services – Registered Nurses (ANF) Industrial Agreement 2016.

The Department continues to review its employment arrangements to put into effect the State Government

policy for the conversion of fixed term contract and casual employees to permanency.

Health and wellness programs

The Department ran a series of mental health awareness "lunch and learn" sessions during Mental Health Week. The session's topics included 'Positive People and Positive Psychology', 'Building Resilience', 'Managing Stress', 'Changing your habits', 'Create the life you want', 'Healthy Body, Healthy Mind', 'Managing Aggression', 'Managing Anxiety', and 'Managing Depression'. Mental Health Week information from the Department's Employee Assistance Programs contractors Optum and People Sense was displayed in Departmental facilities. From January 2019, PeopleSense was the Department's sole EAP provider.

Corporate health and wellbeing program

Health and well-being activities were held across the Department, including health checks and health-related seminars.

Influenza vaccinations

The Department ran two staff vaccination programs and vaccinated 2,746 staff this year.

Staff development and performance

Employee development system

The Department has two employee development systems running across the Department, setting out a performance management framework, processes and guidelines for managers and employees.

A new program is being developed for implementation during 2019/2020.

Graduate program

The Department's graduate program offers participants an opportunity to develop their

capabilities within a Government context, build their understanding and knowledge of the functions and the justice-related services delivered by the Department and helps with their career planning.

During the year, six graduates were supported by the Department through the 18-month program, which includes three job rotations within different areas.

A workplace mentor and buddy is allocated to each of the graduates to help them achieve their personal development and career goals.

Training and development

The Department ensures that employees have opportunities to take part in training and development sessions.

In 2018/19 a significant number of staff development programs and information sessions were offered across the Department with a strong focus on new employees.

Additionally, online learning programs were offered, including:

- fraud and corruption prevention
- mental health
- confidentiality and information privacy
- recordkeeping.

School-based trainees

Overall, the Department hosted five school-based trainees during the year. They worked two days a week, with all trainees enrolled in a Certificate II in Government.

Placements included the Public Trustee, Human Resources and Advisory Services, with one trainee recruited to work on a part-time basis in the Bunbury Magistrates Court.

Aboriginal trainees

The traineeship is a full-time Aboriginal employment initiative, entirely funded by the Department.

It gives trainees on-the-job training, a nationally recognised qualification, an introductory work-readiness program and additional training relevant to the Department's business needs. The work for the trainees aligns with Public Sector Commission Capability Profile levels. Five Aboriginal trainees

successfully completed the 12-month Department of Justice Aboriginal Business Traineeship program, leading to the achievement of a nationally recognised qualification, a Certificate III in Government. Three of the Aboriginal trainees secured employment at the end of the traineeship, within the Training Academy, Corporate Records and North Metropolitan Youth Justice Services.

Equal opportunity training

In 2018/19, the Department worked with the Equal Opportunity Commission to develop a compulsory equal opportunity training program focussing on identifying discrimination and sexual harassment and how to create a respectful workplace.

It is expected that the program will be rolled out across the State in the next financial year.

Diversity and inclusion

Equal employment opportunity management plan

The objectives of the Department's equal employment opportunity management plan aims to build a workplace which promotes inclusion and diversity and embraces the unique skills and qualities of all our people. The focus has been on increasing Aboriginal employment initiatives and embedding Youth Pathway options. Initiatives identified for 2019/20 include improving gender balance in traditionally male dominated occupation groups and increased representation of women in senior management positions.

The Department plans to raise disability awareness and support employees with disability to identify workplace barriers and provide responsive solutions.

Aboriginal workforce development strategy

The Department's Aboriginal workforce development strategy has made significant inroads since its launch in November 2018. The development of a cultural capability workshop, 'Moorditj Boordier', supported managers working with Aboriginal employees. The Department is improving recruitment practices to help internal and external job seekers apply for jobs, and developing a case management approach. The application of relevant provisions under the *Equal*

Opportunity Act 1984 (WA) to increase Aboriginal employment rates of Prison Officers, Adult Community Corrections and Youth Justice staff has seen an increase in the number of Aboriginal people applying for positions in the Department.

In order to create a workforce which reflects the WA community, a strategic and targeted approach is required. In 2019, the Department developed a targeted program to fill vacant positions in Kalgoorlie. The program will focus on increasing the number of Aboriginal people and women working in the Eastern Goldfields Regional Prison and in Community Corrections. This program will serve as a blueprint for how we can support all diversity groups, securing employment at all levels across all business areas of the Department, and will form the foundation of a Departmental diversity and inclusion plan.

Recruitment

Bulk recruitment activities have resulted in 214 prison officers, 14 special operations group officers and 56 community corrections officers being appointed across various regional and metropolitan locations since January 2019. Bulk recruitment activity is continuing with a strong focus on attracting and hiring a diverse workforce, specifically Aboriginal people and women. The activities in progress are on track to ensure the Department has high quality resources in place to meet future demands. A particular priority for the Corrective Services Division has been to recruit people to work in corrections in the regional areas in which they live.

Employee assistance program

The Department of Justice consolidated its employee assistance program providers in January 2019 with PeopleSense becoming the provider for all Department of Justice employees with Optum no longer used after that date.

PeopleSense

The program provided 1,811 sessions throughout the year, with an overall usage rate of six per cent. 28 per cent of the sessions were provided to family members of staff.

| Clients | |
|---------|-----|
| 2018/19 | 786 |
| 2017/18 | 504 |
| 2016/17 | 453 |
| 2015/16 | 416 |
| 2014/15 | 314 |

Optum

| Clients | |
|---------|-----|
| 2018/19 | 107 |
| 2017/18 | 105 |
| 2016/17 | 104 |
| 2015/16 | 119 |
| 2014/15 | 119 |

Volunteers

Volunteers perform an important role in supporting the delivery of justice services across Western Australia. They include approximately 2,600 Justices of the Peace.

The Office of the Public Advocate's community guardianship program uses volunteer community guardians.

The Department's Family Violence Service, Victim Support Service and Child Witness Service all use volunteers to support victims of crime going through the court process.

The Department extends its sincere appreciation for the immense contribution of all volunteers to Western Australian justice services.

Significant issues impacting the agency

Reducing the over-representation of Aboriginal people

The Department remains steadfast in its support for the Government's priority to reduce the over-representation of Aboriginal people within, or at risk of, entering the justice system.

Currently, Western Australia has one of the highest rates of Aboriginal people in prison nationally with 3717 incarcerations per 100,000 population, around 60 per cent above the national average. The over-representation of Aboriginal people in custody has a significant impact on the cultural, emotional and social wellbeing of those individuals, their families and Western Australian communities.

As part of the Government's Our Priorities, Justice has a lead role in addressing Aboriginal Wellbeing by reducing the over-representation of Aboriginal persons in custody. The Department is currently working with WA Police, the Department of Transport and with other public sector agencies to bring about positive change. First, by developing specific projects to address instances where Aboriginal persons are in custody due to driver's licence offences or unpaid fines. This includes reforming the *Fines, Penalties and Infringement Notices Enforcement Act 1994* (WA) so that imprisonment is a last resort and there is more flexibility in the imposition and fulfilment of work and development orders.

Second, the Department is part of the Justice Planning and Reform Committee, a cross-agency steering committee chaired by the Department of Premier and Cabinet. This committee has initiated and supported the development of a number of projects to better manage the forecast increase in the WA prison population. These strategies were funded by Government in the 2019/20 budget and are currently being implemented by Justice. They include reducing avoidable remand, increasing sentencing flexibility for the courts and access to rehabilitative services for offenders, and strengthening post-release supervision, particularly by expanding the use of electronic monitoring, where safe and appropriate to do so.

Reducing youth offending

The Department is collaborating with other agencies and working in partnership with Aboriginal communities to improve the outcomes for young people, and particularly Aboriginal people, who are in danger of, or already have, come into contact with the criminal justice system.

The Department is supporting the Government's Our Priority on building a Safer Community, to reduce the number of young offenders returning to detention by helping them to successfully turn their lives around. Youth Justice Services is collaborating with a range of agencies to work with young people at Banksia Hill Detention Centre and in the community to reduce reoffending through programs and services designed to encourage better life choices and to divert them from the criminal justice system.

Work was begun on the development of a Kimberley Juvenile Justice Strategy, which is based on a partnership between Government agencies, the non-government sector and Aboriginal community-controlled organisations in the Kimberley region. The Strategy will contain a range of short, medium and long-term programs designed to assist with the prevention of youth crime and re-offending. The intent is to provide genuine opportunities for community engagement and co-design opportunities in creating a better response to youth offending.

Reducing illicit drug use

Also as part of the Government's Our Priority on building a Safer Community, the Department is collaborating across government to reduce the use of illicit drugs by 15 per cent by 2022 to deliver safer communities across Western Australia. The current rate of illicit drug use in Western Australia is alarming with methamphetamine use in Western Australia being 2.7 per cent which is almost double the national average.

To help achieve the Government's target, the Department has developed a Managing Drugs and Alcohol in Prisons Strategy. The Strategy has four key goals, including supply control, demand reduction, harm reduction, and monitoring and innovation. The Department is also examining its legislative powers with regard to searching and drug testing in prison facilities to ensure it has the appropriate

legal powers to effectively to stop the illegal supply of alcohol and drugs into custodial facilities.

The Government has a strong rehabilitative focus to illicit drug use. As part of its Methamphetamine Action Plan announced in March 2017, Corrective Services opened a re-purposed Wandoo Rehabilitation Prison at Murdoch in August 2018. This prison is now successfully operating as the State's first female alcohol and other drugs rehabilitation prison. Wandoo, together with the development of a men's Alcohol and other Drug unit currently being constructed as part of the Casuarina Prison expansion and due to open in 2020, will assist in breaking the cycle of alcohol and drug-related crime by providing high quality rehabilitation to prisoners.

Increased demand for services

Growth in the adult prisoner population continues to place increased pressure on the prison estate. As the prison population grows, the challenge of dealing with the specialised needs of particular groups (cohorts) of prisoners also increases. Consistent with national trends, there is an increasing population of ageing prisoners and prisoners with mental health and drug and alcohol issues.

In addition to optimising the existing prison estate, a range of new infrastructure projects are in progress at Casuarina, Bunbury, Broome and Hakea Prison to meet the expected medium-term bed demand and needed support infrastructure. Creating new infrastructure on existing prison sites has meant that the expansion has been achieved quickly and without having to build a costly new prison.

The Government is investing more than \$300 million into prison infrastructure. The Department is undertaking construction of 1,228 new prison beds and recruiting 458 additional prison officers, which will significantly increase the capacity of the prison system and enable the Department to more safely and effectively manage a diverse and growing prison population.

Other areas of the Department are also experiencing demand pressures. For example, the Office of the Public Advocate continues to experience increasing demand for services to vulnerable adults with decision-making disabilities as a result of the ageing population and increasing numbers of people affected by an intellectual disability or mental illness who require a guardian. Similarly, the Public Trustee has also continued to experience increasing demand, with a particular increase in the number of people with little or no capacity to pay for services.

Law reform

The Department continues to deliver legislation to support the State Government's significant legal reform agenda. The Department has focused on the needs of victims of crime as well as increasing community safety for Western Australia through the introduction of key legislation.

Legislation enacted in 2018/19 included the *Historical Homosexual Convictions Expungement Act 2018*, *Sentence Administration Amendment (Multiple Murderers) Act 2018* and *Criminal Law Amendment (Intimate Images) Act 2019*.

Legislation currently in development for introduction in 2019/20 include the Fines Penalties & Infringement Notices Enforcement Amendment Bill 2019, Criminal Law (Mental Impairment) Bill 2019 and High Risk Offenders Bill 2019. The Strategic Reform division, Parliamentary Counsel and State Solicitor's Office, Office of the Commissioner of Victims of Crime and Courts and Tribunal Services have all been heavily involved in this work.

Addressing child sexual abuse

In line with the Government's Law Reform Initiatives election commitment, the Department guided the development of the *Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act 2018* to remove the statutory limitation period for civil litigation by victims of historical child sexual abuse in Western Australia.

As a result the State Solicitor's Office has developed resources to manage civil claims made against the State of WA in relation to historic child sexual abuse matters. SSO anticipates a significant increase in claims following the proclamation of the *Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act 2018*.

The Department has also led Western Australia's participation in the Royal Commission into Institutional Responses to Child Sexual Abuse which has had a profound impact on the Western Australian community. This Commonwealth scheme provides an avenue for survivors to seek compensation, which is an easier and more supportive avenue instead of civil litigation. The Department established a Redress Coordination unit which has liaised with government agencies to assist the Commonwealth Government in making determinations on applicants' eligibility for redress.

Independent Auditor's Report



Auditor General

INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

DEPARTMENT OF JUSTICE

Report on the Financial Statements

Opinion

I have audited the financial statements of the Department of Justice which comprise the Statement of Financial Position as at 30 June 2019, the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, and Notes comprising a summary of significant accounting policies and other explanatory information, including Schedule of Income and Expenses by Service, Schedule of Assets and Liabilities by Service and Administered transactions and balances.

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the operating results and cash flows of the Department of Justice for the year ended 30 June 2019 and the financial position at the end of that period. They are in accordance with Australian Accounting Standards, the *Financial Management Act 2006* and the Treasurer's Instructions.

Basis for Opinion

I conducted my audit in accordance with the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibility for the Audit of the Financial Statements* section of my report. I am independent of the Department in accordance with the *Auditor General Act 2006* and the relevant ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to my audit of the financial statements. I have also fulfilled my other ethical responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Responsibility of the Director General for the Financial Statements

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, the *Financial Management Act 2006* and the Treasurer's Instructions, and for such internal control as the Director General determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Director General is responsible for assessing the Department's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Western Australian Government has made policy or funding decisions affecting the continued existence of the Department.

Auditor's Responsibility for the Audit of the Financial Statements

As required by the *Auditor General Act 2006*, my responsibility is to express an opinion on the financial statements. The objectives of my audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgment and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Department's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Director General.
- Conclude on the appropriateness of the Director General's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Department's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Director General regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Report on Controls

Opinion

I have undertaken a reasonable assurance engagement on the design and implementation of controls exercised by the Department of Justice. The controls exercised by the Department are those policies and procedures established by the Director General to ensure 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 (the overall control objectives).

My opinion has been formed on the basis of the matters outlined in this report.

In my opinion, in all material respects, the controls exercised by the Department of Justice are sufficiently adequate to 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 during the year ended 30 June 2019.

The Director General's Responsibilities

The Director General is responsible for designing, implementing and maintaining controls to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities are in accordance with the *Financial Management Act 2006*, the Treasurer's Instructions and other relevant written law.

Auditor General's Responsibilities

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the suitability of the design of the controls to achieve the overall control objectives and the implementation of the controls as designed. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3150 *Assurance Engagements on Controls* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements and plan and perform my procedures to obtain reasonable assurance about whether, in all material respects, the controls are suitably designed to achieve the overall control objectives and the controls, necessary to achieve the overall control objectives, were implemented as designed.

An assurance engagement to report on the design and implementation of controls involves performing procedures to obtain evidence about the suitability of the design of controls to achieve the overall control objectives and the implementation of those controls. The procedures selected depend on my judgement, including the assessment of the risks that controls are not suitably designed or implemented as designed. My procedures included testing the implementation of those controls that I consider necessary to achieve the overall control objectives.

I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Limitations of Controls

Because of the inherent limitations of any internal control structure it is possible that, even if the controls are suitably designed and implemented as designed, once the controls are in operation, the overall control objectives may not be achieved so that fraud, error, or non-compliance with laws and regulations may occur and not be detected. Any projection of the outcome of the evaluation of the suitability of the design of controls to future periods is subject to the risk that the controls may become unsuitable because of changes in conditions.

Report on the Key Performance Indicators

Opinion

I have undertaken a reasonable assurance engagement on the key performance indicators of the Department of Justice for the year ended 30 June 2019. The key performance indicators are the key effectiveness indicators and the key efficiency indicators that provide performance information about achieving outcomes and delivering services.

In my opinion, in all material respects, the key performance indicators of the Department of Justice are relevant and appropriate to assist users to assess the Department's performance and fairly represent indicated performance for the year ended 30 June 2019.

The Director General's Responsibility for the Key Performance Indicators

The Director General is responsible for the preparation and fair presentation of the key performance indicators in accordance with the *Financial Management Act 2006* and the Treasurer's Instructions and for such internal control as the Director General determines necessary to enable the preparation of key performance indicators that are free from material misstatement, whether due to fraud or error.

In preparing the key performance indicators, the Director General is responsible for identifying key performance indicators that are relevant and appropriate having regard to their purpose in accordance with Treasurer's Instruction 904 *Key Performance Indicators*.

Auditor General's Responsibility

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the key performance indicators. The objectives of my engagement are to obtain reasonable assurance about whether the key performance indicators are relevant and appropriate to assist users to assess the Department's performance and whether the key performance indicators are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion.

I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3000 *Assurance Engagements Other than Audits or Reviews of Historical Financial Information* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements relating to assurance engagements.

An assurance engagement involves performing procedures to obtain evidence about the amounts and disclosures in the key performance indicators. It also involves evaluating the relevance and appropriateness of the key performance indicators against the criteria and guidance in Treasurer's Instruction 904 for measuring the extent of outcome achievement and the efficiency of service delivery. The procedures selected depend on my judgement, including the assessment of the risks of material misstatement of the key performance indicators. In making these risk assessments I obtain an understanding of internal control relevant to the engagement in order to design procedures that are appropriate in the circumstances.

I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

My Independence and Quality Control Relating to the Reports on Controls and Key Performance Indicators

I have complied with the independence requirements of the *Auditor General Act 2006* and the relevant ethical requirements relating to assurance engagements. In accordance with ASQC 1 *Quality Control for Firms that Perform Audits and Reviews of Financial Reports and Other Financial Information, and Other Assurance Engagements*, the Office of the Auditor General maintains a comprehensive system of quality control including documented policies and procedures regarding compliance with ethical requirements, professional standards and applicable legal and regulatory requirements.

Matters Relating to the Electronic Publication of the Audited Financial Statements and Key Performance Indicators

This auditor's report relates to the financial statements and key performance indicators of the Department of Justice for the year ended 30 June 2019 included on the Department's website. The Department's management is responsible for the integrity of the Department's website. This audit does not provide assurance on the integrity of the Department's website. The auditor's report refers only to the financial statements and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these financial statements or key performance indicators. If users of the financial statements and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial statements and key performance indicators to confirm the information contained in this website version of the financial statements and key performance indicators.



CAROLINE SPENCER
AUDITOR GENERAL
FOR WESTERN AUSTRALIA
Perth, Western Australia
19 September 2019

Certification of Financial Statements

For the reporting period ended 30 June 2019

The accompanying financial statements of the Department of Justice 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 reporting period ended 30 June 2019 and the financial position as at 30 June 2019.

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



Rodolfo Montilva
Acting Chief Finance Officer
16 September 2019



Dr Adam Tomison
Accountable Authority
16 September 2019

Statement of comprehensive income

For the year ended 30 June 2019

| | Notes | 2019 \$'000 | 2018 \$'000 |
|--|--------------|------------------|------------------|
| COST OF SERVICES | | | |
| Expenses | | | |
| Employee benefits expenses | 3.1.1 | 848,392 | 773,122 |
| Supplies and services | 3.2 | 386,974 | 388,847 |
| Depreciation and amortisation expense | 5.1.1, 5.2.1 | 56,486 | 58,746 |
| Finance costs | 7.3 | 34,622 | 36,025 |
| Accommodation expenses | 3.3 | 57,792 | 57,356 |
| Grants and subsidies | 3.4 | 86,038 | 83,017 |
| Prisoner gratuities | 3.5 | 11,605 | 11,210 |
| Cost of sales | 4.3 | 12,653 | 12,401 |
| Loss on disposal of non-current assets | 4.5 | 129 | 26 |
| Loss on revaluation | 3.6 | 47,768 | 67,960 |
| Other expenditure | 3.7 | 93,198 | 88,033 |
| Total cost of services | | 1,635,657 | 1,576,743 |
| Income | | | |
| <i>Revenue</i> | | | |
| User charges and fees | 4.2 | 113,109 | 108,558 |
| Sales | 4.3 | 13,344 | 12,955 |
| Commonwealth grants and contributions | 4.4 | 19,637 | 19,429 |
| Other revenue | 4.6 | 22,218 | 22,809 |
| Total Revenue | | 168,308 | 163,751 |
| Total income other than income from State Government | | 168,308 | 163,751 |
| NET COST OF SERVICES | | 1,467,349 | 1,412,992 |
| Income from State Government | | | |
| | 4.1 | | |
| Service appropriation | | 1,272,944 | 1,309,087 |
| Liabilities assumed | | 99,623 | 25,785 |
| Services received free of charge | | 4,554 | 4,327 |
| Royalties for Regions Fund | | 9,122 | 9,372 |
| Other revenue | | 1,236 | — |
| Total income from State Government | | 1,387,479 | 1,348,571 |
| DEFICIT FOR THE PERIOD | | (79,870) | (64,421) |
| OTHER COMPREHENSIVE INCOME | | | |
| Items not reclassified subsequently to profit or loss | | | |
| Changes in asset revaluation surplus/(deficit) | 9.11 | — | — |
| Total other comprehensive income | | — | — |
| TOTAL COMPREHENSIVE LOSS FOR THE PERIOD | | (79,870) | (64,421) |

See also the 'Schedule of Income and Expenses by Service'.

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

Statement of financial position

As at 30 June 2019

| | Notes | 2019 \$'000 | 2018 \$'000 |
|--------------------------------------|------------|------------------|------------------|
| ASSETS | | | |
| Current Assets | | | |
| Cash and cash equivalents | 7.4.1 | 38,460 | 72,013 |
| Restricted cash and cash equivalents | 7.5, 7.4.1 | 6,800 | 4,596 |
| Inventories | 4.3 | 3,989 | 3,138 |
| Receivables | 6.1 | 19,061 | 16,284 |
| Amounts receivable for services | 6.2 | 11,625 | 11,047 |
| Other current assets | 6.3 | 3,118 | 1,806 |
| Biological assets | 6.4 | 2,047 | 1,963 |
| Total Current Assets | | 85,100 | 110,847 |
| Non-Current Assets | | | |
| Restricted cash and cash equivalents | 7.5, 7.4.1 | 7,820 | 4,762 |
| Amounts receivable for services | 6.2 | 457,080 | 404,971 |
| Property, plant and equipment | 5.1 | 2,193,383 | 2,216,279 |
| Intangible assets | 5.2 | 9,417 | 10,583 |
| Total Non-Current Assets | | 2,667,700 | 2,636,595 |
| TOTAL ASSETS | | 2,752,800 | 2,747,442 |
| LIABILITIES | | | |
| Current Liabilities | | | |
| Payables | 6.5 | 108,502 | 93,412 |
| Borrowings | 7.1 | 9,216 | 8,866 |
| Employee-related provisions | 3.1.2 | 144,523 | 139,307 |
| Total Current Liabilities | | 262,241 | 241,585 |
| Non-Current Liabilities | | | |
| Borrowings | 7.1 | 391,180 | 397,436 |
| Employee-related provisions | 3.1.2 | 29,928 | 26,683 |
| Total Non-Current Liabilities | | 421,108 | 424,119 |
| TOTAL LIABILITIES | | 683,349 | 665,704 |
| NET ASSETS | | 2,069,451 | 2,081,738 |
| EQUITY | | | |
| Contributed equity | 9.11 | 2,207,550 | 2,146,159 |
| Accumulated deficit | | (138,099) | (64,421) |
| TOTAL EQUITY | | 2,069,451 | 2,081,738 |

See also the 'Schedule of Assets and Liabilities by Service'.

The Statement of Financial Position should be read in conjunction with the accompanying notes.

Statement of changes in equity

For the year ended 30 June 2019

| | Note | Contributed equity \$'000 | Accumulated deficit \$'000 | Total equity \$'000 |
|---|------|---------------------------------|----------------------------------|------------------------|
| Balance at 1 July 2018 | 9.11 | 2,146,159 | (64,421) | 2,081,738 |
| Changes in accounting policy or correction of prior period errors | | – | 6,192 | 6,192 |
| Restated balance at 1 July 2018 | | 2,146,159 | (58,229) | 2,087,930 |
| Deficit for the period | | – | (79,870) | (79,870) |
| Other comprehensive income | | – | – | – |
| Total comprehensive loss for the period | | – | (79,870) | (79,870) |
| Transactions with owners in their capacity as owners: | | | | |
| Capital appropriations | | 48,255 | – | 48,255 |
| Other contributions by owners | | 13,136 | – | 13,136 |
| Total | | 61,391 | – | 61,391 |
| Balance at 30 June 2019 | | 2,207,550 | (138,099) | 2,069,451 |

| | Note | Contributed equity \$'000 | Accumulated deficit \$'000 | Total equity \$'000 |
|---|------|---------------------------------|----------------------------------|------------------------|
| Balance at 1 July 2017 | 9.11 | – | – | – |
| Changes in accounting policy or correction of prior period errors | | – | – | – |
| Restated balance at 1 July 2017 | | – | – | – |
| Deficit for the period | | – | (64,421) | (64,421) |
| Other comprehensive income | | – | – | – |
| Total comprehensive loss for the period | | – | (64,421) | (64,421) |
| Transactions with owners in their capacity as owners: | | | | |
| Capital appropriations | | 22,323 | – | 22,323 |
| Other contributions by owners | | 2,123,836 | – | 2,123,836 |
| Total | | 2,146,159 | – | 2,146,159 |
| Balance at 30 June 2018 | | 2,146,159 | (64,421) | 2,081,738 |

The Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Statement of cash flows

For the year ended 30 June 2019

| | Note | 2019 \$'000 | 2018 \$'000 |
|--|-------|--------------------|--------------------|
| CASH FLOWS FROM STATE GOVERNMENT | | | |
| Service appropriation | | 1,209,210 | 1,249,051 |
| Capital appropriations | | 19,039 | 22,323 |
| Equity contributions | | 29,216 | 65,757 |
| Holding account drawdown | | 11,047 | 10,628 |
| Royalties for Regions Fund | | 22,258 | 9,543 |
| Net cash provided by State Government | | 1,290,770 | 1,357,302 |
| Utilised as follows: | | | |
| CASH FLOWS FROM OPERATING ACTIVITIES | | | |
| Payments | | | |
| Employee benefits | | (741,914) | (749,128) |
| Supplies and services | | (375,328) | (374,656) |
| Finance costs | | (34,622) | (36,025) |
| Accommodation | | (53,215) | (52,779) |
| Grants and Subsidies | | (86,038) | (83,016) |
| GST payments on purchases | | (64,496) | (74,576) |
| GST payments to taxation authority | | (4,713) | (4,393) |
| Other payments | | (92,877) | (81,257) |
| Receipts | | | |
| Sale of goods and services | | 2,194 | 2,493 |
| User charges and fees | | 113,098 | 108,537 |
| Commonwealth grants and contributions | | 15,060 | 14,852 |
| GST receipts on sales | | 4,606 | 4,682 |
| GST receipts from taxation authority | | 63,075 | 75,037 |
| Other receipts | | 16,333 | 18,313 |
| Net cash used in operating activities | 7.4.2 | (1,238,837) | (1,231,916) |

Statement of cash flows (continued)

For the year ended 30 June 2019

| | Note | 2019 \$'000 | 2018 \$'000 |
|---|-------|-----------------|-----------------|
| CASH FLOW FROM INVESTING ACTIVITIES | | | |
| Payments | | | |
| Purchase of non-current physical assets | | (74,372) | (34,345) |
| Receipts | | | |
| Proceeds from sale of non-current physical assets | | 54 | 52 |
| Net cash used in investing activities | | (74,318) | (34,293) |
| CASH FLOW FROM FINANCING ACTIVITIES | | | |
| Payments | | | |
| Repayment of borrowings | | (11,059) | (9,722) |
| Receipts | | | |
| Proceeds from borrowings | | 5,153 | — |
| Net cash used in financing activities | | (5,906) | (9,722) |
| Net increase/(decrease) in cash and cash equivalents | | (28,291) | 81,371 |
| Cash and cash equivalents at the beginning of the period | | 81,371 | — |
| CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD | 7.4.1 | 53,080 | 81,371 |

The Statement of Cash Flows should be read in conjunction with the accompanying notes.

Summary of consolidated account appropriations and income estimates

For the year ended 30 June 2019

| | 2019 Estimate \$'000 | 2019 Actual \$'000 | Variance \$'000 | 2019 Actual \$'000 | 2018 Actual \$'000 | Variance \$'000 |
|--|----------------------------|--------------------------|--------------------|--------------------------|--------------------------|--------------------|
| Delivery of Services | | | | | | |
| Item 61 Net amount appropriated to deliver services | 1,177,286 | 1,177,794 | 508 | 1,177,794 | 1,219,363 | 41,569 |
| Amount Authorised by Other Statutes | | | | | | |
| <i>Children's Court of Western Australia Act 1988</i> | 405 | 372 | (33) | 372 | 423 | 51 |
| <i>Criminal Injuries Compensation Act 2003</i> | 31,817 | 30,607 | (1,210) | 30,607 | 26,548 | (4,059) |
| <i>District Court of Western Australia Act 1969</i> | 13,098 | 13,002 | (96) | 13,002 | 12,954 | (48) |
| <i>Judges' Salaries and Pensions Act 1950</i> | 10,836 | 11,652 | 816 | 11,652 | 10,657 | (995) |
| <i>Salaries and Allowances Act 1975</i> | 33,701 | 33,666 | (35) | 33,666 | 32,505 | (1,161) |
| <i>Solicitor General Act 1969</i> | 594 | 535 | (59) | 535 | 631 | 96 |
| <i>State Administrative Tribunal Act 2004</i> | 5,878 | 5,281 | (597) | 5,281 | 5,846 | 565 |
| <i>Suitor's Fund Act 1964</i> | 31 | 35 | 4 | 35 | 47 | 12 |
| Administered Appropriations | — | — | — | — | 113 | 113 |
| Total appropriations provided to deliver services | 1,273,646 | 1,272,944 | (702) | 1,272,944 | 1,309,087 | 36,143 |
| Capital | | | | | | |
| Item 130 Capital appropriations | 18,859 | 48,255 | 29,396 | 48,255 | 22,323 | (25,932) |
| Equity contribution | — | — | — | — | — | — |
| GRAND TOTAL | 1,292,505 | 1,321,199 | 28,694 | 1,321,199 | 1,331,410 | 10,211 |
| Details of Expenses by Service | | | | | | |
| Court and Tribunal Services | 384,761 | 496,142 | 111,381 | 496,142 | 417,412 | (78,730) |
| Advocacy, Guardianship and Administration Services | 6,474 | 7,033 | 559 | 7,033 | 7,881 | 848 |
| Trustee Services | 23,906 | 24,267 | 361 | 24,267 | 23,632 | (635) |
| Births, Deaths and Marriages | 9,987 | 7,211 | (2,776) | 7,211 | 8,067 | 856 |
| Services to Government | 57,540 | 58,632 | 1,092 | 58,632 | 67,407 | 8,775 |
| Adult Corrective Services | 43,998 | 897,862 | 853,864 | 897,862 | 905,159 | 7,297 |
| Youth Justice Services | 844,798 | 95,944 | (748,854) | 95,944 | 99,413 | 3,469 |
| Legal Aid Assistance | 100,634 | 48,566 | (52,068) | 48,566 | 47,772 | (794) |
| Total Cost of Services | 1,472,098 | 1,635,657 | 163,559 | 1,635,657 | 1,576,743 | (58,914) |
| Less Total income | (169,577) | (168,308) | 1,269 | (168,308) | (163,751) | 4,557 |
| Net Cost of Services | 1,302,521 | 1,467,349 | 164,828 | 1,467,349 | 1,412,992 | (54,357) |
| Total appropriations provided to deliver services | 1,302,521 | 1,467,349 | 164,828 | 1,467,349 | 1,412,992 | (54,357) |
| Capital Expenditure | | | | | | |

Summary of consolidated account appropriations and income estimates (continued)

For the year ended 30 June 2019

| | 2019 Estimate \$'000 | 2019 Actual \$'000 | Variance \$'000 | 2019 Actual \$'000 | 2018 Actual \$'000 | Variance \$'000 |
|---|----------------------------|--------------------------|--------------------|--------------------------|--------------------------|--------------------|
| Purchase of non-current physical assets | (94,613) | (74,372) | 20,241 | (74,372) | (34,345) | 40,027 |
| Repayment of borrowings | (11,838) | (11,059) | 779 | (11,059) | (9,722) | 1,337 |
| Adjustments for other funding sources | — | — | — | — | — | — |
| Capital appropriations | (106,451) | (85,431) | 21,020 | (85,431) | (44,067) | 41,364 |
| Details of Income Estimates | | | | | | |
| Income disclosed as Administered Income | — | 185,137 | 185,137 | 185,137 | 182,402 | (2,735) |

Note 10.1 'Disclosure of administered income and expenses by service' and Note 10.2 'Explanatory statement for Administered Items' provide details of any significant variations between estimates and actual results for 2019 and between the actual results for 2019 and 2018.

Notes to the Financial Statements

1. Basis of preparation

The Department is a WA Government entity and is controlled by the State of Western Australia, which is the ultimate parent. The department is a not-for-profit entity (as profit is not its principal objective).

A description of the nature of its operations and its principal activities have been included in the ‘**Overview**’ which does not form part of these financial statements.

These annual financial statements were authorised for issue by the Accountable Authority of the Department on 16 September 2019.

Statement of compliance

These general purpose financial statements are prepared in accordance with:

- 1) The *Financial Management Act 2006* (FMA)
- 2) The Treasurer’s Instructions (the Instructions or TI)
- 3) Australian Accounting Standards (AAS) including applicable interpretations
- 4) Where appropriate, those AAS paragraphs applicable for not-for-profit entities have been applied.

The FMA and the TI take precedence over AAS. Several AAS are modified by the Instructions to vary application, disclosure format and wording. Where modification is required and has had 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.

Basis of preparation

These financial statements are presented in Australian dollars applying the accrual basis of accounting and using the historical cost convention. Certain balances will apply a different measurement basis (such as the fair value basis). Where this is the case the different measurement basis is disclosed in the associated note. All values are rounded to the nearest thousand dollars (\$’000).

Judgements and estimates

Judgements, estimates and assumptions are required to be made about financial information being presented. The significant judgements and estimates made in the preparation of these financial statements are disclosed in the notes where amounts affected by those judgements and/or estimates are disclosed. Estimates and associated assumptions are based on professional judgements derived from historical experience and various other factors that are believed to be reasonable under the circumstances.

Contributed equity

AASB Interpretation 1038 *Contributions by Owners Made to Wholly-Owned Public Sector Entities* requires transfers in the nature of equity contributions, other than as a result of a restructure of administrative arrangements, 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 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.

The transfers of net assets to/from other agencies, other than as a result of a restructure of administrative arrangements, are designated as contributions by owners where the transfers are non-discretionary and non-reciprocal.

2. Department outputs

How the Department operates

This section includes information regarding the nature of funding the Department receives and how this funding is utilised to achieve the Department's objectives. This note also provides the distinction between controlled funding and administered funding:

| | Notes |
|---|-------|
| Department objectives | 2.1 |
| Schedule of Income and Expenses by service | 2.2 |
| Schedule of Assets and Liabilities by service | 2.3 |

2.1 Department objectives

Mission

The Department's mission is for a fair, just and safe community for all Western Australians.

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

Services

The Department provides the following services

Justice Services

- court and tribunal services
- custodial services
- corrections services
- offender management and community safety
- victims support

Services to the Community

- advocacy, guardianship and administration services
- trustee services
- birth, death and marriage services

Services to Government

- policy advice
- legal advice and representation
- legislative drafting and related services

Administered items

The Department administers assets, liabilities, income and expenses on behalf of Government which are not controlled by, nor integral to, the function of the Department. These administered balances and transactions are not recognised in the principal financial statements of the Department but schedules are prepared using the same basis as the financial statements and are presented at Note 10.1 'Disclosure of administered income and expenses by service' and Note 10.3 'Administered assets and liabilities'.

Notes to the Financial Statements

2.2 Schedule of income and expenses by service

For the year ended 30 June 2019

| | Court and Tribunal Services | | Trustee Services | | Births, Deaths and Marriages | | Advocacy, Guardianship and Administration Service | | Legal Aid Assistance | | Services to Government | | Adult Corrective Services | | Youth Justice Services | | Total | |
|--|-----------------------------|----------------|------------------|---------------|------------------------------|--------------|---|--------------|----------------------|---------------|------------------------|---------------|---------------------------|----------------|------------------------|---------------|------------------|------------------|
| | 2019 | 2018 | 2019 | 2018 | 2019 | 2018 | 2019 | 2018 | 2019 | 2018 | 2019 | 2018 | 2019 | 2018 | 2019 | 2018 | 2019 | 2018 |
| | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 |
| COST OF SERVICES | | | | | | | | | | | | | | | | | | |
| Expenses | | | | | | | | | | | | | | | | | | |
| Employee benefits expense | 266,712 | 185,628 | 17,398 | 16,679 | 3,815 | 4,681 | 6,314 | 6,361 | – | – | 43,707 | 45,466 | 446,826 | 445,866 | 63,620 | 68,441 | 848,392 | 773,122 |
| Supplies and services | 95,339 | 92,504 | 3,092 | 2,853 | 1,099 | 1,197 | 457 | 371 | – | – | 6,149 | 6,650 | 262,619 | 267,159 | 18,219 | 18,113 | 386,974 | 388,847 |
| Depreciation and amortisation expense | 18,264 | 19,722 | 768 | 858 | 571 | 524 | 11 | 36 | – | – | 153 | 278 | 36,572 | 35,968 | 147 | 1,360 | 56,486 | 58,746 |
| Finance costs | 14,369 | 15,339 | – | – | – | – | – | – | – | – | – | – | 20,253 | 20,686 | – | – | 34,622 | 36,025 |
| Accommodation expenses | 35,497 | 30,251 | 2,358 | 2,641 | 1,573 | 1,530 | 135 | 1,012 | – | – | 6,488 | 8,880 | 8,267 | 10,040 | 3,474 | 3,002 | 57,792 | 57,356 |
| Grants and subsidies | 36,595 | 30,349 | 21 | 20 | 18 | 7 | 13 | 6 | 48,566 | 47,772 | 540 | 4,832 | 237 | 27 | 48 | 4 | 86,038 | 83,017 |
| Prisoner gratuities | – | – | – | – | – | – | – | – | – | – | – | – | 11,416 | 11,001 | 189 | 209 | 11,605 | 11,210 |
| Cost of Sales | – | – | – | – | – | – | – | – | – | – | – | – | 12,568 | 12,276 | 85 | 125 | 12,653 | 12,401 |
| Loss on disposal of non-current assets | (3) | (16) | – | – | – | – | – | – | – | – | (2) | (4) | 127 | 46 | 7 | – | 129 | 26 |
| Loss on revaluation | 11,821 | 23,353 | – | – | – | – | – | – | – | – | – | – | 34,086 | 44,607 | 1,861 | – | 47,768 | 67,960 |
| Other expenditure | 17,548 | 20,282 | 630 | 581 | 135 | 128 | 103 | 95 | – | – | 1,597 | 1,305 | 64,891 | 57,483 | 8,294 | 8,159 | 93,198 | 88,033 |
| Total cost of services | 496,142 | 417,412 | 24,267 | 23,632 | 7,211 | 8,067 | 7,033 | 7,881 | 48,566 | 47,772 | 58,632 | 67,407 | 887,862 | 905,159 | 95,944 | 99,413 | 1,635,657 | 1,576,743 |

Notes to the Financial Statements

2.2 Schedule of income and expenses by service (continued)

For the year ended 30 June 2019

| | Court and Tribunal Services | | Trustee Services | | Births, Deaths and Marriages | | Advocacy, Guardianship and Administration Service | | Legal Aid Assistance | | Services to Government | | Adult Corrective Services | | Youth Justice Services | | Total | |
|---|-----------------------------|-----------------|------------------|---------------|------------------------------|--------------|---|--------------|----------------------|---------------|------------------------|---------------|---------------------------|-----------------|------------------------|---------------|------------------|------------------|
| | 2019 \$'000 | 2018 \$'000 | 2019 \$'000 | 2018 \$'000 | 2019 \$'000 | 2018 \$'000 | 2019 \$'000 | 2018 \$'000 | 2019 \$'000 | 2018 \$'000 | 2019 \$'000 | 2018 \$'000 | 2019 \$'000 | 2018 \$'000 | 2019 \$'000 | 2018 \$'000 | 2019 \$'000 | 2018 \$'000 |
| Income | | | | | | | | | | | | | | | | | | |
| User charges and fees | 79,403 | 75,768 | 19,900 | 19,612 | 7,518 | 7,634 | – | – | – | – | 6,163 | 5,267 | 125 | 277 | – | – | 113,109 | 108,558 |
| Sales | – | – | – | – | – | – | 2 | – | – | – | – | – | 13,252 | 12,834 | 90 | 121 | 13,344 | 12,955 |
| Commonwealth grants and contributions | 19,147 | 18,945 | – | – | – | – | – | – | – | – | – | – | 420 | 422 | 70 | 62 | 19,637 | 19,429 |
| Other revenue | 6,873 | 6,762 | 3,338 | 2,645 | 27 | 1 | – | 2 | – | – | 2,702 | 2,185 | 8,440 | 10,394 | 838 | 820 | 22,218 | 22,809 |
| Total income other than income from State Government | 105,423 | 101,475 | 23,238 | 22,257 | 7,545 | 7,635 | 2 | 2 | – | – | 8,865 | 7,452 | 22,237 | 23,927 | 998 | 1,003 | 168,308 | 163,751 |
| NET COST OF SERVICES | 390,719 | 315,937 | 1,029 | 1,375 | (334) | 432 | 7,031 | 7,879 | 48,566 | 47,772 | 49,767 | 59,955 | 875,625 | 881,232 | 94,946 | 98,410 | 1,467,349 | 1,412,992 |
| Income from State Government | | | | | | | | | | | | | | | | | | |
| Service appropriations | 265,438 | 264,375 | 869 | 1,115 | 13 | 524 | 7,029 | 7,879 | 48,566 | 47,672 | 49,445 | 58,576 | 809,058 | 836,469 | 92,526 | 92,477 | 1,272,944 | 1,309,087 |
| Liabilities assumed | 99,623 | 25,785 | – | – | – | – | – | – | – | – | – | – | – | – | – | – | 99,623 | 25,785 |
| Services received free of charge | 2,186 | 2,077 | – | – | – | – | – | – | – | – | – | – | 2,368 | 2,250 | – | – | 4,554 | 4,327 |
| Royalties for Regions Fund | 16 | 186 | – | – | – | – | – | – | – | – | 1,488 | 1,379 | 7,242 | 1,874 | 376 | 5,933 | 9,122 | 9,372 |
| Other revenue | – | – | – | – | – | – | – | – | – | – | 1,236 | – | – | – | – | – | 1,236 | – |
| Total Income from State Government | 367,263 | 292,423 | 869 | 1,115 | 13 | 524 | 7,029 | 7,879 | 48,566 | 47,672 | 52,169 | 59,955 | 818,668 | 840,593 | 92,902 | 98,410 | 1,387,479 | 1,348,571 |
| SURPLUS/(DEFICIT) FOR THE PERIOD | (23,456) | (23,514) | (160) | (260) | 347 | 92 | (2) | – | – | (100) | 2,402 | – | (56,957) | (40,639) | (2,044) | – | (79,870) | (64,421) |

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

Notes to the Financial Statements

2.3 Schedule of assets and liabilities by service

| | Court and Tribunal Services | | Trustee Services | | Births, Deaths and Marriages | | Advocacy, Guardianship and Administration Service | | Legal Aid Assistance | | Services to Government | | Adult Corrective Services | | Youth Justice Services | | Total | |
|----------------------------------|-----------------------------|----------------|------------------|--------------|------------------------------|--------------|---|----------------|----------------------|----------|------------------------|----------------|---------------------------|------------------|------------------------|----------------|------------------|------------------|
| | 2019 | 2018 | 2019 | 2018 | 2019 | 2018 | 2019 | 2018 | 2019 | 2018 | 2019 | 2018 | 2019 | 2018 | 2019 | 2018 | 2019 | 2018 |
| | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 |
| Assets | | | | | | | | | | | | | | | | | | |
| Current assets | 50,802 | 54,629 | 49 | 267 | 139 | 128 | 2 | 4 | – | – | 2,494 | 1,724 | 26,874 | 54,095 | 4,740 | – | 85,100 | 110,847 |
| Non-current assets | 776,999 | 760,048 | 2,036 | 2,716 | 4,065 | 3,031 | 6 | 9 | – | – | 354 | 437 | 1,643,899 | 1,711,311 | 240,341 | 159,043 | 2,667,700 | 2,636,595 |
| Total assets | 827,801 | 814,677 | 2,085 | 2,983 | 4,204 | 3,159 | 8 | 13 | – | – | 2,848 | 2,161 | 1,670,773 | 1,765,406 | 245,081 | 159,043 | 2,752,800 | 2,747,442 |
| Liabilities | | | | | | | | | | | | | | | | | | |
| Current liabilities | 97,479 | 82,642 | 3,036 | 3,127 | 773 | 1,136 | 801 | 848 | – | – | 8,426 | 9,219 | 133,086 | 133,047 | 18,640 | 11,566 | 262,241 | 241,585 |
| Non-current liabilities | 179,943 | 183,417 | 624 | 609 | 131 | 174 | 187 | 174 | – | – | 1,652 | 1,827 | 207,820 | 236,120 | 30,751 | 1,798 | 421,108 | 424,119 |
| Total liabilities | 277,422 | 266,059 | 3,660 | 3,736 | 904 | 1,310 | 988 | 1,022 | – | – | 10,078 | 11,046 | 340,906 | 369,167 | 49,391 | 13,364 | 683,349 | 665,704 |
| NET ASSETS/ (LIABILITIES) | 550,379 | 548,618 | (1,575) | (753) | 3,300 | 1,849 | (980) | (1,009) | – | – | (7,230) | (8,885) | 1,329,867 | 1,396,239 | 195,690 | 145,679 | 2,069,451 | 2,081,738 |

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

3. Use of our funding

Expenses incurred in the delivery of services

This section provides additional information about how the Department's funding is applied and the accounting policies that are relevant for an understanding of the items recognised in the financial statements. The primary expenses incurred by the Department in achieving its objectives and the relevant notes are:

| | Notes | 2019 \$'000 | 2018 \$'000 |
|-----------------------------|-------|----------------|----------------|
| Employee benefits expenses | 3.1.1 | 848,392 | 773,122 |
| Employee-related provisions | 3.1.2 | 174,451 | 165,990 |
| Supplies and services | 3.2 | 386,974 | 388,847 |
| Accommodation expenses | 3.3 | 57,792 | 57,356 |
| Grants and subsidies | 3.4 | 86,038 | 83,017 |
| Prisoner gratuities | 3.5 | 11,605 | 11,210 |
| Cost of sales | 4.3 | 12,653 | 12,401 |
| Loss on revaluation | 3.6 | 47,768 | 67,960 |
| Other expenditure | 3.7 | 93,198 | 88,033 |

3.1.1 Employee benefits expenses

| | 2019 \$'000 | 2018 \$'000 |
|---|----------------|----------------|
| Wages and salaries | 688,684 | 660,615 |
| Termination benefits | 199 | 26,703 |
| Superannuation – defined contribution plans ^(a) | 59,886 | 60,019 |
| Judges' pension-liability assumed by the Treasurer ^(b) | 99,623 | 25,785 |
| Total employee benefits expenses | 848,392 | 773,122 |

^(a) Defined contribution plans include West State Superannuation Scheme (WSS), Gold State Superannuation Scheme (GSS), Government Employee Superannuation Scheme (GESB) and other eligible funds.

^(b) Reflects the net increase in the pension liability recorded by the Department of Treasury at the end of the reporting period.

Wages and salaries: Employee expenses include all costs related to employment including wages and salaries, fringe benefits tax, leave entitlements and WorkCover premiums.

Termination benefits: Payable when employment is terminated before normal retirement date, or when an employee accepts an offer of benefits in exchange for the termination of employment. Termination benefits are recognised when the Department is demonstrably committed to terminating the employment of current employees according to a detailed formal plan without possibility of withdrawal or providing termination benefits as a result of an offer made to encourage voluntary redundancy. Benefits falling due more than 12 months after the end of the reporting period are discounted to present value.

Superannuation: The amount recognised in profit or loss of the Statement of Comprehensive Income comprises employer contributions paid to the GSS (concurrent contributions), the WSS, the GESB, or other superannuation funds. The employer contribution paid to the GESB in respect of the GSS is paid back into the Consolidated Account by the GESB.

GSS (concurrent contributions) is a defined benefit scheme for the purposes of employees and whole-of-government reporting. It is however a defined contribution plan for Department purposes because the concurrent contributions (defined contributions) made by the Department to GESB extinguishes the Department's obligations to the related superannuation liability.

The Department does not recognise any defined benefit liabilities because it has no legal or constructive obligation to pay future benefits relating to its employees. The Liabilities for the unfunded Pension Scheme and the unfunded GSS transfer benefits attributable to members who transferred from the Pension Scheme, are assumed by the Treasurer. All other GSS obligations are funded by concurrent contributions made by the Department to the GESB.

3.1.1 Employee benefits expenses (continued)

The GESB and other fund providers administer public sector superannuation arrangements in Western Australia in accordance with legislative requirements. Eligibility criteria for membership in particular schemes for public sector employees vary according to commencement and implementation dates.

Judges pension liability: 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 62.5% of the Judge's pension entitlement on the Judge's death. The liability for Judges pensions as at 30 June 2019 was calculated by an independent external actuary.

The GESB 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 Account (Department of Treasury). The expense for Judges pension is included as an employee expense of the Department with a corresponding liability assumed by the Treasurer.

Key sources of estimation uncertainty – Judges Pension

Changes in the actuarial assumptions impact the carrying amount of the Judges Pension liability. At the end of 2019, the decrease in the discount rate and the increase in salary assumption resulted in a net increase in the Judges pension liability at the Department of Treasury.

Assumptions that are used to update the assessment of the defined benefit obligations of the Judges Pension Scheme include:

- Financial assumptions based on the expected change in future salary, discount rates and expected change in future pensions.
- Demographic assumptions based on the Whole of Government experience and include mortality rates, retirement rates, incapacity and withdrawal rates, the proportion of members with dependent spouses and dependent children and their age gap.

3.1.2 Employee-related provisions

Provision is made for benefits accruing to employees in respect of wages and salaries, annual leave and long service leave for services rendered up to the reporting date and recorded as an expense during the period the services are delivered.

| | 2019 \$'000 | 2018 \$'000 |
|---|----------------|----------------|
| Current | | |
| <u>Employee benefits provisions</u> | | |
| Annual leave ^(a) | 47,135 | 45,636 |
| Long service leave ^(b) | 80,431 | 77,431 |
| Superannuation | 10,578 | 10,086 |
| | 138,144 | 133,153 |
| <u>Other provisions</u> | | |
| Employment on-costs ^(c) | 6,379 | 6,154 |
| | 6,379 | 6,154 |
| Total current employee-related provision | 144,523 | 139,307 |

3.1.2 Employee-related provisions (continued)

| | 2019 \$'000 | 2018 \$'000 |
|---|----------------|----------------|
| Non-current | | |
| <u>Employee benefits provision</u> | | |
| Long service leave ^(b) | 26,033 | 23,211 |
| Superannuation | 2,593 | 2,311 |
| | 28,626 | 25,522 |
| <u>Other provisions</u> | | |
| Employment on-costs ^(c) | 1,302 | 1,161 |
| | 1,302 | 1,161 |
| Total non-current employee-related provision | 29,928 | 26,683 |
| Total employee-related provision | 174,451 | 165,990 |

^(a) Annual leave liabilities:

Classified as current as there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period.

Assessments indicate that actual settlement of the liabilities is expected to occur as follows:

| | 2019 \$'000 | 2018 \$'000 |
|---|----------------|----------------|
| Within 12 months of the end of the reporting period | 37,306 | 36,411 |
| More than 12 months after the end of the reporting period | 14,476 | 13,692 |
| | 51,782 | 50,103 |

The provision for annual leave is calculated at the present value of expected payments to be made in relation to services provided by employees up to the reporting date.

^(b) Long service leave liabilities:

Unconditional long service 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 end of the reporting period.

Pre-conditional and conditional long service leave provisions are classified as non-current liabilities because the Department has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

Assessments indicate that actual settlement of the liabilities is expected to occur as follows:

| | 2019 \$'000 | 2018 \$'000 |
|---|----------------|----------------|
| Within 12 months of the end of the reporting period | 34,896 | 33,154 |
| More than 12 months after the end of the reporting period | 80,093 | 75,418 |
| | 114,989 | 108,572 |

The provision for long service leave is calculated at present value as the Department does not expect to wholly settle the amounts within 12 months. The present value is measured taking into account the present value of expected future payments to be made in relation to services provided by employees up to the reporting date. These payments are estimated using the remuneration rate expected to apply at the time of settlement, discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

3.1.2 Employee-related provisions (continued)

(c) Employment on-costs:

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.

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 Note 3.7 'Other expenses', (apart from the unwinding of the discount (finance cost)) and are not included as part of the Department's 'employee benefits expense'. The related liability is included in 'Employment on-costs provision'.

| | 2019 \$'000 | 2018 \$'000 |
|---|----------------|----------------|
| Employment on-cost provision | | |
| Carrying amount at start of period | 7,315 | – |
| Contribution by owner | – | 6,056 |
| Additional provisions recognised | 366 | 1,259 |
| Carrying amount at end of period | 7,681 | 7,315 |

Key sources of estimation uncertainty – long service leave

Key estimates and assumptions concerning the future are based on historical experience and various other factors that have a significant risk of causing a material adjustment to the carrying amount of assets and liabilities within the next financial year.

Several estimates and assumptions are used in calculating the Department's long service leave provision. These include:

- Expected future salary rates
- Discount rates
- Employee retention rates; and
- Expected future payments

Changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision.

Any gain or loss following revaluation of the present value of long service leave liabilities is recognised as employee benefits expense.

3.2 Supplies and services

| | 2019 \$'000 | 2018 \$'000 |
|---|----------------|----------------|
| Supplies and services | | |
| Communication | 9,984 | 10,510 |
| Electricity, gas and water | 19,000 | 18,757 |
| Municipal rates and charges | 4,649 | 4,262 |
| Goods and services purchased | 41,245 | 39,329 |
| Livestock purchases | 5,454 | 5,881 |
| Plant, equipment and vehicle operating expenses | 4,961 | 4,504 |
| Computer services and licences | 30,540 | 31,392 |
| Private prison service & maintenance | 97,751 | 106,569 |
| Court security and custodial service | 64,799 | 64,235 |
| Service purchased from Not For Profit | 33,272 | 31,072 |
| Other services and contracts | 75,319 | 72,336 |
| Total supplies and services expenses | 386,974 | 388,847 |

Supplies and services are recognised as an expense in the reporting period in which they are incurred. The carrying amounts of any materials held for distribution are expensed when the materials are distributed.

3.3 Accommodation expenses

| | 2019 \$'000 | 2018 \$'000 |
|-------------------------------------|----------------|----------------|
| Accommodation expenses | | |
| Lease rentals | 57,792 | 57,356 |
| Total Accommodation expenses | 57,792 | 57,356 |

Operating lease payments are recognised on a straight line basis over the lease term, except where another systematic basis is more representative of the time pattern of the benefits derived from the use of the leased asset. Repairs, maintenance and cleaning costs are recognised as expenses as incurred.

3.4 Grants and subsidies

| | 2019 \$'000 | 2018 \$'000 |
|--|----------------|----------------|
| Recurrent | | |
| Accused Costs Payments | 4,267 | 3,359 |
| Criminal Injuries Compensation Payments ^(a) | 31,569 | 26,620 |
| Legal Aid Assistance Grant | 48,566 | 47,914 |
| Ex-Gratia Payments ^(b) | 4 | 1,140 |
| Act of Grace Payment ^(b) | — | 1,688 |
| Other grants and subsidies | 1,632 | 2,296 |
| Total grants and subsidies | 86,038 | 83,017 |

Transactions in which the Department provides goods, services, assets (or extinguishes a liability) or labour to another party without receiving approximately equal value in return are categorised as 'Grant expenses'. Grants can either be operating or capital in nature.

Grants can be paid as general purpose grants which refer to grants that are not subject to conditions regarding their use. Alternatively, they may be paid as specific purpose grants which are paid for a particular purpose and/or have conditions attached regarding their use.

Grants and other transfers to third parties (other than contribution to owners) are recognised as an expense in the reporting period in which they are paid or payable. They include transactions such as: grants, subsidies, personal benefit payments made in cash to individuals, other transfer payments made to public sector agencies, local government, non-government schools, and community groups.

The Department administers a number of grant and subsidy payments on behalf of the Government. Grant and subsidy liabilities are recognised to the extent that payments are in pursuance of the law (payable under legal liability) and the grant criteria have been satisfied but payments due have not been made. A commitment is recorded when the Government enters into a binding agreement to make a grant but criteria for payment has not been satisfied.

^(a) The *Criminal Injuries Compensation Act 2003 (WA)* provides for victims of crime to be compensated for injuries they have suffered as a consequence of the commission of an offence.

^(b) The Department from time to time processes act of grace and ex gratia payments on behalf of Government. 1 Ex gratia payment was made in that totalled \$4,000 and no Act of grace payments were made.

3.5 Prisoner gratuities

| | 2019 \$'000 | 2018 \$'000 |
|-------------------------------------|----------------|----------------|
| Payment to prisoners ^(a) | 11,605 | 11,210 |
| Total payment to prisoners | 11,605 | 11,210 |

^(a) Section 110 of the *Prisons Act 1981* allows the Governor to make regulations that prescribe gratuities and the conditions upon which gratuities may be credited to prisoners. Section 45 (2) of the *Prisons Regulations 1982* provides for the rates of gratuities to be credited to be varied each year according to the variation in the previous year of the Consumer Price Index (all groups) Perth as issued by the Australian Bureau of Statistics under the authority of the *Census and Statistics Act 1905* of the Commonwealth.

3.6 Loss on revaluation

| | 2019 \$'000 | 2018 \$'000 |
|----------------------------------|----------------|----------------|
| Buildings | 44,234 | 56,980 |
| Land | 3,534 | 10,980 |
| Total Loss on revaluation | 47,768 | 67,960 |

The loss on revaluation of Land and Building is a result of the machinery of government changes in 2017 that amalgamated the former Department of Corrective Services and the Department of the Attorney General. As there is no revaluation reserve the revaluation decrement is required to be disclosed in the statement of comprehensive income as an expense.

3.7 Other expenditure

| | 2019 \$'000 | 2018 \$'000 |
|--|----------------|----------------|
| Building repairs and maintenance | 26,702 | 27,198 |
| Plant, equipment and vehicle repairs and maintenance | 3,939 | 3,500 |
| Vehicle hire, fuel, registration and management fees | 2,798 | 2,640 |
| Insurance | 24,176 | 20,265 |
| Staff clothing and uniforms | 1,443 | 1,214 |
| Staff training | 1,225 | 1,003 |
| Staff accommodation | 15,587 | 15,109 |
| Travel and accommodation | 8,210 | 6,811 |
| Miscellaneous staff costs | 770 | 707 |
| Jurors' expense | 1,905 | 2,321 |
| Freight and couriers | 2,586 | 2,421 |
| Doubtful debts expense | — | 39 |
| Expected credit losses expense ^(a) | 18 | — |
| Employee on-costs | 366 | 1,259 |
| Other expenses | 3,473 | 3,546 |
| Total Other expenditure | 93,198 | 88,033 |

^(a) Expected credit losses were not measured in 2017-18.

Building repairs and maintenance

Repairs and maintenance costs are recognised as expenses as incurred, except where they relate to the replacement of a significant component of an asset. In that case, the costs are capitalised and depreciated.

Doubtful debt expenses

Doubtful debt expense was recognised as the movement in the allowance for doubtful debts. From 2018-19, **expected credit losses expense** is recognised as the movement in the allowance for expected credit losses. The allowance for expected credit losses of trade receivables is measured at the lifetime expected credit losses at each reporting date. The Department has established a provision matrix that is based on its historical credit loss experience, adjusted for forward-looking factors specific to the debtors and the economic environment. Please refer to note 6.1.1 'Movement in the allowance for impairment of receivables'.

Other expenses

Other operating expenses generally represent the day-to-day running costs incurred in normal operations.

Employee on-cost

Employee on-cost includes workers' compensation insurance and other employment on-costs. The on-costs liability associated with the recognition of annual and long service leave liabilities is included at Note 3.1.2(c) Employee-related provision. Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.

4. Our funding sources

How we obtain our funding

This section provides additional information about how the Department obtains its funding and the relevant accounting policy notes that govern the recognition and measurement of this funding. The primary income received by the Department and the relevant notes are:

| | Notes | 2019 \$'000 | 2018 \$'000 |
|---------------------------------------|-------|----------------|----------------|
| Income from State Government | 4.1 | 1,387,479 | 1,348,571 |
| User charges and fees | 4.2 | 113,109 | 108,558 |
| Sales | 4.3 | 13,344 | 12,955 |
| Commonwealth grants and contributions | 4.4 | 19,637 | 19,429 |
| Gains and losses | 4.5 | (129) | (26) |
| Other revenue | 4.6 | 22,218 | 22,809 |

4.1 Income from State Government

| | 2019 \$'000 | 2018 \$'000 |
|--|------------------|------------------|
| Appropriation received during the period: | | |
| Service appropriation ^(a) | 1,272,944 | 1,309,087 |
| | 1,272,944 | 1,309,087 |
| Liabilities assumed by the Treasurer during the period: | | |
| Judges' pensions ^(b) | 99,623 | 25,785 |
| Total liabilities assumed | 99,623 | 25,785 |
| Services received free of charge from other state government agencies during the period: | | |
| Western Australian Land Information Authority (Landgate) | 367 | 320 |
| Department of Finance | 2,236 | 2,218 |
| Department of Education | 2 | 1 |
| North Metropolitan Health Services | 1,949 | 1,787 |
| Department of Primary Industries and Regional Development | — | 1 |
| Total services received free of charge | 4,554 | 4,327 |
| Royalties for Regions Fund: | | |
| Regional infrastructure and headworks account ^(c) | 9,122 | 9,372 |
| Total Royalties for Regions Fund | 9,122 | 9,372 |
| Other revenue: | | |
| National Redress Scheme ^(d) | 1,236 | — |
| Total Other revenue | 1,236 | — |
| Total Income from State Government | 1,387,479 | 1,348,571 |

4.1 Income from State Government (continued)

- (a) **Service Appropriations** are recognised as revenues at fair value 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 to the bank account or credited to the 'Amounts receivable for services' (holding account) held at Treasury. Service appropriations fund the net cost of services delivered (set out in note 2.2). Appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account – note 6.2) comprises of the budgeted depreciation expense for the year and any agreed increase in leave liabilities during the year.
- (b) An actuarial assessment of the defined benefits obligations of the Judges Pension Scheme is undertaken on an annual basis, in accordance with AASB119 Employee Benefits.
- (c) **The Regional Infrastructure and Headworks Account** is a sub-fund within the over-arching 'Royalties for Regions Fund'. The recurrent funds are committed to projects and programs in WA regional areas and are recognised as revenue when the Department gains control on receipt of the funds.
- (d) The **National Redress Scheme** is in response to the Royal Commission into Institutional Responses to Child Sexual Abuse. The Western Australian Government's participation in the National Redress Scheme will recognise and provide support to Western Australians who have experienced child sexual abuse in institutions.

4.2 User charges and fees

| | 2019 \$'000 | 2018 \$'000 |
|---|----------------|----------------|
| Court fees | 79,210 | 75,549 |
| Public Trustee fees | 19,900 | 19,612 |
| Births, deaths and marriages fees | 7,501 | 7,600 |
| Legal services – State Solicitor's Office | 6,162 | 5,268 |
| Licences | 109 | 131 |
| Miscellaneous fees and charges | 227 | 398 |
| Total user charges and fees | 113,109 | 108,558 |

Revenue is recognised and measured at the fair value of consideration received or receivable. Revenue for provision of services is recognised by reference to the stage of completion of the transaction. However, where there is not an established pattern of income flow, revenue is recognised on a cash receipts basis.

Net Appropriation Determination

Pursuant to section 23 of the *Financial Management Act 2006*, 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 Trustee common fund interest revenues, legal services, workers compensation recoups and other miscellaneous revenues.

4.3 Trading Profit

| | 2019 \$'000 | 2018 \$'000 |
|------------------------|----------------|----------------|
| Sales | 13,344 | 12,955 |
| Cost of Sales: | | |
| Opening Inventory | (943) | – |
| Contribution by owners | – | (883) |
| Purchases | (12,891) | (12,461) |
| | (13,834) | (13,344) |
| Closing Inventory | 1,181 | 943 |
| Cost of Goods Sold | (12,653) | (12,401) |
| Trading Profit | 691 | 554 |

Closing Inventory comprises:

Current Inventories

Finished goods

Held for trading

1,181 943

Held for consumption

2,808 2,195

Total current inventories

3,989 3,138

Total Inventories

3,989 3,138

Sales

Revenue is recognised from the sale of goods when the significant risks and rewards of ownership transfer to the purchaser and can be measured reliably.

Inventories

Inventories held for trading are stated at cost, adjusted when applicable, for any loss of service potential. A loss of service potential is identified and measured based on the existence of a current replacement cost that is lower than the carrying amount.

Inventories (other than those held for trading) are stated at the lower of cost and net realisable value. Cost is calculated using the “first in first out” method. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

The cost of inventories acquired at no cost or for nominal consideration is the current replacement cost as at the date of acquisition. Current replacement cost is the cost the Department would incur to acquire the asset.

4.4 Commonwealth grants and contributions

| | 2019 \$'000 | 2018 \$'000 |
|---|----------------|----------------|
| Recurrent | | |
| Commonwealth grant for Family Court | 14,304 | 14,062 |
| Commonwealth accommodation for Family Court (non-cash contribution) | 4,577 | 4,577 |
| Commonwealth recoup for Christmas and Cocos Island | 273 | 283 |
| Commonwealth grant – other | 483 | 507 |
| Total Commonwealth grants and contributions | 19,637 | 19,429 |

For **non-reciprocal grants**, the Department recognises revenue when the grant is receivable at its fair value as and when its fair value can be reliably measured.

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

Christmas and Cocos Island

| | 2019 \$ | 2018 \$ |
|---|------------|------------|
| Opening Balance at start of period | 88 | 54 |
| Income | | |
| Commonwealth reimbursements | 273 | 283 |
| Total income | 273 | 283 |
| Expenses | | |
| Operating costs | 243 | 249 |
| Total expenses | 243 | 249 |
| Closing balance at end of period | 118 | 88 |

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

4.5 Gains and losses

| | 2019 \$'000 | 2018 \$'000 |
|---|----------------|----------------|
| <u>Net proceeds from disposal of non-current assets</u> | | |
| Plant, equipment and motor vehicles | 54 | 52 |
| <u>Carrying amount of non-current assets disposed</u> | | |
| Plant, equipment and motor vehicles | (183) | (78) |
| Net loss | (129) | (26) |

Realised and unrealised gains 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.

Gains and losses on the disposal of non-current assets are presented by deducting from the proceeds on disposal the carrying amount of the asset and related selling expenses. Gains and losses are recognised in profit or loss in the statement of comprehensive income (from the proceeds of sale).

4.6 Other revenue

| | 2019 \$'000 | 2018 \$'000 |
|--|----------------|----------------|
| Public Trustee – common fund surplus | 3,300 | 2,645 |
| Recoup of costs – Building Disputes Tribunal | 1,391 | 1,733 |
| Residential tenancies reimbursements | 1,950 | 1,973 |
| Criminal injuries payment recoveries | 1,625 | 1,548 |
| Recoup of salaries | 603 | 1,241 |
| Recoup of prisoner telephone expenditure | 3,729 | 3,714 |
| Recoup law library costs | 600 | 600 |
| Recoup legal costs | 1,812 | 413 |
| Recoup mental health costs | 449 | 441 |
| ACT Law Courts & Tribunal ICMS Project | 1,599 | 1,471 |
| Return of unspent Wandoo maintenance funds | – | 2,023 |
| Sale of goods and services | 2,194 | 2,493 |
| Other miscellaneous revenue | 2,966 | 2,514 |
| Total Other revenue | 22,218 | 22,809 |

Other revenue is recognised and measured at fair value of consideration received or receivable.

Criminal injuries revenue is recognised at the time payment is received. Outstanding criminal injuries 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*.

Residential tenancies reimbursements revenue is recognised at the time payment is received. The Rental Accommodation Account – Schedule 1 Division 1 Clause 3 (3) (b) (i) of the *Residential Tenancies Act 1987 (WA) (the Act)* provides for the reimbursement of costs and expenses incurred in the operation and administration of the Magistrates Court of Western Australia attributable to carrying out the Act.

Public Trustee – common fund surplus is revenue pursuant to section 6B(2)(b) of the *Public Trustee Act 1941* and regulation 6(b) of the *Public Trustee Regulations 1942*. Section 10.3 of the Current Agreement sets out the Common Fund surplus amount to be credited to the Consolidated Account. The Current Agreement is a written agreement between the Attorney General and the Public Trustee for a 12-month period. The amount is to be reduced by the excess of the overall revenue over the net operating expenses in line with the Public Trustee's self-funding commitment.

5. Key assets

Assets the Department utilises for economic benefit or service potential

This section includes information regarding the key assets the Department utilises to gain economic benefits or provide service potential. The section sets out both the key accounting policies and financial information about the performance of these assets:

| | Notes | 2019 \$'000 | 2018 \$'000 |
|-------------------------------|-------|----------------|----------------|
| Property, plant and equipment | 5.1 | 2,193,383 | 2,216,279 |
| Intangibles | 5.2 | 9,417 | 10,583 |

5.1 Property, plant and equipment

| Year ended 30 June 2019 | Land \$'000 | Buildings \$'000 | Leased buildings \$'000 | Leased vehicles \$'000 | Leasehold improve- ments \$'000 | Plant, equipment and motor vehicles \$'000 | Work in Progress \$'000 | Total \$'000 |
|---|----------------|---------------------|-------------------------------|------------------------------|--|--|-------------------------------|------------------|
| 1 July 2018 | | | | | | | | |
| Gross carrying amount | 168,510 | 1,564,183 | 411,587 | 1,784 | 66,691 | 83,961 | 8,648 | 2,305,364 |
| Accumulated depreciation | — | — | — | (1,437) | (39,081) | (48,567) | — | (89,085) |
| Carrying amount at start of period | 168,510 | 1,564,183 | 411,587 | 347 | 27,610 | 35,394 | 8,648 | 2,216,279 |
| Additions | — | 532 | 26 | — | 19 | 9,049 | 73,144 | 82,770 |
| Disposals | — | (990) | — | — | — | (183) | — | (1,173) |
| Transfers to/(from) work in progress | — | 11,158 | 295 | — | 311 | 7,953 | (19,717) | — |
| Revaluation decrements ^(a) | (3,534) | (38,253) | (5,981) | — | — | — | — | (47,768) |
| Expensed work in progress | — | — | — | — | — | — | (3,659) | (3,659) |
| Depreciation | — | (32,502) | (8,484) | (279) | (4,399) | (7,402) | — | (53,066) |
| Carrying amount at 30 June 2019 | 164,976 | 1,504,128 | 397,443 | 68 | 23,541 | 44,811 | 58,416 | 2,193,383 |
| Gross carrying amount | 164,976 | 1,504,128 | 397,443 | 1,784 | 60,279 | 99,632 | 58,416 | 2,286,658 |
| Accumulated depreciation | — | — | — | (1,716) | (36,738) | (54,821) | — | (93,275) |
| Accumulated impairment loss | — | — | — | — | — | — | — | — |

^(a) Recognised in the Statement of Comprehensive Income. Where an asset measured at cost is written-down to recoverable amount, an impairment loss is recognised in profit or loss. Where a previously revalued asset is written down to recoverable amount, the loss is recognised as a revaluation decrement in other comprehensive income. Information on fair value measurements is provided in Note 8.3.

The Department completed a comprehensive state wide asset verification project for the Department's custodial property, plant and equipment. The process identified water treatment plants and other assets which were not previously recognised. The adjustment is recognised as an adjustment to equity provided in Note 9.11.

5.1 Property, plant and equipment (continued)

| Year ended 30 June 2018 | Land \$'000 | Buildings \$'000 | Leased buildings \$'000 | Leased vehicles \$'000 | Leasehold improve- ments \$'000 | Plant, equipment and motor vehicles \$'000 | Work in Progress \$'000 | Total \$'000 |
|---|----------------|---------------------|-------------------------------|------------------------------|--|--|-------------------------------|------------------|
| 1 July 2017 | | | | | | | | |
| Gross carrying amount | — | — | — | — | — | — | — | — |
| Accumulated depreciation | — | — | — | — | — | — | — | — |
| Carrying amount at start of period | — | — | — | — | — | — | — | — |
| Additions | — | 571 | — | 214 | 142 | 3,133 | 23,686 | 27,746 |
| Disposal | — | — | — | — | — | (78) | — | (78) |
| Transfers to/(from) work in progress | 4,413 | 14,038 | (3,695) | — | 846 | 5,085 | (21,749) | (1,062) |
| Contribution by Owner ^(a) | 175,077 | 1,626,034 | 437,673 | 353 | 31,678 | 34,501 | 7,279 | 2,312,595 |
| Revaluation decrements ^(b) | (10,980) | (43,345) | (13,635) | — | — | — | — | (67,960) |
| Expensed work in progress | — | — | — | — | — | — | (568) | (568) |
| Depreciation | — | (33,115) | (8,756) | (220) | (5,056) | (7,247) | — | (54,394) |
| Carrying amount at 30 June 2018 | 168,510 | 1,564,183 | 411,587 | 347 | 27,610 | 35,394 | 8,648 | 2,216,279 |
| Gross carrying amount | 168,510 | 1,564,183 | 411,587 | 1,784 | 66,691 | 83,961 | 8,648 | 2,305,364 |
| Accumulated depreciation | — | — | — | (1,437) | (39,081) | (48,567) | — | (89,085) |
| Accumulated impairment loss | — | — | — | — | — | — | — | — |

^(a) An amount of \$2,312,595,000 was contributed by owners during the financial year; this contribution was as a result of the amalgamation of the former Department of Corrective Services and Department of the Attorney General.

^(b) Recognised in the Statement of Comprehensive Income. Where an asset measured at cost is written-down to recoverable amount, an impairment loss is recognised in profit or loss. Where a previously revalued asset is written down to recoverable amount, the loss is recognised as a revaluation decrement in other comprehensive income. Information on fair value measurements is provided in Note 8.3.

The Department of Planning, Lands and Heritage (DPLH) is the only Department with the power to sell Crown land. The land is transferred to DPLH for sale and the department accounts for the transfer as a distribution to owner.

Initial recognition

Items of property, plant and equipment, costing \$5,000 or more are measured initially at cost. Where an asset is acquired for no or nominal cost, the cost is valued at its fair value at the date of acquisition. Items of property, plant and equipment costing less than \$5,000 are immediately expensed direct to the Statement of Comprehensive Income (other than where they form part of a group of similar items which are significant in total).

Assets transferred as part of a machinery of government change are transferred at their fair value.

The cost of a leasehold improvement is capitalised and depreciated over the shorter of the remaining term of the lease or the estimated useful life of the leasehold improvement.

The initial cost for a non-financial physical asset under a finance lease is measured at amounts equal to the fair value of the leased asset or, if lower, the present value of the minimum lease payments, each determined at the inception of the lease.

5.1 Property, plant and equipment (continued)

Subsequent measurement

Subsequent to initial recognition of an asset, the revaluation model is used for the measurement of:

- land;
- buildings; and
- leased buildings

Land is carried at fair value.

Buildings and leased buildings are carried at fair value less accumulated depreciation and accumulated impairment losses.

All other property, plant and equipment are stated at historical cost less accumulated depreciation and accumulated impairment losses.

Land and buildings are independently valued annually by the Western Australian Land Information Authority (Valuations and Property Analytics) and recognised annually to ensure that the carrying amount does not differ materially from the asset's fair value at the end of the reporting period.

Land and buildings were revalued as at 1 July 2018 by the Western Australian Land Information Authority (Valuations and Property Analytics). The valuations were performed during the year ended 30 June 2019 and recognised at 30 June 2019. In undertaking the revaluation, fair value was determined by reference to market values for land: \$8,999,700 (2018: \$9,006,800) and buildings: \$1,062,300 (2018: \$965,000). For the remaining balance, fair value of buildings was determined on the basis of current replacement cost and fair value of land was determined on the basis of comparison with market evidence for land with low level utility (high restricted use land).

Revaluation model:

- (a) Fair Value where market-based evidence is available:

The fair value of land and buildings is determined on the basis of current market 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.

- (b) Fair value in the absence of market-based evidence:

Buildings are specialised or where land is restricted: Fair value of land and buildings is determined on the basis of existing use.

Existing use buildings: Fair value is determined by reference to the cost of replacing the remaining future economic benefits embodied in the asset, i.e. the current replacement cost. Where the fair value of buildings is determined on the current replacement cost basis, the gross carrying amount is adjusted in a manner that is consistent with the revaluation of the carrying amount of the asset and the accumulated depreciation is adjusted to equal the difference between the gross carrying amount and the carrying amount of the asset.

Restricted use land:

Fair value is determined by comparison with market evidence for land with similar approximate utility (high restricted use land) or market value of comparable unrestricted land (low restricted use land).

Significant assumptions and judgements:

The most significant assumptions and judgements in estimating fair value are made in assessing whether to apply the existing use basis to assets and in determining estimated economic life. Professional judgement by the valuer is required where the evidence does not provide a clear distinction between market type assets and existing use assets.

5.1.1 Depreciation and impairment

Charge for the period

| | 2019 \$'000 | 2018 \$'000 |
|---|----------------|----------------|
| <u>Depreciation</u> | | |
| Buildings | 32,502 | 33,115 |
| Plant equipment and motor vehicles | 7,402 | 7,247 |
| Leased buildings | 8,484 | 8,756 |
| Leased vehicles | 279 | 220 |
| Leasehold improvement | 4,399 | 5,056 |
| Total depreciation charge for the period | 53,066 | 54,394 |

As at 30 June 2019 there were no indications of impairment to property, plant and equipment.

All surplus assets at 30 June 2019 have either been classified as assets held for sale or have been written-off. Please refer to note 5.2 'Intangible Assets' for guidance in relation to the impairment assessment that has been performed for intangible assets.

Finite useful lives

All property, plant and equipment having a limited useful life are systematically depreciated over their estimated useful lives in a manner that reflects the consumption of their future economic benefits. The exceptions to this rule include assets held for sale, land and investment properties.

Depreciation is generally calculated on a straight line basis, at rates that allocate the asset's value, less any estimated residual value, over its estimated useful life. Typical estimated useful lives for the different asset classes for current and prior years are included in the table below:

| | |
|----------------------------------|--|
| Buildings | 50 years |
| Leased buildings | 50 years or remaining lease term, whichever is lower |
| Leasehold improvements | 10 years or remaining lease term, whichever is lower |
| Leased motor vehicles | 10 years or remaining lease term, whichever is lower |
| Computer software ^(a) | 5 years |
| Motor vehicles | 4 to 7 years |
| Office Equipment | 5 to 10 years |
| Plant and equipment | 2 to 15 years |
| Water treatment plants | 20 to 30 years |
| Orchard trees | 15 to 30 years |

^(a) *Software that is integral to the operation of related hardware.*

The estimated useful lives, residual values and depreciation method are reviewed at the end of each annual reporting period, and adjustments should be made where appropriate.

Leasehold improvements are depreciated over the shorter of the remaining lease term or the estimated useful lives.

Land which is considered to have an indefinite life is not depreciated. Depreciation is not recognised in respect of these properties because their service potential has not, in any material sense, been consumed during the reporting period.

Impairment

Non-financial assets, including items of plant and equipment, are tested for impairment whenever there is an indication that the asset may be impaired. 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 is written down to the recoverable amount and an impairment loss is recognised.

5.1.1 Depreciation and impairment (continued)

Where an asset measured at cost is written down to its recoverable amount, an impairment loss is recognised in profit or loss.

Where a previously revalued asset is written down to its recoverable amount, the loss is recognised as a revaluation decrement through other comprehensive income. As the Department is a not-for-profit entity, the recoverable amount of regularly revalued specialised assets is anticipated to be materially the same as fair value.

If there is an indication that there has been a reversal in impairment, the carrying amount shall be increased to its recoverable amount. However this reversal should not increase the asset's carrying amount above what would have been determined, net of depreciation or amortisation, if no impairment loss had been recognised in prior years.

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 the asset's future economic benefits and to evaluate any impairment risk from falling replacement costs.

5.2 Intangible assets

| Year ended 30 June 2018 | Computer Software \$'000 | Work in progress \$'000 | Total \$'000 |
|--|-----------------------------|----------------------------|-----------------|
| 1 July 2017 | | | |
| Carrying amount at start of period | – | – | – |
| Contribution by Owner ^(a) | 10,489 | – | 10,489 |
| Additions | 2,621 | 3,978 | 6,599 |
| Transfers | 2,306 | (1,244) | 1,062 |
| Impairment | (2,052) | (1,163) | (3,215) |
| Amortisation expense | (4,352) | – | (4,352) |
| Carrying amount at 30 June 2018 | 9,012 | 1,571 | 10,583 |

^(a) An amount of \$10,489,000 was contributed by owners during the financial year; this contribution was as a result of the amalgamation of the former Department of Corrective Services and Department of the Attorney General.

| Year ended 30 June 2019 | Computer Software \$'000 | Work in progress \$'000 | Total \$'000 |
|--|-----------------------------|----------------------------|-----------------|
| 1 July 2018 | | | |
| Carrying amount at start of period | 9,012 | 1,571 | 10,583 |
| Additions | – | 2,614 | 2,614 |
| Transfers | 198 | (198) | – |
| Expensed work in progress | – | (360) | (360) |
| Amortisation expense | (3,420) | – | (3,420) |
| Carrying amount at 30 June 2019 | 5,790 | 3,627 | 9,417 |

5.2 Intangible assets (continued)

Initial recognition

Acquisitions of intangible assets costing \$5,000 or more and internally generated intangible assets costing \$50,000 or more that comply with the recognition criteria as per AASB 138.57, are capitalised. Costs incurred below these thresholds are immediately expensed directly to the Statement of Comprehensive Income.

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.

An internally generated intangible asset arising from development (or from the development phase of an internal project) is recognised if, and only if, all of the following are demonstrated:

- (a) The technical feasibility of completing the intangible asset so that it will be available for use or sale;
- (b) An intention to complete the intangible asset and use or sell it;
- (c) The ability to use or sell the intangible asset;
- (d) The intangible asset will generate probable future economic benefit;
- (e) The availability of adequate technical, financial and other resources to complete the development and to use or sell the intangible asset;
- (f) The ability to measure reliably the expenditure attributable to the intangible asset during its development.

Costs incurred in the research phase of a project are immediately expensed.

Subsequent measurement

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

5.2.1 Amortisation and impairment

| | 2019 \$'000 | 2018 \$'000 |
|--|----------------|----------------|
| Charge for the period | | |
| Computer software | 3,420 | 4,352 |
| Total amortisation for the period | 3,420 | 4,352 |

As at 30 June 2019 there were no indications of impairment to intangible assets.

The Department held no goodwill or intangible assets with an indefinite useful life during the reporting period. At the end of the reporting period there were no intangible assets not yet available for use.

Amortisation of finite life intangible assets is calculated on a straight line basis at rates that allocate the asset's value over its estimated useful life. All intangible assets controlled by the Department have a finite useful life and zero residual value. Estimated useful lives are reviewed annually.

The expected useful lives for each class of intangible assets are:

Software ^(a) 5 years

^(a) Software that is not integral to the operation of any related hardware.

Impairment of intangible assets

Intangible assets with finite useful lives and those not available for use are tested for impairment annually or when an indication of impairment is identified.

The policy in connection with testing for impairment is outlined in note 5.1.1 'Depreciation and impairment'.

6. Other assets and liabilities

This section sets out those assets and liabilities that arose from the Department's controlled operations and includes other assets utilised for economic benefits and liabilities incurred during normal operations:

| | Notes | 2019 \$'000 | 2018 \$'000 |
|---|-------|----------------|----------------|
| Receivables | 6.1 | 19,061 | 16,284 |
| Amounts receivable for services (Holding Account) | 6.2 | 468,705 | 416,018 |
| Other current assets | 6.3 | 3,118 | 1,806 |
| Inventories | 4.3 | 3,989 | 3,138 |
| Biological assets | 6.4 | 2,047 | 1,963 |
| Payables | 6.5 | 108,502 | 93,412 |

6.1 Receivables

| | 2019 \$'000 | 2018 \$'000 |
|---|----------------|----------------|
| <u>Current</u> | | |
| Trade receivables | 6,992 | 6,041 |
| Allowance for impairment of trade receivables | (29) | (165) |
| GST receivable | 10,258 | 8,784 |
| Other receivables | 1,035 | 1,403 |
| Accrued revenue | 805 | 221 |
| Total current | 19,061 | 16,284 |

6.1.1 Movements in the allowance for impairment of receivables:

| | 2019 \$'000 | 2018 \$'000 |
|--|----------------|----------------|
| Reconciliation of changes in the allowance for impairment of trade receivables: | | |
| Balance at start of period | 165 | — |
| Remeasured under AASB 9 | (102) | — |
| Restated balance at start of period | 63 | — |
| Contribution by owner | — | 186 |
| Doubtful debts expense | — | 39 |
| Expected credit losses expense | 18 | — |
| Amounts written off during the period | (52) | (60) |
| Balance at end of period | 29 | 165 |

The maximum exposure to credit risk at the end of the reporting period for trade receivables is the carrying amount of the asset inclusive of any allowance for impairment as shown in the table at Note 8.1(c) 'Financial risk management'. The Department does not hold any collateral as security or other credit enhancements for trade receivables.

6.2 Amounts receivable for services (Holding Account)

| | 2019 \$'000 | 2018 \$'000 |
|---------------------------------|----------------|----------------|
| Current | 11,625 | 11,047 |
| Non-current | 457,080 | 404,971 |
| Balance at end of period | 468,705 | 416,018 |

Amounts receivable for services represent 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.

Amounts receivable for services are considered not impaired (i.e. there is no expected credit loss of the holding accounts).

6.3 Other current assets

| | 2019 \$'000 | 2018 \$'000 |
|-----------------------------------|----------------|----------------|
| Prepayments | 3,118 | 1,806 |
| Total other current assets | 3,118 | 1,806 |

Other non-financial assets include prepayments which represent payments in advance of receipt of goods or services or that part of expenditure made in one accounting period covering a term extending beyond that period.

6.4 Biological assets

| | 2019 \$'000 | 2018 \$'000 |
|----------------------|----------------|----------------|
| Biological assets | 2,047 | 1,963 |
| Total current | 2,047 | 1,963 |

Reconciliation of the fair value of biological assets at the beginning and end of the reporting period are set out below.

| | 2019 \$'000 | 2018 \$'000 |
|--|----------------|----------------|
| Biological assets | | |
| Carrying amount at start of period | 1,963 | — |
| Contribution by owners | — | 2,366 |
| Change in valuation of livestock, orchards and plantations | 84 | (403) |
| Carrying amount at end of period | 2,047 | 1,963 |

Livestock

Livestock are stated at fair value less estimated point-of-sale costs, with any resultant gain or loss recognised in the profit or loss. Point-of sale costs include all costs that would be necessary to sell the assets. The fair value of livestock is determined based on market prices of livestock of similar age, breed and generic merit.

6.4 Biological assets (continued)

Plantations

Immature plantations are stated at acquisition cost which includes costs incurred for field preparation, planting, fertilising and maintenance and an allocation of other indirect costs based on planted hectares.

Mature plantations are stated at fair value less estimated point-of-sale costs, with any resultant gain or loss recognised in the profit or loss. The fair value of the mature plantations is estimated by reference to the present value of expected net cash flows. The valuation is determined using the market price, discount rates, annual rate of inflation and the estimated yield of the fruits, net of maintenance and harvesting costs and any costs required to bring the trees to maturity. The estimated yield of the trees is dependent on the age of the trees, the location of the plantations, soil type and infrastructure. The market price of the produce is largely dependent on the prevailing market prices of the produce after harvest.

The fruits growing on the fruit trees have been valued using an adjusted cost method, which is the estimate of the yield and cost of the crop at harvest discounted for the remaining time to harvest, which approximate fair value.

Biological assets are revalued on an annual basis.

6.5 Payables

| | 2019 \$'000 | 2018 \$'000 |
|----------------------|----------------|----------------|
| Current | | |
| Trade payables | 56,939 | 52,266 |
| Gratuities | 1,288 | 1,029 |
| Accrued salaries | 2,836 | 3,707 |
| Accrued expenses | 47,439 | 36,410 |
| Total current | 108,502 | 93,412 |

Payables are recognised at the amounts payable 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 settlement is generally within 30 days.

Accrued salaries represent the amount due to staff but unpaid at the end of the financial year. Accrued salaries are settled within a fortnight of the financial year end. The Department considers the carrying amount of accrued salaries to be equivalent to its fair value.

The last pay day in 2018-2019 was 27 June 2019, therefore an accrual of 1 day was brought to account this financial year. The accrued salaries suspense account (see Note 7.4.1 'Restricted cash and cash equivalents') consists of amounts paid annually into a suspense account over a period of 10 financial years to largely meet the additional cash outflow in each eleventh year when 27 pay days occur instead of the normal 26. No interest is received on this account.

7. Financing

This section sets out the material balances and disclosures associated with the financing and cash flows of the Department:

| | Notes |
|--------------------------------------|-------|
| Borrowings | 7.1 |
| Finance Leases | 7.2 |
| Finance Costs | 7.3 |
| Cash and cash equivalents | 7.4 |
| Restricted cash and cash equivalents | 7.5 |
| Commitments | 7.6 |

7.1 Borrowings

| | 2019 \$'000 | 2018 \$'000 |
|--|----------------|----------------|
| <u>Current</u> | | |
| Finance lease liabilities (secured) ^(a) | 9,216 | 8,866 |
| Total current | 9,216 | 8,866 |
| <u>Non-current</u> | | |
| Finance lease liabilities (secured) ^(a) | 391,180 | 397,436 |
| Total non-current | 391,180 | 397,436 |
| Balance at end of period | 400,396 | 406,302 |

^(a) Lease liabilities are effectively secured as the rights to the leased assets revert to the lessor in the event of default.

| | 2019 \$'000 | 2018 \$'000 |
|---|----------------|----------------|
| Assets pledged as security | | |
| The carrying amounts of non-current assets pledged as security are: | | |
| Leased building | 397,443 | 411,587 |

The Department has secured the leased assets against the related finance lease liabilities. In the event of default, the rights to the leased assets will revert to the lessor.

7.2 Finance leases

As at 30 June 2018

| | CBD Courts Complex \$'000 | EGRP prison facility \$'000 | Fremantle Justice Complex \$'000 | State Fleet \$'000 | Total \$'000 |
|--|------------------------------------|--------------------------------------|---|-----------------------|-----------------|
| <i>Finance lease commitments</i> | | | | | |
| Minimum lease payments in relation to finance leases are payable as follows: | | | | | |
| Within 1 year | 18,419 | 24,435 | 1,562 | 247 | 44,663 |
| Later than 1 year and not later than 5 years | 82,251 | 96,088 | 6,245 | 72 | 184,656 |
| Later than 5 years | 223,684 | 392,969 | 3,903 | — | 620,556 |
| Minimum lease payments | 324,354 | 513,492 | 11,710 | 319 | 849,875 |
| Less future finance charges | (135,565) | (304,292) | (3,703) | (13) | (443,573) |
| Present value of finance lease liabilities | 188,789 | 209,200 | 8,007 | 306 | 406,302 |
| The present value of the finance lease liability is as follows: | | | | | |
| Within 1 year | 3,970 | 3,919 | 742 | 235 | 8,866 |
| Later than 1 year and not later than 5 years | 28,976 | 18,159 | 3,877 | 71 | 51,083 |
| Later than 5 years | 155,843 | 187,122 | 3,388 | — | 346,353 |
| Present value of finance lease liabilities | 188,789 | 209,200 | 8,007 | 306 | 406,302 |
| Included in the financial statements as: | | | | | |
| Current | 3,970 | 3,919 | 742 | 235 | 8,866 |
| Non-current | 184,819 | 205,281 | 7,265 | 71 | 397,436 |
| TOTAL | 188,789 | 209,200 | 8,007 | 306 | 406,302 |

7.2 Finance leases (continued)

| | As at 30 June 2019 | | | | |
|--|------------------------------|--------------------------------|-------------------------------------|-----------------------|-----------------|
| | CBD Courts Complex \$'000 | EGRP prison facility \$'000 | Fremantle Justice Complex \$'000 | State Fleet \$'000 | Total \$'000 |
| <i>Finance lease commitments</i> | | | | | |
| Minimum lease payments in relation to finance leases are payable as follows: | | | | | |
| Within 1 year | 19,943 | 24,311 | 1,561 | 72 | 45,887 |
| Later than 1 year and not later than 5 years | 86,193 | 95,378 | 6,245 | — | 187,816 |
| Later than 5 years | 197,193 | 369,368 | 2,342 | — | 568,903 |
| Minimum lease payments | 303,329 | 489,057 | 10,148 | 72 | 802,606 |
| Less future finance charges | (115,551) | (283,776) | (2,882) | (1) | (402,210) |
| Present value of finance lease liabilities | 187,778 | 205,281 | 7,266 | 71 | 400,396 |

The present value of the finance lease liability is as follows:

| | | | | | |
|---|----------------|----------------|--------------|-----------|----------------|
| Within 1 year | 4,188 | 4,136 | 821 | 71 | 9,216 |
| Later than 1 year and not later than 5 years | 38,175 | 19,288 | 4,305 | — | 61,768 |
| Later than 5 years | 145,415 | 181,857 | 2,140 | — | 329,412 |
| Present value of finance lease liabilities | 187,778 | 205,281 | 7,266 | 71 | 400,396 |

Included in the financial statements as:

| | | | | | |
|--------------|----------------|----------------|--------------|-----------|----------------|
| Current | 4,188 | 4,136 | 821 | 71 | 9,216 |
| Non-current | 183,590 | 201,145 | 6,445 | — | 391,180 |
| TOTAL | 187,778 | 205,281 | 7,266 | 71 | 400,396 |

The Department has the option to purchase leased assets at their agreed fair value on expiry of the lease. These leasing arrangements do not have escalation clauses, other than in the event of payment default. There are no restrictions imposed by these leasing arrangements on other financing transactions. Certain finance leases have a contingent rental obligation; however these are not material when compared to the total lease payments made.

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 buildings and vehicles under lease, 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.

CBD Courts Complex

In December 2004, the Department entered into an agreement to finance the development of a new purpose built District Court Building in Perth. Construction was completed in June 2009. Under this agreement ownership of the facility will transfer to the Department at the conclusion of the lease term.

7.2 Finance leases (continued)

Fremantle Justice Complex

In March 2001, the Department entered into a 25 year lease agreement for the procurement of the Fremantle Justice Complex. Under this arrangement, ownership of the facility will transfer to the Department at the conclusion of the lease term.

Eastern Goldfields Regional Prison

The State Government has partnered with a private consortium to build, finance and maintain the Eastern Goldfields Regional Prison (EGRP). The prison was constructed and made available to the Department on 7 August 2016. Throughout the life of the agreement, the consortium is to provide ongoing facilities management and maintenance services. The agreement ends in 2041. The Department makes quarterly service payments (QSPs) over the term which comprise of a repayment of the design and construction costs, maintenance costs, capital costs and costs associated with dismantling of the existing structure. The payment of the QSP relating to the design and construction will result in a reduction in the finance lease liability over time. The other components of the QSP are expensed as they are incurred.

The Department has accounted for these arrangements as finance leases as the economic substance of the arrangements are one of a lease. The leased asset/liabilities have been recognised at the lower of the fair value of leased property and the present value of the minimum lease payments.

7.3 Finance costs

| | 2019 \$'000 | 2018 \$'000 |
|-------------------------------|----------------|----------------|
| Finance lease charges | 34,622 | 36,025 |
| Finance costs expensed | 34,622 | 36,025 |

'Finance cost' includes the interest component of finance leases repayments.

7.4 Cash and cash equivalents

7.4.1 Reconciliation of cash

| | 2019 \$'000 | 2018 \$'000 |
|--|----------------|----------------|
| Cash and cash equivalents | 38,460 | 72,013 |
| | 38,460 | 72,013 |
| Restricted cash and cash equivalents | — | — |
| Unclaimed money | 3,545 | 3,887 |
| Royalties for regions | 2,648 | 709 |
| National redress scheme | 607 | — |
| Accrued salaries suspense account ^(a) | 7,820 | 4,762 |
| Balance at the end of period | 53,080 | 81,371 |

^(a) Funds held in the suspense account for the purpose of meeting the 27th pay in a reporting period that occurs every 11th year. This account is classified as non-current for 10 out of 11 years.

For the purpose of the Statement of Cash Flows, cash and cash equivalent (and restricted cash and cash equivalent) assets comprise cash on hand and short-term deposits with original maturities of three months or less that are readily convertible to a known amount of cash and where are subject to insignificant risk of changes in value.

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

| | 2019 \$'000 | 2018 \$'000 |
|---|--------------------|--------------------|
| Net cost of services | (1,467,349) | (1,412,992) |
| Non-cash Items | | |
| Depreciation and amortisation expense | 56,486 | 58,746 |
| Doubtful debts expense | — | 39 |
| Expected credit losses expense | 18 | — |
| Judges' Pensions expense – Liability assumed by the treasurer | 99,623 | 25,785 |
| Services received free of charge | 9,131 | 8,903 |
| Loss on disposal of property, plant and equipment | 183 | 46 |
| Gain on disposal of property, plant and equipment | (54) | (20) |
| Loss on revaluation of land and building | 47,768 | 67,960 |
| Change in fair value of biological assets | 84 | 403 |
| Write down of non-current assets | 4,202 | 3,861 |
| Canteen Sales | (13,344) | (12,955) |
| Telephone Recoups | (3,729) | (3,712) |
| Prisoner Gratuities | 11,605 | 11,210 |
| (Increase)/decrease in assets | | |
| Current receivables ^(a) | (2,777) | (678) |
| Other current assets | (1,890) | 585 |
| Current inventories | (851) | 191 |
| Increase/(decrease) in liabilities | | |
| Current payables ^(a) | 4,673 | 6,601 |
| Current provisions | 5,216 | (1,322) |
| Non-current provisions | 3,245 | (415) |
| Other current liabilities | 10,417 | 13,341 |
| Change in GST in receivables/payables ^(c) | (59,856) | (68,137) |
| Net GST receipts/(payments) ^(b) | 58,362 | 70,644 |
| Net cash used in operating activities | (1,238,837) | (1,231,916) |

^(a) Note that the Australian Taxation Office (ATO) receivable/payable in respect of GST and the receivable/payable in respect of the sale/purchase of non-current assets are not included in these items as they do not form part of the reconciling items.

^(b) This is the net GST paid/received.

^(c) This reverses out the GST in receivables and payables.

7.5 Restricted cash and cash equivalents

| | 2019 \$'000 | 2018 \$'000 |
|---|----------------|----------------|
| Current | | |
| Unclaimed Monies ^(a) | 3,545 | 3,887 |
| Royalties for Regions Fund | 2,648 | 709 |
| National redress scheme | 607 | – |
| | 6,800 | 4,596 |
| Non-current | | |
| Restricted cash and cash equivalents ^(b) | 7,820 | 4,762 |
| | 7,820 | 4,762 |

(a) Represents stale and unpresented cheques; rejected EFT payments and moneys held in suspense as the owners cannot be found.

(b) Funds held in the suspense account for the purpose of meeting the 27th pay in the financial year that occurs every 11-year.

7.6 Commitments

7.6.1 Non-cancellable operating lease commitments

Commitments for minimum lease payments are payable as follows:

| | 2019 \$'000 | 2018 \$'000 |
|--|----------------|----------------|
| Within 1 year | 53,393 | 60,505 |
| Later than 1 year and not later than 5 years | 136,099 | 162,643 |
| Later than 5 years | 474,827 | 563,889 |
| | 664,319 | 787,037 |

Operating leases are expensed on a straight line basis over the lease term as this represents the pattern of benefits derived from the leased properties.

The Department has entered into non-cancellable operating leases for the use of certain premises, motor vehicles and office equipment. The term of the leases varies between one and twenty five years, with rent payable monthly in advance.

Judgements made by management in applying accounting policies – operating lease commitments

The Department has entered into a number of leases for buildings for branch office accommodation. Some of these leases relate to buildings of a temporary nature and it has been determined that the lessor retains substantially all the risks and rewards incidental to ownership. Accordingly, these leases have been classified as operating leases.

7.6.2 Capital commitments

Capital expenditure commitments, being contracted capital expenditure additional to the amounts reported in the financial statements, are payable as follows:

| | 2019 \$'000 | 2018 \$'000 |
|--|----------------|----------------|
| Within 1 year | 87,036 | 40,614 |
| Later than 1 year and not later than 5 years | 10,230 | 14,468 |
| Later than 5 years | 49,355 | 52,494 |
| | 146,621 | 107,576 |

The totals presented for other capital expenditure commitments are all inclusive of GST.

7.6.3 Other expenditure commitments

Other expenditure commitments for operational services contracted for at the end of the reporting period but not recognised as liabilities, are payable as follows:

| | 2019 \$'000 | 2018 \$'000 |
|--|------------------|------------------|
| Within 1 year | 219,928 | 209,097 |
| Later than 1 year and not later than 5 years | 410,511 | 461,400 |
| Later than 5 years | 628,614 | 709,130 |
| | 1,259,053 | 1,379,627 |

The totals presented for other expenditure commitments are all inclusive of GST.

Other expenditure commitments include the provisioning of Court Security & Custodial Services contracted, 'privately-operated' Acacia Prison and Melaleuca Remand and Reintegration Facility, the public private partnership with Eastern Goldfields Regional Prison contract and provision of Information Services related contracts.

The Court Security & Custodial Services contract expires March 2022 and has an extension clause providing for two further extensions of 5 years each. The commitment contains both fixed cost and estimated variable costs. The estimate for future variable costs is based on recent demand for services, which may be subject to change in future reporting periods.

The Acacia Prison Services Agreement (for the operation of Acacia by Serco) expires in May 2021.

The Acacia Prison Maintenance Agreement (for the maintenance of Acacia by Sodexo) expires in March 2021.

The Melaleuca Remand and Reintegration Facility contract expires December 2021 and has an extension clause providing for two further extensions of 5 years each.

Provisioning of Information Services and insurance related contracts as follows:

- Microsoft Enterprise Agreement for supply of Microsoft product licenses contract expires May 2020 and has no extension option available.
- Switchboard and Reception Services contract expires April 2020 and has no extension option available.
- Infrastructure Contracts expires December 2019.
- Enterprise and Cloud Architecture Services contract expires January 2020 and has three options to extend the term, each option having up to one year duration.
- HR & Payroll System expires January 2020.
- Application Support Contract expires August 2019.
- Prisoner Telephony System contract expires March 2021.
- Risk Cover for the period up to 30 June 2020.
- Various GovNext contracts expires within three years.
- Other various telecommunication contracts expiring within two years.

8. Risks and Contingencies

This section sets out the key risk management policies and measurement techniques of the Department.

| | Notes |
|-----------------------------------|-------|
| Financial risk management | 8.1 |
| Contingent assets and liabilities | 8.2 |
| Fair value measurements | 8.3 |

8.1 Financial risk management

Financial instruments held by the Department are cash and cash equivalents, restricted cash and cash equivalents, receivables, payables and finance leases. The Department has limited exposure to financial risks. The Department's overall risk management program focuses on managing the risks identified below.

(a) Summary of risks and risk management

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. Credit risk also arises from cash and cash equivalents held at banks and financial institutions.

The maximum exposure to credit risk at the end of the reporting period in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any allowance for impairment as shown in the table at Note 8.1(c) 'Financial risk management' and Note 6.1 'Receivables'.

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 end of the reporting period there were no significant concentrations of credit risk.

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 and keeping regular communications with the Departments of Treasury 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 because it does not hold investments in securities or bonds.

The majority of the cash and cash equivalents and restricted cash balances are deposited in non-interest bearing accounts. All of the finance lease liabilities have fixed interest rates and are carried at amortised cost. They are therefore not subject to interest rate risk as defined in AASB 7: Financial Instruments: Disclosures, since neither the carrying amount nor the future cash flows will fluctuate because of a change in market interest rates.

8.1 Financial risk management (continued)

(b) Categories of financial instruments

The carrying amounts of each of the following categories of financial assets and financial liabilities at the end of the reporting period are as follows:

| | 2019 \$'000 | 2018 \$'000 |
|---|----------------|----------------|
| Financial assets | | |
| Cash and cash equivalents | 38,460 | 72,013 |
| Restricted cash and cash equivalents | 14,620 | 9,358 |
| Receivables ^(a) | — | 7,500 |
| Financial assets at amortised cost ^(a) | 8,803 | — |
| Amounts receivable for services | 468,705 | 416,018 |
| Total financial assets | 530,588 | 504,889 |
| Financial liabilities | | |
| Finance lease liabilities | 400,396 | 406,302 |
| Financial liabilities at amortised cost | 108,502 | 93,412 |
| Total financial liabilities | 508,898 | 499,714 |

^(a) The amount of Receivables/Financial assets at amortised cost excludes GST recoverable from the Australian Taxation Office (statutory receivable).

(c) Credit risk exposure

| | Total \$'000 | Days past due | | | | |
|--|-----------------|-------------------|--------------------|----------------------|----------------------|--------------------|
| | | Current \$'000 | <30 Days \$'000 | 31-60 days \$'000 | 61-90 days \$'000 | >91 days \$'000 |
| 30 June 2019 | | | | | | |
| Expected credit loss rate | | 0.08% | 0.34% | 2.46% | 2.29% | 4.93% |
| Estimated total gross carrying amount at default | 6,992 | 6,273 | 179 | 128 | 24 | 388 |
| Expected credit losses | (29) | (5) | (1) | (3) | (1) | (19) |
| 1 July 2018 (Remeasurement) | | | | | | |
| Expected credit loss rate | | 0.03% | 0.56% | 1.08% | 2.64% | 17.36% |
| Estimated total gross carrying amount at default | 6,041 | 5,211 | 344 | 63 | 103 | 320 |
| Expected credit losses | (63) | (2) | (2) | (1) | (3) | (55) |

The above table details the credit risk exposure on the Department's trade receivables using a provision matrix.

Notes to the Financial Statements

8.1 Financial risk management (continued)

(d) Liquidity risk and interest rate exposure

The following table details the Department's interest rate exposure and the contractual maturity analysis of financial assets and financial liabilities. The maturity analysis section includes interest and principal cash flows. The interest rate exposure section analyses only the carrying amounts of each item.

| | Weighted average effective interest rate | Interest rate exposure | | | | Maturity dates | | | | | |
|---|--|------------------------|----------------------------|-------------------------------|-----------------------------|-----------------------|----------------------|-------------------|---------------------------|------------------|--------------------------|
| | | Carrying amount \$'000 | Fixed interest rate \$'000 | Variable interest rate \$'000 | Non-interest bearing \$'000 | Nominal amount \$'000 | Up to 1 month \$'000 | 1-3 months \$'000 | 3 months to 1 year \$'000 | 1-5 years \$'000 | More than 5 years \$'000 |
| 2019 | | | | | | | | | | | |
| Financial Assets | | | | | | | | | | | |
| Cash and cash equivalents | | 38,460 | – | – | 38,460 | 38,460 | – | – | – | – | – |
| Restricted cash and cash equivalents | | 14,620 | – | – | 14,620 | 14,620 | 6,800 | – | – | – | 7,820 |
| Financial assets at amortised cost ^(a) | | 8,803 | – | – | 8,803 | 8,803 | 8,803 | – | – | – | – |
| Amounts receivable for services | | 468,705 | – | – | 468,705 | 468,705 | 1,341 | 1,788 | 8,496 | 46,500 | 410,580 |
| | | 530,588 | – | – | 530,588 | 530,588 | 55,404 | 1,788 | 8,496 | 46,500 | 418,400 |
| Financial Liabilities | | | | | | | | | | | |
| Financial liabilities at amortised cost | | 108,502 | | | 108,502 | 108,502 | 108,502 | – | – | – | – |
| Finance lease liabilities | 8.67% | 400,396 | 400,396 | – | – | 802,606 | 1,699 | 9,866 | 34,322 | 187,815 | 568,903 |
| | | 508,898 | 400,396 | – | 108,502 | 911,108 | 110,201 | 9,866 | 34,322 | 187,815 | 568,903 |

^(a) The amount of receivables/Financial assets at amortised costs excludes GST recoverable from the Australian Taxation Office (statutory receivable). Impaired receivables have also been excluded.

Notes to the Financial Statements

8.1 Financial risk management (continued)

(d) Liquidity risk and interest rate exposure

The following table details the Department's interest rate exposure and the contractual maturity analysis of financial assets and financial liabilities. The maturity analysis section includes interest and principal cash flows. The interest rate exposure section analyses only the carrying amounts of each item.

| | Weighted average effective interest rate | Interest rate exposure | | | | Maturity dates | | | | | |
|---|--|------------------------|----------------------------|-------------------------------|-----------------------------|-----------------------|----------------------|-------------------|---------------------------|------------------|--------------------------|
| | | Carrying amount \$'000 | Fixed interest rate \$'000 | Variable interest rate \$'000 | Non-interest bearing \$'000 | Nominal amount \$'000 | Up to 1 month \$'000 | 1-3 months \$'000 | 3 months to 1 year \$'000 | 1-5 years \$'000 | More than 5 years \$'000 |
| 2018 | | | | | | | | | | | |
| Financial Assets | | | | | | | | | | | |
| Cash and cash equivalents | | 72,013 | – | – | 72,013 | 72,013 | – | – | – | – | – |
| Restricted cash and cash equivalents | | 9,358 | – | – | 9,358 | 9,358 | 4,596 | – | – | – | 4,762 |
| Receivables ^(a) | | 7,500 | – | – | 7,500 | 7,500 | 7,500 | – | – | – | – |
| Amounts receivable for services | | 416,018 | – | – | 416,018 | 416,018 | 1,272 | 1,700 | 8,075 | 46,500 | 358,471 |
| | | 504,889 | – | – | 504,889 | 504,889 | 85,381 | 1,700 | 8,075 | 46,500 | 363,233 |
| Financial Liabilities | | | | | | | | | | | |
| Financial liabilities at amortised cost | | 93,412 | – | – | 93,412 | 93,412 | 93,412 | – | – | – | – |
| Finance lease liabilities | 8.87% | 406,302 | 406,302 | – | – | 849,875 | 1,578 | 9,676 | 33,408 | 199,655 | 605,558 |
| | | 499,714 | 406,302 | – | 93,412 | 943,287 | 94,990 | 9,676 | 33,408 | 199,655 | 605,558 |

^(a) The amount of receivables excludes GST recoverable from the Australian Taxation Office (statutory receivable). Impaired receivables have also been excluded.

8.2 Contingent assets and liabilities

Contingent assets and contingent liabilities are not recognised in the statement of financial position but are disclosed and, if quantifiable, are measured at the best estimate.

Contingent assets and liabilities are presented inclusive of GST receivable or payable respectively.

8.2.1 Contingent assets

The following contingent assets are additional to the assets included in the financial statements:

| | 2019 \$'000 | 2018 \$'000 |
|--|----------------|----------------|
| Recovery of court costs | 536 | — |
| Claims against the general public and offenders from the Department of Justice | 76 | — |
| | 612 | — |

8.2.2 Contingent liabilities

The following contingent liabilities are additional to the liabilities included in the financial statements:

| | 2019 \$'000 | 2018 \$'000 |
|--|----------------|----------------|
| Litigation in progress | | |
| Claims against the Department of Justice from the general public and offenders | 933 | 955 |
| Criminal injuries compensation court appeals | 1,680 | 2,010 |
| | 2,613 | 2,965 |

Disclosure regarding criminal injuries

The contingent liability for criminal injuries is in relation to the *Criminal Injuries Compensation Act 2003* (the Act) to compensate applicants for injuries and some losses suffered as a consequence of an offence. Compensation can be awarded for bodily harm, mental and nervous shock, and pregnancy suffered as a consequence of an offence. Compensation is available for pain and suffering, loss of enjoyment of life, loss of income, the cost of reports, some personal items and treatment expenses. The maximum amount payable is \$75,000 for an offence committed in Western Australia after 1 January 2004, and lesser amounts for offences prior to that.

The Department is unable to accurately provide the value of unassessed claims as each application is individually considered before a final value is determined. The number of unassessed claims for the financial year ended 30 June 2019 is 4,213 (2018: 4,188). A more comprehensive annual report on the operations of the Office of Criminal Injuries Compensation is provided each year to the Attorney General for State Parliament by the Chief Assessor under section 62 of the *Criminal Injuries Compensation Act 2003 (WA)*.

Contaminated sites

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

Karnet Prison Farm – the contaminated site classified as remediation required. The Department of Biodiversity, Conservation and Attractions (DBCA) have undertaken preliminary inspections and are working with the Department to finalise the issue. The site has been cleaned and rehabilitated and approved by DBCA, who are working with the Department of Justice (DoJ) to have the land vested appropriately with the DoJ.

Riverbank Detention Centre – the site was identified as a potential contaminated site in 2003, there have been a couple of investigations undertaken, one in 2006 and 2010. The 2010 tests undertaken by Property Fire Maintenance and tested by the ChemCentre and SGC Australia indicated no contamination detected.

Acacia Prison Wastewater – reported as suspected contaminated site to DWER. This has yet to be classified. The department will assess the likely outcome of the classification.

8.3 Fair value measurements

| | Level 1 \$'000 | Level 2 \$'000 | Level 3 \$'000 | Fair value at end of period \$'000 |
|---------------------------------------|-------------------|-------------------|-------------------|--|
| Assets measured at fair value: | | | | |
| 2019 | | | | |
| Land (Note 5.1) | — | 9,000 | 155,976 | 164,976 |
| Buildings (Note 5.1) | — | 1,062 | 1,503,066 | 1,504,128 |
| Leased buildings (Note 5.1) | — | — | 397,443 | 397,443 |
| | — | 10,062 | 2,056,485 | 2,066,547 |
| Assets measured at fair value: | | | | |
| 2018 | | | | |
| Land (Note 5.1) | — | 9,006 | 159,504 | 168,510 |
| Buildings (Note 5.1) | — | 965 | 1,563,218 | 1,564,183 |
| Leased buildings (Note 5.1) | — | — | 411,587 | 411,587 |
| | — | 9,971 | 2,134,309 | 2,144,280 |

There were no transfers between Levels 1, 2 or 3 during the current and previous periods.

Valuation techniques to derive Level 2 fair values

Level 2 fair values of non-current assets held for sale, Land and Buildings (office accommodation) are derived using the market approach. Market evidence of sales prices of comparable land and buildings (office accommodation) in close proximity is used to determine price per square metre. Non-current assets held for sale have been written down to fair value less costs to sell. Fair value has been determined by reference to market evidence of sales prices of comparable assets.

Fair value measurements using significant unobservable inputs (Level 3)

| | Land \$'000 | Buildings \$'000 | Leased Buildings \$'000 |
|--|----------------|---------------------|-------------------------------|
| 2019 | | | |
| Fair Value at start of period | 159,504 | 1,563,218 | 411,587 |
| Additions | - | 532 | 26 |
| Disposals | - | (990) | - |
| Revaluation decrements in Other Comprehensive Income | (3,528) | (38,369) | (5,981) |
| Transfers from work in progress | - | 11,158 | 295 |
| Depreciation expense | - | (32,483) | (8,484) |
| Fair Value at end of period | 155,976 | 1,503,066 | 397,443 |

8.3 Fair value measurements (continued)

Fair value measurements using significant unobservable inputs (Level 3)

| | Land \$'000 | Buildings \$'000 | Leased Buildings \$'000 |
|--|----------------|---------------------|-------------------------------|
| 2018 | | | |
| Fair Value at start of period | - | - | - |
| Additions | - | 571 | - |
| Contribution by owner | 165,283 | 1,625,596 | 437,673 |
| Revaluation decrements in Other Comprehensive Income | (10,192) | (43,882) | (13,635) |
| Transfers from work in progress | - | 14,038 | 718 |
| Transfers from/(to) | 4,413 | - | (4,413) |
| Depreciation expense | - | (33,105) | (8,756) |
| Fair Value at end of period | 159,504 | 1,563,218 | 411,587 |

Valuation processes

There were no changes in valuation techniques during the period.

Transfers in and out of a fair value level are recognised on the date of the event or change in circumstances that caused the transfer. Transfers are generally limited to assets newly classified as non-current assets held for sale as Treasurer's instructions require valuations of land, buildings and infrastructure to be categorised within Level 3 where the valuations will utilise significant Level 3 inputs on a recurring basis.

Land (Level 3 fair values)

Fair value for restricted use land is based on comparison with market evidence for land with low level utility (high restricted use land). The relevant comparators of land with low level utility is selected by the Western Australian Land Information Authority (Valuations and Property Analytics) and represents the application of a significant Level 3 input in this valuation methodology. The fair value measurement is sensitive to values of comparator land, with higher values of comparator land correlating with higher estimated fair values of land.

Buildings (Level 3 fair values)

Fair value for existing use specialised buildings and infrastructure assets is determined by reference to the cost of replacing the remaining future economic benefits embodied in the asset, i.e. the current replacement cost. Current replacement cost is generally determined by reference to the market observable replacement cost of a substitute asset of comparable utility and the gross project size specifications, adjusted for obsolescence. Obsolescence encompasses physical deterioration, functional (technological) obsolescence and economic (external) obsolescence.

Valuation using current replacement cost utilises the significant Level 3 input, consumed economic benefit/obsolescence of asset which is estimated by the Western Australian Land Information Authority (Valuations and Property Analytics). The fair value measurement is sensitive to the estimate of consumption/obsolescence, with higher values of the estimate correlating with lower estimated fair values of buildings.

Basis of Valuation

In the absence of market-based evidence, due to the specialised nature of some non-financial assets, these assets are valued at Level 3 of the fair value hierarchy on an existing use basis. The existing use basis recognises that restrictions or limitations have been placed on their use and disposal when they are not determined to be surplus to requirements. These restrictions are imposed by virtue of the assets being held to deliver a specific community service.

9. Other disclosures

This section includes additional material disclosures required by accounting standards or other pronouncements, for the understanding of this financial report.

| | Notes |
|--|-------|
| Events occurring after the end of the reporting period | 9.1 |
| Initial application of Australian Accounting Standards | 9.2 |
| Future impact of Australian accounting standards not yet operative | 9.3 |
| Key management personnel | 9.4 |
| Related party transactions | 9.5 |
| Related bodies | 9.6 |
| Affiliated bodies | 9.7 |
| Special purpose accounts | 9.8 |
| Remuneration of auditors | 9.9 |
| Resources provided free of charge | 9.10 |
| Equity | 9.11 |
| Supplementary financial information | 9.12 |
| Explanatory statement (controlled operations) | 9.13 |

9.1 Events occurring after the end of the reporting period

There were no events occurring after the end of the reporting period.

9.2 Initial application of Australian Accounting Standards

AASB 9 Financial instruments

AASB 9 Financial instruments replaces AASB 139 *Financial instruments: Recognition and Measurements* for annual reporting periods beginning on or after 1 January 2018, bringing together all three aspects of the accounting for financial instruments: classification and measurement; impairment; and hedge accounting.

The Department applied AASB 9 prospectively, with an initial application date of 1 July 2018. The adoption of AASB 9 has resulted in changes in accounting policies and adjustments to the amounts recognised in the financial statements. In accordance with AASB 9.7.2.15, the Department has not restated the comparative information which continues to be reported under AASB 139. Differences arising from adoption have been recognised directly in Accumulated surplus/(deficit).

The effect of adopting AASB 9 as at 1 July 2018 was, as follows:

| | Adjustments | 2018 \$'000 |
|------------------------------------|-------------|----------------|
| Assets | | |
| Trade receivables | (a),(b) | 102 |
| Loans and advances | (a) | — |
| Total Assets | | 102 |
| Total adjustments on Equity | | |
| Accumulated surplus/(deficit) | (a),(b) | 102 |
| | | 102 |

9.2 Initial application of Australian Accounting Standards (continued)

The nature of these adjustments are described below:

(a) Classification and measurement

Under AASB 9, financial assets are subsequently measured at amortised cost, fair value through other comprehensive income (fair value through OCI) or fair value through profit or loss (fair value through P/L). The classification is based on two criteria: the Department's business model for managing the assets; and whether the assets' contractual cash flows represent 'solely payments of principal and interest' on the principal amount outstanding.

The assessment of the Department's business model was made as of the date of initial application, 1 July 2018. The assessment of whether contractual cash flows on financial assets are solely comprised of principal and interest was made based on the facts and circumstances as at the initial recognition of the assets.

The classification and measurement requirements of AASB 9 did not have a significant impact to the Department. The following are the changes in the classification of the Department's financial assets:

- Trade receivables and Loans and advances (i.e. Other debtors) classified as Loans and receivables as at 30 June 2018 are held to collect contractual cash flows and give rise to cash flows representing solely payments of principal and interest. These are classified and measured as financial assets at amortised cost beginning 1 July 2018.
- The Department did not designate any financial assets as at fair value through P/L.

In summary, upon the adoption of AASB 9, the Department had the following required (or elected) reclassifications as at 1 July 2018:

| | AASB 9 category | | | |
|---------------------------------|-----------------|--------------------------|-------------------------------------|-------------------------------------|
| | \$'000 | Amortised cost \$'000 | Fair value through OCI \$'000 | Fair value through P/L \$'000 |
| AASB 139 category | | | | |
| Amounts receivable for services | 416,018 | 416,018 | — | — |
| Trade receivables | 5,876 | 5,978 | — | — |
| Loans and advances | - | - | — | — |
| | | 421,996 | — | — |

(b) Impairment

The adoption of AASB 9 has fundamentally changed the Department's accounting for impairment losses for financial assets by replacing AASB 139's incurred loss approach with a forward-looking expected credit loss (ECL) approach. AASB 9 requires the Department to recognise an allowance for ECLs for all financial assets not held at fair value through P/L.

Upon adoption of AASB 9, the Department recognised a reduced impairment on the Department's Trade receivables of \$102,192 which resulted in a decrease in Accumulated deficit of \$102,192 as at 1 July 2018.

Set out below is the reconciliation of the ending impairment allowances in accordance with AASB 139 to the opening loss allowances determined in accordance with AASB 9:

| | Impairment under AASB 139 as at 30 June 2018 \$'000 | Remeasurement \$'000 | ECL Under AASB 9 as at 1 July 2018 \$'000 |
|--|--|-------------------------|--|
| Loans and receivables under AASB 139 / Financial assets at amortised cost under AASB 9 | 165 | (102) | 63 |
| | 165 | (102) | 63 |

9.3 Future impact of Australian Accounting Standards not yet operative

The Department cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 Application of Australian Accounting Standards and Other Pronouncements or by an exemption from TI 1101. Where applicable, the Department plans to apply the following Australian Accounting Standards from their application date.

| | | Operative for reporting periods beginning on/after |
|---------|--|--|
| AASB 15 | <p><i>Revenue from Contracts with Customers</i></p> <p>This Standard establishes the principles that the Department shall apply to report useful information to users of financial statements about the nature, amount, timing and uncertainty of revenue and cash flows arising from contracts with customers. The mandatory effective date of this Standard is currently 1 January 2019 after being amended by AASB 2016-7.</p> <p>The Department's income is primarily derived from appropriations which will be measured under AASB 1058, and thus will not be materially affected by this change. Although the recognition of 'user charges and fees', 'sales' and 'other revenue' will be deferred until the department has discharged its performance obligations, these revenues are expected to be fully recognised at year-end and no contract liability will exist.</p> <p>The Department will adopt the modified retrospective approach on transition to AASB 15. No comparative information will be restated under this approach, and the department will recognise the cumulative effect of initially applying the Standard as an adjustment to the opening balance of accumulated surplus/(deficit) at the date of initial application.</p> | 1 Jan 2019 |
| AASB 16 | <p><i>Leases</i></p> <p>This Standard introduces a single lessee accounting model and requires a lessee to recognise assets and liabilities for all leases with a term of more than 12 months, unless the underlying asset is of low value.</p> <p>The recognition of additional assets and liabilities, mainly from operating leases, will increase the Department's total assets by \$519,091,948 and total liabilities by \$519,091,948. This will have an equity impact of \$0 on 1 July 2019. In addition, interest and depreciation expenses will increase, offset by a decrease in rental expense for the year ending 30 June 2020 and beyond. The above assessment is based on the following accounting policy positions :</p> <ul style="list-style-type: none"> • Option 1/Option 2 of the modified retrospective approach on transition; • the 'low value asset' threshold set at AUD \$5,000 (unless GROH, GOA or State Fleet); • For leases classified as 'short term' (12 months or less), these are not recognised under AASB 16 (unless GROH, GOA or State Fleet); • Land, buildings and investment property ROU assets are measured under the fair value model, subsequent to initial recognition; and • Discount rates are sourced from WA Treasury Corporation (WATC). <p>The Department will adopt the modified retrospective approach on transition to AASB 16. No comparative information will be restated under this approach, and the Department will recognise the cumulative effect of initially applying the Standard as an adjustment to the opening balance of accumulated surplus/(deficit) at the date of initial application.</p> | 1 Jan 2019 |

9.3 Future impact of Australian Accounting Standards not yet operative (continued)

| | | Operative for reporting periods beginning on/after |
|-------------|---|--|
| AASB 1058 | <p><i>Income of Not-for-Profit Entities</i></p> <p>This Standard clarifies and simplifies the income recognition requirements that apply to not-for-profit (NFP) entities, more closely reflecting the economic reality of NFP entity transactions that are not contracts with customers. Timing of income recognition is dependent on whether such a transaction gives rise to a liability or other performance obligation (a promise to transfer a good or service), or a contribution by owners, related to an asset (such as cash or another asset) received by a Department.</p> <p>AASB 1058 will have no impact on appropriations and recurrent grants received by the department – they will continue to be recognised as income when funds are deposited in the bank account or credited to the holding account. The department has determined that a portion of revenue from capital grants will be deferred into future reporting periods. This will result in an equity impact of \$0 on 1 July 2019.</p> <p>The department will adopt the modified retrospective approach on transition to AASB 1058. No comparative information will be restated under this approach, and the department will recognise the cumulative effect of initially applying the Standard as an adjustment to the opening balance of accumulated surplus/(deficit) at the date of initial application.</p> | 1 Jan 2019 |
| AASB 1059 | <p><i>Service Concession Arrangements: Grantors</i></p> <p>This Standard addresses the accounting for a service concession arrangement (a type of public private partnership) by a grantor that is a public sector department by prescribing the accounting for the arrangement from the grantor's perspective. Timing and measurement for the recognition of a specific asset class occurs on commencement of the arrangement and the accounting for associated liabilities is determined by whether the grantee is paid by the grantor or users of the public service provided.</p> <p>The mandatory effective date of this Standard is currently 1 January 2020 after being amended by AASB 2018-5.</p> <p>The department does not manage any public private partnership that is within the scope of the Standard.</p> | 1 Jan 2020 |
| AASB 2016-8 | <p><i>Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities</i></p> <p>This Standard inserts Australian requirements and authoritative implementation guidance for not-for-profit entities into AASB 9 and AASB 15. This guidance assists not-for-profit entities in applying those Standards to particular transactions and other events. There is no financial impact.</p> | 1 Jan 2019 |
| AASB 2018-4 | <p><i>Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Public Sector Licensors</i></p> <p>This Standard amends AASB 15 to add requirements and authoritative implementation guidance for application by not-for-profit public sector licensors to transactions involving the issue of licences. There is no financial impact as the Department does not issue licences.</p> | 1 Jan 2019 |

| | | Operative for reporting periods beginning on/after |
|-------------|--|--|
| AASB 2018-5 | <p><i>Amendments to Australian Accounting Standards – Deferral of AASB 1059</i></p> <p>This Standard amends the mandatory effective date of AASB 1059 so that AASB 1059 is required to be applied for annual reporting periods beginning on or after 1 January 2020 instead of 1 January 2019. There is no financial impact.</p> | 1 Jan 2019 |
| AASB 2018-7 | <p><i>Amendments to Australian Accounting Standards – Definition of Material</i></p> <p>This Standard clarifies the definition of material and its application by improving the wording and aligning the definition across AASB Standards and other publications. There is no financial impact.</p> | 1 Jan 2020 |
| AASB 2018-8 | <p><i>Amendments to Australian Accounting Standards – Right-of-Use Assets of Not-for-Profit Entities</i></p> <p>This Standard provides a temporary option for not-for-profit entities to not apply the fair value initial measurement requirements for right-of-use assets arising under leases with significantly below-market terms and conditions principally to enable the entity to further its objectives.</p> <p>The department will elect to apply the option to measure right-of-use assets under peppercorn leases at cost (which is generally about \$1). As a result, the financial impact of this Standard is not material.</p> | 1 Jan 2019 |

9.4 Key management personnel

The Department has determined key management personnel to include cabinet ministers and senior officers of the Department. The Department does not incur expenditures to compensate Ministers and those disclosures may be found in the Annual Report on State Finances.

The total fees, salaries, superannuation, non-monetary benefits and other benefits for senior officers of the Department for the reporting period are presented within the following bands:

| | 2019 | 2018 |
|--|---------------|---------------|
| Compensation band (\$) | | |
| 820,001 – 830,000 | – | 1 |
| 620,001 – 630,000 | 2 | – |
| 610,001 – 620,000 | – | 1 |
| 570,001 – 580,000 | 1 | – |
| 550,001 – 560,000 | – | 1 |
| 440,001 – 450,000 | 1 | – |
| 350,001 – 360,000 | – | 2 |
| 330,001 – 340,000 | 1 | – |
| 310,001 – 320,000 | 1 | – |
| 300,001 – 310,000 | – | 1 |
| 260,001 – 270,000 | – | 1 |
| 240,001 – 250,000 | 1 | 2 |
| 210,001 – 220,000 | 1 | 1 |
| 200,001 – 210,000 | 1 | – |
| 170,001 – 180,000 | – | 1 |
| 120,001 – 130,000 | 1 | – |
| 100,001 – 110,000 | 1 | – |
| 80,001 – 90,000 | – | 1 |
| 70,001 – 80,000 | 1 | – |
| | 2019 | 2018 |
| | \$'000 | \$'000 |
| Short-term employee benefits | 3,261 | 3,390 |
| Post-employment benefits | 283 | 293 |
| Other long-term benefits | 350 | 546 |
| Termination benefits | – | – |
| Total compensation of senior officers | 3,894 | 4,229 |

Total compensation includes the superannuation expense incurred by the Department in respect of senior officers.

9.5 Related party transactions

The Department is a wholly owned and controlled entity of the State of Western Australia.

Related parties of the Department include:

- all cabinet ministers and their close family members, and their controlled or jointly controlled entities;
- all senior officers and their close family members, and their controlled or jointly controlled entities;
- other departments and statutory authorities, including related bodies, that are included in the whole of government consolidated financial statements (i.e. wholly-owned public sector entities);
- associates and joint ventures of a wholly-owned public sector entity; and
- the Government Employees Superannuation Board (GESB).

All related party transactions have been entered into on an arm's length basis.

Significant transactions with government related entities

Significant transactions include:

- income from State Government (Note 4.1);
- equity contributions (Note 9.11);
- superannuation payments to GESB (3.1.1);
- lease rentals payments to the Department of Finance (Note 3.3) and related outstanding balances (Note 6.5);
- insurance payments to the Insurance Commission of WA and Risk Cover (Note 3.7)
- Legal Aid assistance grant (Note 3.4);
- Income from Public Trustee (Note 4.2 and 4.6);
- services provided free of charge to other agencies (Note 9.10); and
- remuneration for services provided by the Auditor General (Note 9.9).

Material transactions with related parties

Outside of normal citizen type transactions with the Department, there were no other related party transactions that involved key management personnel and/or their close family members and/or their controlled (or jointly controlled) entities.

9.6 Related bodies

A related body is a body that receives more than half of its funding and resources from a Department and is subject to operational control by that Department. The Department has no related bodies during the financial year.

9.7 Affiliated bodies

An affiliated body is a body that receives more than half its funding and resources from a Department but is not subject to operational control by that Department. The following agencies receive more than half their funding and resources from the Department but are not subject to operational control by it and are therefore considered to be affiliated body under the *Financial Management Act 2006*:

| | 2019 \$'000 | 2018 \$'000 |
|--|----------------|----------------|
| The Legal Aid Commission of Western Australia (Note 3.4) | 48,566 | 47,914 |
| The Legal Costs Committee | 52 | 55 |
| The Law Reform Commission of Western Australia | 179 | 175 |

9.8 Special purpose accounts

During the reporting period the Department maintained the following special purpose accounts:

| Account name | 2018-2019 | | |
|--|-------------------|----------|-------------------|
| | Opening | Receipts | Closing |
| | Balance \$'000 | \$'000 | Balance \$'000 |
| 1 Courts Trust Account | 11,964 | 44,180 | (34,107) |
| 2 Sheriff's and District Court Bailiff's Trust Account | 148 | 422 | (423) |
| 3 Prisoners Private Cash Trust Account | 231 | 9,291 | (9,252) |
| 4 Juveniles' Private Cash Trust Account | 24 | 15 | (37) |

The following table summarises the purpose of the special purpose accounts maintained by the Department:

| Account name | Purpose of the Special Purpose Account |
|--|--|
| 1 Courts Trust Account | To hold moneys paid into the Supreme, District, Family, Children's and Magistrates Courts in civil and criminal actions, as ordered by those Courts; to hold moneys paid into the Sheriff's Office for service and enforcement action; and to hold moneys collected in the course of Court activities for disbursement to other parties. |
| 2 Sheriff's and District Court Bailiff's Trust Account | To hold monies collected from the Execution by the Sheriff, Supreme Court or Bailiff District Courts of Western Australia. |
| 3 Prisoners Private Cash Trust Account | To hold funds in trust for prisoner's private use. |
| 4 Juveniles' Private Cash Trust Account | To hold funds in trust for Juvenile offenders under the Juvenile Justice Program. |

The above accounts have been established under section 16.1(c) of the *Financial Management Act of 2006*

9.9 Remuneration of auditors

Remuneration paid or payable to the Auditor General in respect of the audit for the current financial year is as follows:

| | 2019 \$'000 | 2018 \$'000 |
|--|----------------|----------------|
| Auditing the accounts, financial statements, controls and key performance indicators | 402 | 386 |

9.10 Resources provided free of charge

During the period the following services were provided to other agencies free of charge for functions outside the normal operations of the Department:

| | 2019 \$'000 | 2018 \$'000 |
|---|----------------|----------------|
| Legal services provided by the State Solicitor's Office to: | | |
| Department of Biodiversity, Conservation and Attractions | 708 | 933 |
| Department of Communities | 2,565 | 1,275 |
| Department of Education | 1,144 | 845 |
| Department of Finance | 1,791 | 1,747 |
| Department of Health | 1,848 | 654 |
| Department of Jobs, Tourism, Science and Innovation | 1,013 | 458 |
| Department of Local Government, Sport and Cultural Industries | 347 | 751 |
| Department of Mines, Industry Regulation and Safety | 1,895 | 2,172 |
| Department of Planning, Lands and Heritage | 2,556 | 2,840 |
| Department of Premier and Cabinet | 3,221 | 2,625 |
| Department of Primary Industries and Regional Development | 1,584 | 924 |
| Department of Transport | 500 | 459 |
| Department of Treasury | 1,099 | 846 |
| Department of Water and Environmental Regulation | 1,177 | 1,341 |
| Insurance Commission of Western Australia | 294 | 957 |
| Main Roads | 1,394 | 1,141 |
| Public Transport Authority | 480 | 1,842 |
| South Metropolitan Health Services | 192 | 385 |
| Western Australia Police Force | 2,001 | 419 |
| Western Australian Land Information Authority | 333 | 425 |
| WA Country Health Service | 222 | 296 |
| Other ^(a) | 3,607 | 2,753 |
| Corporate support provided by the Department to: | | |
| Commissioner for Children and Young People | 99 | 112 |
| Law Reform Commission | 179 | 175 |
| Legal Costs Committee | 52 | 55 |
| Office of the Director of Public Prosecutions | 889 | 972 |
| Parliamentary Inspector of the Corruption and Crime Commission of Western Australia | 135 | 144 |
| Professional Standards Council | 52 | 44 |
| | 31,377 | 27,590 |

^(a) Comprises 64 agencies

9.11 Equity

| | 2019 \$'000 | 2018 \$'000 |
|--|------------------|------------------|
| <u>Contributed equity</u> | | |
| Balance at start of period | 2,146,159 | – |
| <i>Contributions by owners</i> | | |
| Capital appropriation | 48,255 | 22,323 |
| <i>Other contributions by owners</i> | | |
| Royalties for Regions Fund – Regional Infrastructure and Headworks Account | 13,136 | 1,605 |
| <i>Transfer of net assets from other agencies</i> | | |
| Transfers as a result of restructure of administrative arrangements – Machinery of Government: | | |
| Department of Corrective Services | – | 1,546,542 |
| Department of the Attorney General | – | 575,689 |
| Total contributions by owners | 61,391 | 2,146,159 |
| Balance at end of period | 2,207,550 | 2,146,159 |
| <u>Accumulated deficit</u> | | |
| Balance at start of period | (64,421) | – |
| Changes in accounting policy or correction of prior period errors | 102 | – |
| Recognition of property, plant and equipment not previously recognised ^(a) | 6,090 | – |
| Result for the period | (79,870) | (64,421) |
| Balance at end of period | (138,099) | (64,421) |
| Total Equity at end of period | 2,069,451 | 2,081,738 |

^(a) The Department completed a comprehensive state wide asset verification project for the Departments custodial property, plant and equipment. The process identified water treatment plants and other assets which were not previously recognised.

9.12 Supplementary financial information

(a) Write-offs

During the financial year, assets, revenue and outstanding debts owed to the state were written off under the authority of:

| | 2019 \$'000 | 2018 \$'000 |
|---------------------------|----------------|----------------|
| The Accountable Authority | 78 | 83 |
| | 78 | 83 |

Administered (Fines Enforcement Registry)

| | 2019 \$'000 | 2018 \$'000 |
|---------------------------|----------------|----------------|
| The Accountable Authority | 18,084 | 21,246 |
| The Minister | 150 | 150 |
| The Governor | 250 | – |
| | 18,484 | 21,396 |

Administered (Criminal Injuries Compensation Act)

| | 2019 \$'000 | 2018 \$'000 |
|---------------------------|----------------|----------------|
| The Accountable Authority | 587 | 881 |
| | 587 | 881 |

(b) Losses through theft, defaults and other causes

| | 2019 \$'000 | 2018 \$'000 |
|---|----------------|----------------|
| Losses of public money and public and other property through theft or default | – | 17 |
| Amounts recovered | – | (14) |
| | – | 3 |

(c) Gifts of public property

No gifts of public property were provided by the Department.

9.13 Explanatory statement (Controlled operations)

All variances between estimates (original budget) and actual results for 2018 are shown below. Narratives are provided for selected major variances, which are generally greater than:

- 5% and \$ 25 million for the Statements of Comprehensive Income and Cash Flows; and
- 5% and \$ 25 million for the Statement of Financial Position.

9.13 Explanatory statement (Controlled operations) (continued)

Statement of Comprehensive Income Variances

| | Variance note | Estimate 2019 \$'000 | Actual 2019 \$'000 | Actual 2018 \$'000 | Variance between estimate and actual \$'000 | Variance between actual results for 2019 and 2018 \$'000 |
|--|------------------|----------------------------|--------------------------|--------------------------|---|---|
| Expenses | | | | | | |
| Employee benefits expenses | 1, A | 740,740 | 848,392 | 773,122 | 107,652 | 75,270 |
| Supplies and services | | 384,435 | 386,974 | 388,847 | 2,539 | (1,873) |
| Depreciation and amortisation expense | | 61,608 | 56,486 | 58,746 | (5,122) | (2,260) |
| Finance costs | | 35,906 | 34,622 | 36,025 | (1,284) | (1,403) |
| Accommodation expenses | | 54,932 | 57,792 | 57,356 | 2,860 | 436 |
| Grants and subsidies | | 81,821 | 86,038 | 83,017 | 4,217 | 3,021 |
| Prisoner gratuities | | 12,763 | 11,605 | 11,210 | (1,158) | 395 |
| Cost of sales | | 12,797 | 12,653 | 12,401 | (144) | 252 |
| Loss on disposal on non-current asset | | — | 129 | 26 | 129 | 103 |
| Loss on revaluation | 2 | — | 47,768 | 67,960 | 47,768 | (20,192) |
| Other expenses | | 87,096 | 93,198 | 88,033 | 6,102 | 5,165 |
| Total cost of services | | 1,472,098 | 1,635,657 | 1,576,743 | 163,559 | 58,914 |
| Income | | | | | | |
| Revenue | | | | | | |
| User charges and fees | | 116,258 | 113,109 | 108,558 | (3,149) | 4,551 |
| Sales | | 12,207 | 13,344 | 12,955 | 1,137 | 389 |
| Commonwealth grants and contributions | | 20,214 | 19,637 | 19,429 | (577) | 208 |
| Other revenue | | 20,898 | 22,218 | 22,809 | 1,320 | (591) |
| Total Revenue | | 169,577 | 168,308 | 163,751 | (1,269) | 4,557 |
| Total income other than income from State Government | | 169,577 | 168,308 | 163,751 | (1,269) | 4,557 |
| NET COST OF SERVICES | | 1,302,521 | 1,467,349 | 1,412,992 | 164,828 | 54,357 |
| Income from State Government | | | | | | |
| Service appropriation | B | 1,273,646 | 1,272,944 | 1,309,087 | (702) | (36,143) |
| Liabilities assumed | 3, C | 16,450 | 99,623 | 25,785 | 83,173 | 73,838 |
| Services received free of charge | | 3,828 | 4,554 | 4,327 | 726 | 227 |
| Royalties for Regions Fund | | 8,918 | 9,122 | 9,372 | 204 | (250) |
| Other revenue | | — | 1,236 | — | 1,236 | 1,236 |
| Total income from State Government | | 1,302,842 | 1,387,479 | 1,348,571 | 84,637 | 38,908 |
| SURPLUS/(DEFICIT) FOR THE PERIOD | | 321 | (79,870) | (64,421) | (80,191) | (15,449) |
| OTHER COMPREHENSIVE INCOME | | | | | | |
| Items not reclassified subsequently to profit or loss | | | | | | |
| Changes in asset revaluation surplus | | — | — | — | — | — |
| Total other comprehensive income | | — | — | — | — | — |
| TOTAL COMPREHENSIVE INCOME/(LOSS) FOR THE PERIOD | | 321 | (79,870) | (64,421) | (80,191) | (15,449) |

9.13 Explanatory statement (Controlled operations) (continued)

Statement of Financial Position Variances

| | Variance note | Estimate 2019 \$'000 | Actual 2019 \$'000 | Actual 2018 \$'000 | Variance between estimate and actual \$'000 | Variance between actual results for 2019 and 2018 \$'000 |
|--------------------------------------|------------------|----------------------------|--------------------------|--------------------------|---|---|
| ASSETS | | | | | | |
| <u>Current Assets</u> | | | | | | |
| Cash and cash equivalents | D | 46,382 | 38,460 | 72,013 | (7,922) | (33,553) |
| Restricted cash and cash equivalents | | 8,855 | 6,800 | 4,596 | (2,055) | 2,204 |
| Inventories | | 1,200 | 3,989 | 3,138 | 2,789 | 851 |
| Receivables | | 15,609 | 19,061 | 16,284 | 3,452 | 2,777 |
| Amounts receivable for services | | 11,625 | 11,625 | 11,047 | – | 578 |
| Other current assets | | 3,888 | 3,118 | 1,806 | (770) | 1,312 |
| Biological assets | | 2,579 | 2,047 | 1,963 | (532) | 84 |
| Total Current Assets | | 90,138 | 85,100 | 110,847 | (5,038) | (25,747) |
| <u>Non-Current Assets</u> | | | | | | |
| Restricted cash and cash equivalents | | 4,204 | 7,820 | 4,762 | 3,616 | 3,058 |
| Amounts receivable for services | | 458,843 | 457,080 | 404,971 | (1,763) | 52,109 |
| Property, plant and equipment | 4 | 2,328,243 | 2,193,383 | 2,216,279 | (134,860) | (22,896) |
| Intangible assets | | 5,147 | 9,417 | 10,583 | 4,270 | (1,166) |
| Total Non-Current Assets | | 2,796,437 | 2,667,700 | 2,636,595 | (128,737) | 31,105 |
| TOTAL ASSETS | | 2,886,575 | 2,752,800 | 2,747,442 | (133,775) | 5,358 |
| LIABILITIES | | | | | | |
| <u>Current Liabilities</u> | | | | | | |
| Payables | 5 | 72,823 | 108,502 | 93,412 | 35,679 | 15,090 |
| Borrowings | | 11,691 | 9,216 | 8,866 | (2,475) | 350 |
| Provisions | | 141,245 | 144,523 | 139,307 | 3,278 | 5,216 |
| Total Current Liabilities | | 225,759 | 262,241 | 241,585 | 36,482 | 20,656 |
| <u>Non-Current Liabilities</u> | | | | | | |
| Borrowings | | 387,862 | 391,180 | 397,436 | 3,318 | (6,256) |
| Provisions | | 31,899 | 29,928 | 26,683 | (1,971) | 3,245 |
| Total Non-Current Liabilities | | 419,761 | 421,108 | 424,119 | 1,347 | (3,011) |
| TOTAL LIABILITIES | | 645,520 | 683,349 | 665,704 | 37,829 | 17,645 |
| NET ASSETS | | 2,241,055 | 2,069,451 | 2,081,738 | (171,604) | (12,287) |
| EQUITY | | | | | | |
| Contributed equity | | 1,502,290 | 2,207,550 | 2,146,159 | 705,260 | 61,391 |
| Reserves | | 741,180 | – | – | (741,180) | – |
| Accumulated surplus | | (2,415) | (138,099) | (64,421) | (135,684) | (73,678) |
| TOTAL EQUITY | | 2,241,055 | 2,069,451 | 2,081,738 | (171,604) | (12,287) |

9.13 Explanatory statement (Controlled operations) (continued)

Statement of Cash Flows Variances

| | Variance note | Estimate 2019 \$'000 | Actual 2019 \$'000 | Actual 2018 \$'000 | Variance between estimate and actual \$'000 | Variance between actual results for 2019 and 2018 \$'000 |
|---|------------------|----------------------------|--------------------------|--------------------------|---|---|
| CASH FLOWS FROM STATE GOVERNMENT | | | | | | |
| Service appropriation | E | 1,209,638 | 1,209,210 | 1,249,051 | (428) | (39,841) |
| Capital appropriation | | 18,859 | 19,039 | 22,323 | 180 | (3,284) |
| Equity contribution | F | 52,119 | 29,216 | 65,757 | (22,903) | (36,541) |
| Holding account drawdown | | 11,047 | 11,047 | 10,628 | – | 419 |
| Royalties for Regions Fund | | 28,812 | 22,258 | 9,543 | (6,554) | 12,715 |
| Net cash provided by State Government | | 1,320,475 | 1,290,770 | 1,357,302 | (29,705) | (66,532) |
| Utilised as follows: | | | | | | |
| CASH FLOWS FROM OPERATING ACTIVITIES | | | | | | |
| <u>Payments</u> | | | | | | |
| Employees benefits | | (720,778) | (741,914) | (749,128) | (21,136) | 7,214 |
| Grants and subsidies | | (94,608) | (86,038) | (83,016) | 8,570 | (3,022) |
| Supplies and services | | (376,240) | (375,328) | (374,656) | 912 | (672) |
| Accommodation | | (62,939) | (53,215) | (52,779) | 9,724 | (436) |
| Finance costs | | (34,633) | (34,622) | (36,025) | 11 | 1,403 |
| GST payments on purchases | | (51,721) | (64,496) | (74,576) | (12,775) | 10,080 |
| GST payments to taxation authority | | – | (4,713) | (4,393) | (4,713) | (320) |
| Other payments | | (90,197) | (92,877) | (81,257) | (2,680) | (11,620) |
| <u>Receipts</u> | | | | | | |
| Sales of goods and services | | 1,084 | 2,194 | 2,493 | 1,110 | (299) |
| User charges and fees | | 119,127 | 113,098 | 108,537 | (6,029) | 4,561 |
| Commonwealth grants and contributions | | 15,432 | 15,060 | 14,852 | (372) | 208 |
| GST receipts on sales | | – | 4,606 | 4,682 | 4,606 | (76) |
| GST receipts from taxation authority | | 53,359 | 63,075 | 75,037 | 9,716 | (11,962) |
| Other receipts | | 29,357 | 16,333 | 18,313 | (13,024) | (1,980) |
| Net cash used in operating activities | | (1,212,757) | (1,238,837) | (1,231,916) | (26,080) | (6,921) |
| CASH FLOW FROM INVESTING ACTIVITIES | | | | | | |
| <u>Payments</u> | | | | | | |
| Purchase of non-current physical assets | G | (94,613) | (74,372) | (34,345) | 20,241 | (40,027) |
| <u>Receipts</u> | | | | | | |
| Proceeds from sale of non-current physical assets | | – | 54 | 52 | 54 | 2 |
| Net cash used in investing activities | | (94,613) | (74,318) | (34,293) | 20,295 | (40,025) |
| CASH FLOW FROM FINANCING ACTIVITIES | | | | | | |
| <u>Payments</u> | | | | | | |
| Repayment of borrowings | | (11,838) | (11,059) | (9,722) | 779 | (1,337) |
| <u>Receipts</u> | | | | | | |
| Proceeds from borrowings | | – | 5,153 | – | 5,153 | 5,135 |
| Net cash used in financing activities | | (11,838) | (5,906) | (9,722) | 5,932 | 3,816 |
| Net increase/(decrease) in cash and cash equivalents | | 1,267 | (28,291) | 81,371 | (29,558) | (109,662) |
| Cash and cash equivalents at the beginning of the period | | 81,371 | 81,371 | – | – | 81,371 |
| CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD | | 82,638 | 53,080 | 81,371 | (29,558) | (28,291) |

9.13 Explanatory statement (Controlled operations) (continued)

Major Variance Narratives

Variances between estimate and actual for 2019

- 1) Employee benefits exceeded estimates by \$108 million (15%) mainly due to higher actuarial assessment of the judges' pension-liability and higher employment cost in Corrective Services.
- 2) Revaluation variances arise as the Department budget estimates do not allow for changes in the valuations of Land and Buildings. The loss on revaluation of Land and Buildings has been disclosed in the Statement of Comprehensive Income as an expense as there is no revaluation reserve.
- 3) Liabilities assumed by the treasurer exceeded budget estimate \$83 million (506%) due to higher actuarial assessment of the Judges' pension-liability. The higher pension liability is due to a reduction of the discount rate.
- 4) Property, plant and equipment was lower than estimate by \$135 million (6%) as a result of losses on revaluation of land and buildings.
- 5) Payable were higher than estimates due to an increase in short term obligations from current contracts and a higher opening balance at 30 June 2018.

Variances between actual results for 2019 and 2018

- A. Employee benefits expenses increased by \$75 million (10%) mainly due to higher actuarial assessment of the judges' pension-liability.
- B. Service appropriation decreased by \$36 million (2.8%) largely due to the completion of redundancies program in the prior financial year.
- C. Liabilities assumed increased by \$73.8 million (286%) due to a higher actuarial assessment of the judges' pension-liability as a result of the deterioration of the discount rate from last financial year.
- D. The cash and cash equivalents reduction of \$33 million (46%) is mainly attributable to the reduction in service appropriation and higher operating costs.
- E. See B above.
- F. Capital appropriation decreased by \$37 million (56%) utilised for expansion of various prison facilities including upgrading the Broome prison site, an additional 212 capacity at Wooroloo prison and an additional 512 capacity at Casuarina prison.
- G. Purchase of non-current assets increased by \$40 million (116%) for the expansion of various prison facilities including upgrading the Broome prison site, an additional 212 capacity at Wooroloo prison and an additional 512 capacity at Casuarina prison.

10. Administered disclosures

This section sets out all of the statutory disclosures regarding the financial performance of the entity.

| | Notes |
|---|-------|
| Disclosure of administered income and expenses by service | 10.1 |
| Explanatory statement for Administered Items | 10.2 |
| Administered assets and liabilities | 10.3 |

10.1 Disclosure of administered income and expenses by service

| | Court and Tribunal Services | | Services to Government | | General – Not Attributed | | Total | |
|--|--------------------------------|----------------|---------------------------|----------------|-----------------------------|----------------|----------------|----------------|
| | 2019 \$'000 | 2018 \$'000 | 2019 \$'000 | 2018 \$'000 | 2019 \$'000 | 2018 \$'000 | 2019 \$'000 | 2018 \$'000 |
| INCOME FROM ADMINISTERED ITEMS | | | | | | | | |
| <u>Income</u> | | | | | | | | |
| Judicial fines and penalties | 31,098 | 39,075 | – | – | – | – | 31,098 | 39,075 |
| Infringement penalties | 11,546 | 11,255 | – | – | – | – | 11,546 | 11,255 |
| Copyright income received on behalf of the State | – | 1 | – | – | – | – | – | 1 |
| Revenue for transfer – other Government agencies | – | – | 18,618 | 20,485 | – | – | 18,618 | 20,485 |
| Criminal property confiscations | – | – | 10,706 | 8,482 | – | – | 10,706 | 8,482 |
| Law Library Fund | – | – | – | – | 600 | 600 | 600 | 600 |
| Land acquisition | – | – | 111,473 | 101,475 | – | – | 111,473 | 101,475 |
| Other | 114 | 441 | – | – | 982 | 588 | 1,096 | 1,029 |
| Total administered Income | 42,758 | 50,772 | 140,797 | 130,442 | 1,582 | 1,188 | 185,137 | 182,402 |
| <u>Expenses</u> | | | | | | | | |
| Payments to the Consolidated Account | 42,738 | 43,755 | – | – | – | – | 42,738 | 43,755 |
| Criminal property confiscations – grants | – | – | 1,498 | 1,669 | – | – | 1,498 | 1,669 |
| Criminal property confiscations – supplies and services | – | – | 8,228 | 7,958 | – | – | 8,228 | 7,958 |
| Law Library Fund payments | – | – | – | – | 600 | 600 | 600 | 600 |
| Payment to Road Trauma Trust Account | – | – | 18,618 | 20,484 | – | – | 18,618 | 20,484 |
| Land acquisition payments | – | – | 119,904 | 99,150 | – | – | 119,904 | 99,150 |
| Allowance for impairment of receivables – Fines Enforcement Registry | 2,303 | 5,044 | – | – | – | – | 2,303 | 5,044 |
| Other | 92 | 410 | – | – | 553 | 634 | 645 | 1,044 |
| Total administered expenses | 45,133 | 49,209 | 148,248 | 129,261 | 1,153 | 1,234 | 194,534 | 179,704 |

10.2 Explanatory statements for administered items

All variances between estimates (original budget) and actual results for 2019, and between the actual results for 2019 and 2018 are shown below. Narratives are provided for key major variances, which are generally greater than 5% and \$1.560 million.

| | Variance note | Estimate 2019 \$'000 | Actual 2019 \$'000 | Actual 2018 \$'000 | Variance between estimate and actual \$'000 | Variance between actual results for 2019 and 2018 \$'000 |
|---|------------------|----------------------------|--------------------------|--------------------------|---|---|
| INCOME FROM ADMINISTERED ITEMS | | | | | | |
| <u>Income</u> | | | | | | |
| Judicial fines and penalties | 1, A | 33,646 | 31,098 | 39,075 | (2,548) | (7,977) |
| Infringement penalties | 2 | 9,551 | 11,546 | 11,255 | 1,995 | 291 |
| Copyright income received on behalf of the State | | 6 | — | 1 | (6) | (1) |
| Revenue for transfer – other Government agencies | 3, B | 22,528 | 18,618 | 20,485 | (3,910) | (1,867) |
| Criminal property confiscations | C | 11,000 | 10,706 | 8,482 | (294) | 2,224 |
| Law Library Fund | | 600 | 600 | 600 | — | — |
| Land acquisition | 4, D | — | 111,473 | 101,475 | 111,473 | 9,998 |
| Other | | 651 | 1,096 | 1,029 | 445 | 67 |
| Total administered Income | | 77,982 | 185,137 | 182,402 | 107,155 | 2,735 |
| <u>Expenses</u> | | | | | | |
| Payments to the Consolidated Account | | 43,554 | 42,738 | 43,755 | (816) | (1,017) |
| Criminal property confiscations – grants | 5 | 4,000 | 1,498 | 1,669 | (2,502) | (171) |
| Criminal property confiscations – supplies and services | | 7,000 | 8,228 | 7,958 | 1,228 | 270 |
| Law Library Fund payments | | 600 | 600 | 600 | — | — |
| Payment to Road Trauma Trust Account | 6, E | 22,528 | 18,618 | 20,484 | (3,910) | (1,866) |
| Land acquisition payments | 7, F | — | 119,904 | 99,150 | 119,904 | 20,754 |
| Allowance for impairment of receivables – Fines Enforcement Registry | 8, G | — | 2,303 | 5,044 | 2,303 | (2,741) |
| Other | | 300 | 645 | 1,044 | 345 | (399) |
| Total administered expenses | | 77,982 | 194,534 | 179,704 | 116,552 | 14,830 |

10.2 Explanatory statements for administered items (continued)

Major Variance Narratives (Administered Items)

Variances between estimate and actual for 2019

- 1) Judicial fines and penalties collection was less than estimates by \$2.5 million (8%) mainly due to a decrease in Court registrations, an increase in Time to Pay approvals with fines taking longer to be paid in full, and an increase in Work and Development Orders resulting in the write-off of fines.
- 2) The increase in Infringement penalties of \$2 million or 21% compared to estimates was mainly attributed to higher traffic infringement fines issued by Police officers and collected on behalf of the Department of Transport.
- 3) Speed and Red Light Infringement Revenue is collected on behalf of the Road Safety Commission. Collection of revenue was \$3.9 million (17%) lower than estimates, partially due to technical issues associated with the camera fleet. Also a decline in the economy may have affected the appetite of the community to commit speeding offences.
- 4) There is no budget set for the Land Acquisition account which is used to hold monies on behalf of Government departments and authorities pending finalisation of property acquisitions and disposals.
- 5) Criminal property confiscations – grants were \$2.5 million or 63% lower than estimates. This is due to a lower than expected number of community programs paid out as a grant during the period.
- 6) See variance explanation in note 3.
- 7) See variance explanation in note 4.
- 8) The allowance in respect of Court fees and fines outstanding and referred to the Fines Enforcement Registry is based on objective evidence that the Department will not be able to collect the debts. An allowance for impairment was not established in the budget.

Variances between actual results for 2019 and 2018

- A) Judicial fines and penalties collection reduced by \$8 million (20%) mainly due to a decrease in fines and infringements registered at the Fines Enforcement Registry.
- B) Speed and Red Light Infringement Revenue is collected on behalf of the Road Safety Commission. Collection of revenue was \$1.9 million (9%) lower than estimates, partially due to technical issues associated with the camera fleet. Also a decline in the economy may have affected the appetite of the community to commit speeding offences.
- C) Criminal property confiscations were \$2.2 million (26%) higher than prior year. This is due to an increase in criminal monies confiscated by the WA Police and the Office of the Director of Public Prosecutions.
- D) Land Acquisition account increased by \$10 million (10%) which is used to hold monies on behalf of Government departments and authorities pending finalisation of property acquisitions and disposals.
- E) See variance explanation in note B.
- F) Land Acquisition payments increased by \$20.8 million (21%). The Land Acquisition account is used to hold monies on behalf of Government departments and authorities pending finalisation of property acquisitions and disposals.
- G) The allowance in respect of Court fees and fines outstanding and referred to the Fines Enforcement Registry reduced by \$2.7 million (54%). The amount is based on objective evidence that the Department will not be able to collect the debts.

10.3 Administered assets and liabilities

| | 2019 \$'000 | 2018 \$'000 |
|--|----------------|----------------|
| Assets | | |
| Cash and cash equivalents | | |
| Departmental receipts in suspense | 360 | 43 |
| Restricted cash and cash equivalents | | |
| Suitors' fund | 501 | 479 |
| Law Library | 2 | 2 |
| Land Acquisitions | 4,034 | 12,465 |
| Confiscation Proceeds Account | 23,696 | 22,714 |
| Receivables | | |
| Fines Enforcement Registry | 199,932 | 193,876 |
| Less: Allowance for impairment of receivables | (49,055) | (96,990) |
| Total administered current assets | 179,470 | 132,589 |
| Total administered assets | 179,470 | 132,589 |
| Liabilities | | |
| Amounts due to the Treasurer (Appeals Cost Board) ^(a) | 2,500 | 2,500 |
| Total administered current liabilities | 2,500 | 2,500 |
| Total administered liabilities | 2,500 | 2,500 |

Summary

Special Purpose Accounts section 16 1(b) of *Financial Management Act 2006*

Special Purpose Account

Suitors' fund

To hold funds, in accordance with section 4 of the *Suitor's Fund Act 1964* (The Act), to meet the liability for costs of certain litigation and for incidental and other purposes pursuant to the Act.

| | 2019 \$'000 | 2018 \$'000 |
|---|----------------|----------------|
| Balance at start of the period | 479 | 515 |
| Receipts | 46 | 46 |
| Payments | (24) | (82) |
| Balance at the end of the period | 501 | 479 |

^{a)} Expenditure advance approved by the State Treasurer to provide a temporary advance for funding of the *Suitors' Fund Act*. The funds advanced by the State Treasurer are subject to reimbursement.

10.3 Administered assets and liabilities (continued)

Administered assets are not controlled by the Department but are administered on behalf of the Government. These assets included receivables in relation to:

- Supreme and District Court fines and forfeitures; and
- Magistrates Courts criminal fines.

Outstanding fines and costs include:

- 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 2019; and
- Magistrates Courts criminal fines which are outstanding in each Court and have not been referred to the FER as at 30 June 2019.

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 orders the offender to pay the penalty. Bail is a system that governs the status of individuals charged with committing crimes, from the time of arrest to the time of their next hearing with the major purpose of ensuring their presence at that hearing. Failure to comply with the bail may result in the forfeiture or requirement to pay an amount to the court for the breach of bail. Bail only becomes payable when the court issues a Court order to pay. This is then treated in the same manner as any other court penalty in the administered section of the financial statements.

AASB 9 Financial instruments – administered items

The expected credit loss in respect of Court fees and fines outstanding and referred to the FER is based on the requirements of AASB 9 Financial instruments.

AASB 9 Financial instruments replaces AASB 139 Financial instruments: Recognition and Measurements for annual reporting periods beginning on or after 1 January 2018, bringing together all three aspects of the accounting for financial instruments: classification and measurement; impairment; and hedge accounting.

The Department applied AASB 9 prospectively, with an initial application date of 1 July 2018. The adoption of AASB 9 has resulted in changes in accounting policies and adjustments to the amounts recognised in the financial statements. In accordance with AASB 9.7.2.15, the Department has not restated the comparative information which continues to be reported under AASB 139. Differences arising from adoption have been recognised directly in Accumulated surplus/(deficit).

Key Performance Indicators

Certification of Key Performance Indicators for the year ended 30 June 2019

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 Justice's performance, and fairly represent the performance of the Department for the financial year ended 30 June 2019.



Dr Adam Tomison
Director General
Department of Justice
16 September 2019

Key Performance Indicators

Our Purpose

To provide a fair, just and safe community for all Western Australians.

Relationships to Government goals

Broad, high-level government goals are supported at agency level by more specific agency level 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 Justice's agency level desired outcomes, services delivered by the Department and the Government's goals.

| Government Goals | Department of Justice Desired Outcomes | Services |
|--|---|---|
| Strong Communities: Safe communities and supported families | 1. An efficient, accessible court and tribunal system | 1. Court and Tribunal Services |
| | 2. Trustee, Guardianship and Administration services are accessible to all Western Australians | 2. Advocacy, Guardianship and Administration Services |
| | | 3. Trustee Services |
| | 3. Western Australian birth, death and marriage certificates are accurate and accessible | 4. Births, Deaths and Marriages |
| | 4. Government receives quality, timely legal and legislative drafting services | 5. Services to Government |
| | 5. Equitable access to legal services and information* | 6. Legal Aid Assistance* |
| | 6. A safe, secure and decent corrective services which contributes to community safety and reduces offenders' involvement in the justice system | 7. Adult Corrective Services |
| | | 8. Youth Justice Services |

* This outcome and service is delivered by the Legal Aid Commission. The Legal Aid Commission is partly funded through the Department of Justice but prepares a separate annual report, including reporting against Key Performance Indicators

Changes to the Department's Outcome Based Management structure

There were no changes to the Department's Outcome Based Management framework for 2018/19.

Relationships to Government goals

The Department of Justice is required under Section 61 of the *Financial Management Act 2006* and Treasurer's Instruction TI 904 to disclose key performance indicators in agency annual reports.

The Department has developed key performance indicators of effectiveness and efficiency to assist senior management and stakeholders assess and monitor the extent to which agency level government desired outcomes have been achieved and the efficiency of service delivery. The key performance indicators are monitored on a regular basis by the Department's Corporate Executive Committee.

Key effectiveness indicators provide information on the extent to which agency level outcomes have been achieved, or contributed to, through the delivery of services. Key efficiency indicators relate services to the level of resource inputs required to deliver them and show the average cost per output to deliver the service. Service costs are calculated based on the Department's internal cost allocation model to reflect the total cost of the service.

The following performance indicators should be read in conjunction with the accompanying notes to the key performance indicators. Explanations are provided where the 2018/19 Actual results varied significantly from the 2018/19 Target and 2017/18 Actual results ($\pm 10\%$ or more).

Outcome 1: An efficient, accessible court and tribunal system

The Department aims to provide a court system that is responsive to community needs for access to justice. This supports the Government's strategic goal of strong communities: safe communities and supported families.

To be accessible, the court system must be available to resolve disputes in a timely manner. Accessibility is diminished if there are lengthy delays in bringing matters to trial or finalising matters brought before the courts. The time taken to achieve an outcome in the courts is considered a primary indicator of the accessibility of the court system and therefore the extent to which the agency level outcome is achieved. The timely resolution of matters brought before the courts is also a measure of the efficiency of the courts system.

Effectiveness indicators are measured separately for key jurisdictions and the Fines Enforcement Registry. The jurisdictions measured are considered key indicators because, combined, they represent the majority of the workload and/or expenditure for the courts.

The key effectiveness indicators comprise measures of time to trial, time to finalise matters and time to finalise non-trial matters. The measure used is dependent on the type of matter and the jurisdiction. In criminal jurisdictions, the majority of matters may go to trial therefore time to trial is an appropriate measure, whereas in civil jurisdictions most matters may be finalised without going to trial and time to finalise non-trial matters is used.

Key Effectiveness Indicators

Supreme Court – Criminal – Time to trial

What does this indicator measure?

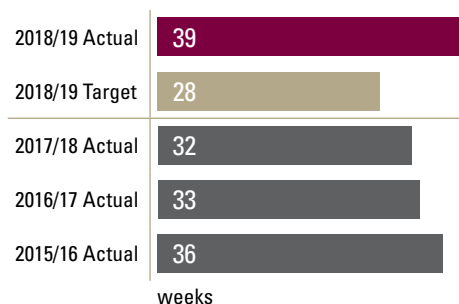
This indicator measures the median time taken from a specified initial date (i.e. committal date, which is the date the matter is sent to the Supreme Court from a lower court) to the first listed trial date. The proportion of matters needing a trial, and the time required for the court and associated services to satisfy complex pre-trial issues, increases with the seriousness and complexity of the matter.

How is this indicator calculated?

This indicator is calculated by taking the median time from the specified initial date to first listed trial date. Information for this indicator is derived from the Integrated Courts Management System (ICMS).

What does this indicator show?

The 2018/19 actual result is higher than target by 39% and increased by 22% from the 2017/18 actual result of 32 weeks. The increase is due to growth in the complexity of criminal trials and a historically higher volume of committals. This is coupled with restricted and/or delayed availability of judiciary, courtrooms, evidence and/or counsel.



weeks

Supreme Court – Civil – Time to finalise non-trial matters

What does this indicator measure?

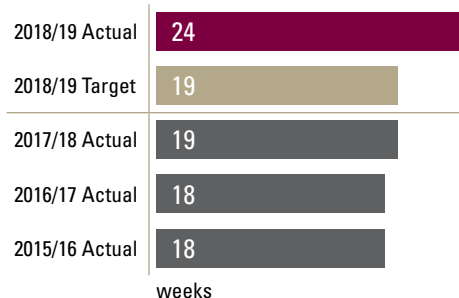
This indicator measures the median time to finalise cases that are heard by a Registrar or Judge at conferences or hearings, before proceeding to trial, and is an indicator of the capacity of the court to resolve matters by methods other than formal trial.

How is this indicator calculated?

This indicator is calculated by taking the median time from date of lodgment to first date of finalisation, excluding matters finalised by trial and matters finalised administratively. Information for this indicator is derived from the Integrated Courts Management System (ICMS).

What does this indicator show?

The 2018/19 actual result is higher than target by 26% and increased by 26% from the 2017/18 KPI actual result of 19 weeks. The increase is due to growth in the complexity of matters and matters which take more time to complete making up a larger proportion of total finalisations.



District Court – Criminal – Time to trial

What does this indicator measure?

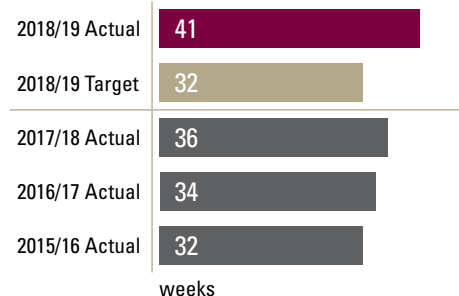
This indicator measures the median time taken from a specified initial date (i.e. committal date, which is the date the matter is sent to the District Court from a lower court) to the first listed trial date. The proportion of matters needing a trial, and the time required for the court and associated services to satisfy complex pre-trial issues, increases with the seriousness and complexity of the matter.

How is this indicator calculated?

This indicator is calculated by taking the median time from the specified initial date to the first listed trial date. Information for this indicator is derived from the Integrated Courts Management System (ICMS).

What does this indicator show?

The 2018/19 actual result is higher than target by 28% and increased by 14% from the 2017/18 actual result of 36 weeks. This is primarily due to a continual increase in criminal workload as a result of an increased number of committals for trial in recent years, which has an impact on trial availability.



State Administrative Tribunal – Time to finalise

What does this indicator measure?

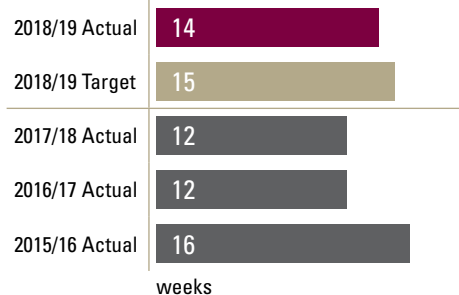
This indicator measures the median time to finalise a matter from the date of lodgment to when a judgement is made.

How is this indicator calculated?

This indicator is calculated by taking the median time to finalise a matter from date of lodgment to first date of finalisation (excludes all guardianship and administration matters). Information for this indicator is derived from the Integrated Courts Management System (ICMS).

What does this indicator show?

There is no significant variation between the 2018/19 actual result and the target. The 2018/19 actual result increased by two weeks (17%) from the 2017/18 actual result of 12 weeks. This is mainly due to increases in the number of adjournments and duration per matter relating to several complex Building Services matters.



Family Court of Western Australia – Time to finalise non-trial matters

What does this indicator measure?

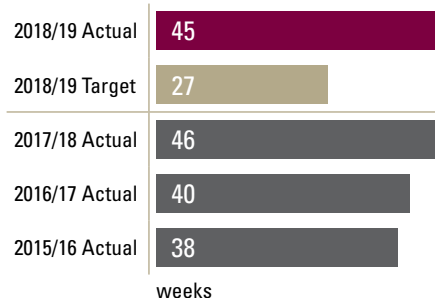
This indicator measures the median time to finalise final order applications by court order, before proceeding to trial. This is an indicator of the capacity of the court to resolve matters by methods other than formal trial.

How is this indicator calculated?

This indicator is calculated by taking the median time to finalise a matter from the date of lodgment to the first date of finalisation, excluding matters finalised by trial and matters finalised administratively. Information for this indicator is derived from a national cases database (CASETRACK).

What does this indicator show?

The higher than target result, by 67%, is due to long-term growth in the complexity and volume of final order parenting applications and the finalisation of these applications by court order or direction; and the reallocation of magistrates to trial work to help address the delay to trial, thereby reducing the Court's capacity to hear non-trial matters.



Magistrates Court – Criminal and Civil – Time to trial

What does this indicator measure?

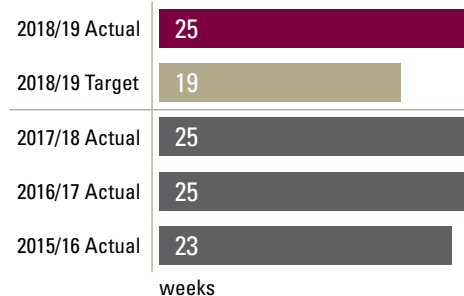
This indicator measures the median time taken from a specified initial date (i.e. lodgment for civil matters, first actual hearing date for criminal matters) to the first listed trial date. The proportion of matters needing a trial, and the time required for the court and associated services to satisfy complex pre-trial issues, increases with the seriousness and complexity of the matter.

How is this indicator calculated?

This indicator is calculated by taking the median time from a specified initial date to the first listed trial date. Information for this indicator is derived from the Integrated Courts Management System (ICMS).

What does this indicator show?

The higher than target result, by 32%, is due to growth in the overall number of matters proceeding to trial over the past three years and an increase in the number of criminal charges per case.



Coroner's Court – Time to trial

What does this indicator measure?

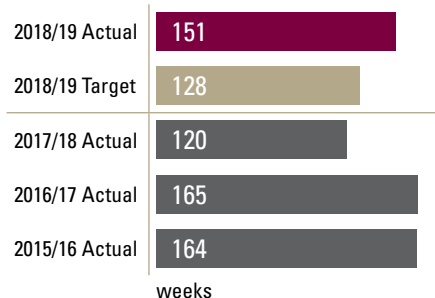
This indicator measures the median time taken from the date of death to the first inquest hearing. The proportion of matters needing a trial, and the time required for the court and associated services to satisfy complex pre-trial issues, increases with the seriousness and complexity of the matter.

How is this indicator calculated?

This indicator is calculated by taking the median time from death to the first inquest hearing (for those cases where an inquest is held). In the Coroner's Court, a trial is defined as an inquest. Information for this indicator is derived from the National Coroners Information System (NCIS) database.

What does this indicator show?

The 2018/19 actual result is higher than target by 18% and increased by 26% from the 2017/18 actual result of 120 weeks. This is mainly due to the Coroner's Court focusing on older inquest cases. During 2018/19, 73% of inquest cases held were over the target of 128 weeks.



Fines Enforcement Registry - Percentage of fines satisfied within 12 months:

What does this indicator measure?

The Fines Enforcement Registry effectiveness indicators demonstrate to the community that the appropriate systems, procedures and resources are in place to enforce fines, costs and infringement penalties in a timely manner. It also demonstrates to the community that a court fine is a viable sentencing option.

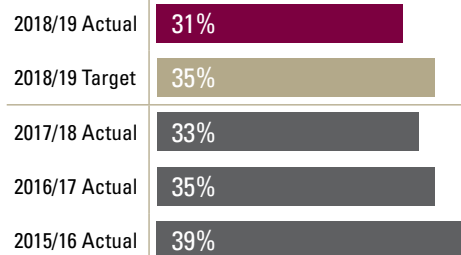
• Fines and Costs

How is this indicator calculated?

This indicator measures the number of court fines satisfied within 12 months of referral to the Fines Enforcement Registry (FER). It is calculated by dividing the number of fines satisfied within 12 months of referral by the total number of fines referred to FER in the reporting period, with the result expressed as a percentage. Information for this indicator is derived from the Integrated Courts Management System (ICMS) database.

What does this indicator show?

The percentage of court fines satisfied within 12 months has continued to decrease gradually as in previous years. The primary driver behind this decline is the increasing average debt load per case. This is evidenced by the decreasing proportion of fines being paid in full and the increasing number of time to pay arrangements entered into.



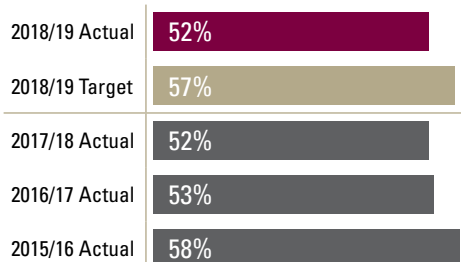
• Infringements

How is this indicator calculated?

This indicator measures the number of infringements satisfied within 12 months of referral to the Fines Enforcement Registry (FER). It is calculated by dividing the number of infringements satisfied within 12 months of referral by the total number of infringements referred to FER in the reporting period, with the result expressed as a percentage. Information for this indicator is derived from the Integrated Courts Management System (ICMS) database.

What does this indicator show?

No significant variation.



Service 1: Court and Tribunal Services

This service is delivered by Court and Tribunal Services.

Two distinct groups administer courts in Western Australia: the independent judicial officers who preside over the various courts and the Department of Justice that provides court facilities, administrative support and judicial support staff to enable the determination of cases brought before a court or tribunal. Part of this function also involves the delivery of court counselling services and a range of civil and criminal enforcement services.

Key Efficiency Indicators

What do these indicators measure?

The following indicators measure the average cost per case 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.

How are these cost per case indicators calculated?

The average cost per case indicators are calculated by dividing the total cost of processing cases by the total number of finalisations. Total costs used to calculate the efficiency measure are extracted from the Department's jurisdiction based cost management system, Planning and Budgeting Cloud Services (PBCS). The number of finalisations is obtained from various in house case management and tracking systems maintained by the jurisdictions.

Supreme Court – Criminal – Cost per case

What does this indicator show?

The 2018/19 actual result is higher than target by 26% and increased by 44% from the 2017/18 actual result of \$40,347. The increase is impacted by a reduction in finalisations due to a downward trend in lodgments, as anticipated by the introduction of the *Court Jurisdiction Legislation Amendment Act 2018*, which came into effect on 1 January 2019, removing all offences except homicide related matters from the Supreme Court jurisdiction. Further impacting the outcome was an adjustment to Corporate overheads increasing the annual leave and long service leave provision.

| | |
|----------------|----------|
| 2018/19 Actual | \$58,050 |
| 2018/19 Target | \$46,151 |
| 2017/18 Actual | \$40,347 |
| 2016/17 Actual | \$46,302 |
| 2015/16 Actual | \$37,688 |

Supreme Court – Civil – Cost per case

What does this indicator show?

There is no significant variation between the 2018/19 actual result and the target. The 2018/19 actual result is 11% higher than the 2017/18 actual result of \$11,068. The variation is due to implementation of a new judicial process in August 2018, introducing new case management practices for Corporation Law Cases, further impacted by an increase in uncontrollable costs (building operating lease) and an adjustment to Corporate overheads increasing the annual leave and long service leave provision.

| | |
|----------------|----------|
| 2018/19 Actual | \$12,333 |
| 2018/19 Target | \$11,462 |
| 2017/18 Actual | \$11,068 |
| 2016/17 Actual | \$11,158 |
| 2015/16 Actual | \$13,381 |

Court of Appeal – Cost per case

What does this indicator show?

The 2018/19 actual result is higher than target by 16% due to an overestimation of 2018/19 budgeted finalisations. The 2018/19 actual result increased by 12% from the 2017/18 actual result of \$21,856 due to a decrease in the number of criminal appeals lodged and therefore finalised, and an adjustment to Corporate overheads increasing the annual leave and long service leave provision.

| | |
|----------------|----------|
| 2018/19 Actual | \$24,401 |
| 2018/19 Target | \$21,094 |
| 2017/18 Actual | \$21,856 |
| 2016/17 Actual | \$22,232 |
| 2015/16 Actual | \$35,851 |

Key performance indicators

District Court – Criminal – Cost per case

What does this indicator show?

No significant variation.

| | |
|----------------|----------|
| 2018/19 Actual | \$17,226 |
| 2018/19 Target | \$17,055 |
| 2017/18 Actual | \$16,627 |
| 2016/17 Actual | \$18,351 |
| 2015/16 Actual | \$21,395 |

District Court – Civil – Cost per case

What does this indicator show?

No significant variation.

| | |
|----------------|---------|
| 2018/19 Actual | \$4,142 |
| 2018/19 Target | \$3,909 |
| 2017/18 Actual | \$4,250 |
| 2016/17 Actual | \$4,289 |
| 2015/16 Actual | \$6,798 |

State Administrative Tribunal – Cost per case

What does this indicator show?

No significant variation.

| | |
|----------------|---------|
| 2018/19 Actual | \$4,104 |
| 2018/19 Target | \$4,005 |
| 2017/18 Actual | \$3,766 |
| 2016/17 Actual | \$3,956 |
| 2015/16 Actual | \$3,862 |

Family Court – Cost per case

What does this indicator show?

No significant variation.

| | |
|----------------|---------|
| 2018/19 Actual | \$2,078 |
| 2018/19 Target | \$2,156 |
| 2017/18 Actual | \$2,057 |
| 2016/17 Actual | \$2,177 |
| 2015/16 Actual | \$1,905 |

Magistrates Court – Criminal – Cost per case

What does this indicator show?

The 2018/19 actual result is higher than target by 12% due to a reduction in lodgments by WA Police Force and an increase in uncontrollable costs (accused costs) and an adjustment to Corporate overheads increasing the annual leave and long service leave provision.

| | |
|----------------|-------|
| 2018/19 Actual | \$736 |
| 2018/19 Target | \$660 |
| 2017/18 Actual | \$673 |
| 2016/17 Actual | \$666 |
| 2015/16 Actual | \$918 |

Magistrates Court – Civil – Cost per case

What does this indicator show?

The 2018/19 actual result is higher than target by 23% and increased by 16% from the 2017/18 actual result of \$598. The increase is due to a reduction in lodgments of matters relating to Council Rates, Goods and Services, Motor Vehicle accident, Breach of Contracts and Tax/Water Rates lodged and therefore finalised. Further impacting the result was an adjustment to Corporate overheads increasing the annual leave and long service leave provision.

| | |
|----------------|-------|
| 2018/19 Actual | \$691 |
| 2018/19 Target | \$560 |
| 2017/18 Actual | \$598 |
| 2016/17 Actual | \$593 |
| 2015/16 Actual | \$354 |

Key performance indicators

Coroner's Court – Cost per case

What does this indicator show?

No significant variation.

| | |
|----------------|---------|
| 2018/19 Actual | \$5,684 |
| 2018/19 Target | \$5,613 |
| 2017/18 Actual | \$5,648 |
| 2016/17 Actual | \$5,772 |
| 2015/16 Actual | \$5,252 |

Children's Court – Criminal – Cost per case

What does this indicator show?

There is no significant variation between the 2018/19 actual result and target. The 2018/19 actual result is 13% higher than the 2017/18 actual result of \$499 mainly due to a 17% reduction in both traffic and burglary offence lodgments by WA Police Force.

| | |
|----------------|---------|
| 2018/19 Actual | \$566 |
| 2018/19 Target | \$535 |
| 2017/18 Actual | \$499 |
| 2016/17 Actual | \$538 |
| 2015/16 Actual | \$1,024 |

Children's Court – Civil – Cost per case

What does this indicator show?

The 2018/19 actual result is lower than target by 10% due to an increase in the number of Restraining Order finalisations.

| | |
|----------------|---------|
| 2018/19 Actual | \$1,681 |
| 2018/19 Target | \$1,877 |
| 2017/18 Actual | \$1,692 |
| 2016/17 Actual | \$2,041 |
| 2015/16 Actual | \$768 |

Fines Enforcement Registry – Cost per enforcement

How is the cost per enforcement indicator calculated?

The indicator is calculated by dividing the total cost of processing fines and infringements by the total number of lodgments, where a lodgment represents an individual enforcement registered with the Fines Enforcement Registry for enforcement.

What does this indicator show?

The 2018/19 actual result is higher than target by 21% and increased by 31% from the 2017/18 actual result of \$26. The increase is due to a reduction in lodgments by WA Police Force, WA Electoral Commission and Court Fine referrals. Further impacting the outcome was an increase in costs for Fine Contractor Services and an adjustment to Corporate overheads increasing the annual leave and long service leave provision.

| | |
|----------------|------|
| 2018/19 Actual | \$34 |
| 2018/19 Target | \$28 |
| 2017/18 Actual | \$26 |
| 2016/17 Actual | \$27 |
| 2015/16 Actual | \$26 |

Outcome 2: Trustee, Guardianship and Administration services are accessible to all Western Australians

The Department, through the operations of the Public Advocate, safeguards the rights of adults with decision-making disabilities, and reduces the incidence of risk, neglect and exploitation while the Public Trustee ensures equitable access to trustee services for all Western Australians. This supports the Government's strategic goal of strong communities: safe communities and supported families.

The following indicators show the extent to which the Department has achieved this outcome. The indicators measure the accessibility of trustee, guardianship and administration services to all Western Australians.

Key Effectiveness Indicators

Percentage of guardians of last resort allocated in one day

What does this indicator measure?

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. The Public Advocate is appointed as guardian of last resort only when considered necessary and when there is no one else suitable, available or willing to take on the role.

How is this indicator calculated?

The indicator is based on the Public Advocate's best practice to ensure the needs of the represented person are met immediately. It is calculated by dividing the total number of new appointments of guardians of last resort made by the State Administrative Tribunal (SAT) at the hearing and allocated by the Public Advocate's delegate within one working day of receipt of the guardianship order by the total number of new guardianship appointments made by the SAT appointing the Public Advocate.

Information for this indicator is extracted from the Public Advocate Case Management (PACMAN) system.

What does this indicator show?

The 2018/19 result is 14% lower than target and 13% lower than the 2017/18 actual result of 94%. These variances are due to the ongoing increase in demand for appointment of Public Advocate as Guardian of Last Resort exceeding resources available to meet the increase in demand.

| | |
|----------------|-----|
| 2018/19 Actual | 82% |
| 2018/19 Target | 95% |
| 2017/18 Actual | 94% |
| 2016/17 Actual | 95% |
| 2015/16 Actual | 98% |

Percentage of Western Australian deceased estates administered by the Public Trustee

What does this indicator measure?

The Public Trustee offers a secure value for money alternative for administration of deceased estates in Western Australia. This ensures that trustee services are accessible to people in the state. The percentage of deceased estates administered by the Public Trustee indicates the use being made of the service and therefore the overall accessibility of trustee services to Western Australians.

The Public Trustee operates in a commercial environment offering services that can be provided by numerous professional service providers.

The Public Trustee administers deceased estates where it has been appointed as executor. Some estates may not require formal administration but still require work to be undertaken in order that assets may be registered in the survivor or beneficiaries' name.

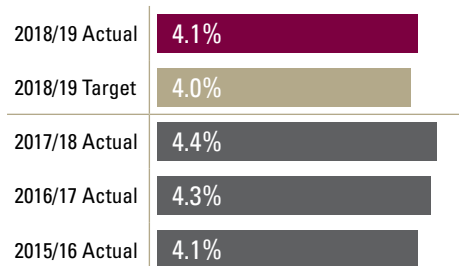
How is this indicator calculated?

The indicator is calculated by dividing the total number of new deceased estate files by the total number of adult deaths registered in Western Australia, with the result expressed as a percentage.

Data for this indicator is sourced from the Public Trustee's Management Accounting and Trust Environment (MATE) system.

What does this indicator show?

No significant variation.



Percentage of clients who have services provided by the Public Trustee under an operating subsidy

What does this indicator measure?

In addition to providing affordable services, thereby making trustee services more accessible, the Public Trustee provides services free of charge, or at a reduced cost, to clients who cannot afford them. This further increases the accessibility of trustee services by ensuring that all Western Australians have access to trustee services.

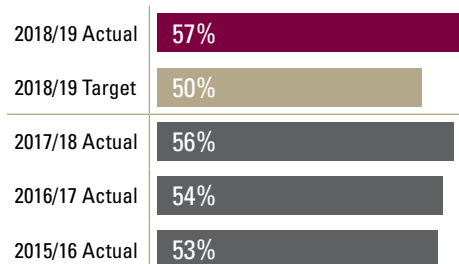
The indicator represents the proportion of services provided free of charge or at a reduced cost under the Public Trustee's community service.

How is this indicator calculated?

This indicator measures the proportion of clients provided with services by the Public Trustee under an operating subsidy. The fees raised are rebated back to the clients who meet the minimum requirements under the operating subsidy. The indicator is calculated by dividing the number of operating subsidy clients by the total number of trust clients administered, with the result reported as a percentage.

What does this indicator show?

The higher than target result, by 14%, is due to an increased number of trustee services delivered to vulnerable persons under an operating subsidy.



Service 2: Advocacy, Guardianship and Administration Services

This service is delivered by the Public Advocate.

Advocacy, guardianship and administration services protect and promote the financial interests and welfare of people with decision-making disabilities by providing:

- access to investigation and advocacy services;
- appropriate appointment of guardians and administrators and appropriate interventions in relation to Enduring Powers of Attorney and Enduring Powers of Guardianship;
- guardianship and administration community education services; and
- guardianship and administration services provided by the Public Advocate.

The following efficiency indicator measures the average cost of delivering the service.

Key Efficiency Indicator

Average cost of providing advocacy and guardianship services

What does this indicator measure?

This indicator measures the average cost per case of providing advocacy and guardianship services on behalf of people with decision-making disabilities.

How is this indicator calculated?

This indicator is calculated by dividing the total cost of providing advocacy, guardianship and administration services by the total number of advocacy, guardianship and administration services provided. The information for this indicator is extracted from Department's activity based cost management system, Planning and Budgeting Cloud Services (PBCS), and the Public Advocate Case Management (PACMAN) system.

What does this indicator show?

There is no significant variation between the 2018/19 actual and the target. The 2018/19 actual result decreased by 19% from the 2017/18 actual result of \$1,789 due to changes in the allocation of accommodation costs and continuing demand for the services of the Office of the Public Advocate.

| | |
|----------------|---------|
| 2018/19 Actual | \$1,445 |
| 2018/19 Target | \$1,392 |
| 2017/18 Actual | \$1,789 |
| 2016/17 Actual | \$1,735 |
| 2015/16 Actual | \$1,744 |

Service 3: Trustee Services

This service is delivered by 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 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.

The following efficiency indicators measure the average cost of delivering the service.

Key Efficiency Indicators

Average cost per deceased estate administered

What does this indicator measure?

This indicator measures the average cost per deceased estate administered.

How is this indicator calculated?

This indicator is calculated by dividing the total cost of administration services by the total number of deceased estates administered during the year. The total number of deceased estates administered is sourced from the Public Trustee's Management Accounting & Trust Environment (MATE) system and the total cost of administration services is extracted from the Department's activity based cost management system, Planning and Budgeting Cloud Services (PBCS).

What does this indicator show?

There is no significant variation between the 2018/19 actual result and the target. The 2018/19 actual result decreased by 12% from the 2017/18 actual result of \$2,815. This is due to an increase in the number of Estate files following the reallocation of a number of files from Trust to Estate as a result of an organisational restructure.

| | |
|----------------|---------|
| 2018/19 Actual | \$2,478 |
| 2018/19 Target | \$2,586 |
| 2017/18 Actual | \$2,815 |
| 2016/17 Actual | \$2,639 |
| 2015/16 Actual | \$2,664 |

Average cost per trust managed

What does this indicator measure?

This indicator measures the average cost of managing a trust.

How is this indicator calculated?

This indicator is calculated by dividing the total cost to manage trusts by the total number of trusts under management during the year. The number of trusts under management is sourced from the Public Trustee's Management Accounting & Trust Environment (MATE) system and the total cost of providing trust management services is extracted from the Department's activity based cost management system, PBCS.

What does this indicator show?

No significant variation.

| | |
|----------------|---------|
| 2018/19 Actual | \$1,822 |
| 2018/19 Target | \$1,850 |
| 2017/18 Actual | \$1,808 |
| 2016/17 Actual | \$1,812 |
| 2015/16 Actual | \$1,870 |

Average cost per will prepared

What does this indicator measure?

This indicator measures the average cost per will prepared.

How is this indicator calculated?

This indicator is calculated by dividing the total cost of preparing wills by the total number of wills prepared during the year. The total number of wills prepared is sourced from the Public Trustee's Management Accounting & Trust Environment (MATE) system and the total cost of preparing wills is extracted from the Department's activity based cost management system, PBCS.

What does this indicator show?

No significant variation.

| | |
|----------------|-------|
| 2018/19 Actual | \$662 |
| 2018/19 Target | \$659 |
| 2017/18 Actual | \$653 |
| 2016/17 Actual | \$655 |
| 2015/16 Actual | \$797 |

Outcome 3: Western Australian birth, death and marriage certificates are accurate and accessible

The Department seeks to ensure eligible people are able to obtain accurate documentary proof of key life events and approved organisations can obtain accurate information for research, statistical and planning purposes in a timely manner. This supports the Government's strategic goal of strong communities: safe communities and supported families.

The following effectiveness indicators show the extent to which the Department, through the activities of the Registry of Births, Deaths and Marriages, has achieved this outcome. The indicators measure the accuracy and accessibility of certificates of birth, death and marriage to all Western Australians.

Key Effectiveness Indicators

Percentage of certificates of birth, death or marriage issued within two days

What does this indicator measure?

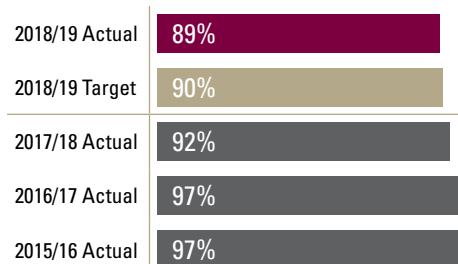
The growing need for people to access certificates for identification in a timely manner means that time taken to obtain a certificate of birth, death or marriage is a major determiner of accessibility. This indicator measures the extent to which certificates of birth, death and marriage are issued in a timely manner. This directly measures the extent to which the agency level outcome has been achieved.

How is this indicator calculated?

This indicator is calculated by dividing the total number of birth, death and marriage certified certificates issued within two working days by the total number of certified certificates issued, with the result expressed as a percentage. Information for this indicator is sourced from the Western Australian Registration System (WARS) 'Service Requested and Delivery Times' management report. WARS keeps track of the date customers request certificates and the date the certificates are issued. For the purposes of this indicator, issued means printed.

What does this indicator show?

No significant variation.



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

What does this indicator measure?

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

How is this indicator calculated?

The indicator is calculated by dividing the total number of death registrations accurately recorded by the total number of deaths registered for the year, with the result expressed as a percentage.

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. Information for this indicator is sourced from the WARS 'Registration Accuracy' report.

What does this indicator show?

There is no significant variation between the 2018/19 actual result and the target. The KPI result of 98% is based on death registrations only. For 2018/19, a small decline in registration accuracy for marriage registrations was noted. The percentage of new registrations accurately recorded by the registry for births, deaths and marriages was 96% for all three registration categories, compared to 97% during the previous year.

| | |
|----------------|-----|
| 2018/19 Actual | 98% |
| 2018/19 Target | 97% |
| 2017/18 Actual | 98% |
| 2016/17 Actual | 98% |
| 2015/16 Actual | 97% |

Service 4: Births, Deaths and Marriages

This service is delivered by the Registry of Births, Deaths and Marriages.

The purpose of the Registry is to create and permanently store birth, death and marriage records to enable the public to obtain documentary proof of key life events for legal, personal and historical purposes and also to enable approved organisations to obtain information for research, statistical and planning purposes.

The following efficiency indicator measures the average cost of delivering the service.

Key Efficiency Indicator

Average cost of registration services

What does this indicator measure?

This indicator measures the average cost of creating, amending and issuing information and storing records perpetually.

How is this indicator calculated?

The registry has maintained a database of birth, death and marriage records since it was established in 1841. These are either in paper registers, on microfilm or computer.

This indicator is calculated by dividing the total cost of registration services by the total number of new registration services added to records held in storage.

The total cost of registration services is extracted from the Department's activity based cost management system, PBCS. The data for registration services is sourced from the Western Australian Registration System (WARS).

What does this indicator show?

The 2018/19 actual result is lower than target by 27% and decreased by 12% from the 2017/18 actual result of \$1.95. The decrease is due to a reduction in expenditure resulting from changes in the calculation of depreciation and amortisation of WARS, delays in upgrading of equipment and software associated with the WARS Modernisation Program and delays in filling staff positions.

| | |
|----------------|--------|
| 2018/19 Actual | \$1.72 |
| 2018/19 Target | \$2.37 |
| 2017/18 Actual | \$1.95 |
| 2016/17 Actual | \$1.76 |
| 2015/16 Actual | \$1.76 |

Outcome 4: Government receives quality, timely legal and legislative drafting services

The Department delivers services to Government to support justice outcomes and activities of other Government agencies. This supports the Government's strategic goal of strong communities: safe communities and supported families.

The following effectiveness indicators show the extent to which the Department, through the activities of the State Solicitor's Office and the Parliamentary Counsel's Office, has achieved this outcome. The indicators measure the satisfaction of recipients of legal services and the timeliness of drafting legislation.

Key Effectiveness Indicators

Extent to which government agencies are satisfied with legal services

What does this indicator measure?

This indicator measures client satisfaction with the quality of legal services provided by the State Solicitor's Office.

How is this indicator calculated?

The indicator is measured through a client survey, which targets Chief Executive Officers (CEOs) of Government departments and agencies. Copies of the survey are forwarded in advance to CEOs and are followed by an interview conducted by the State Solicitor and/or senior lawyers. The top 20 client agencies, plus four (4) randomly selected client agencies are surveyed. The number of agencies surveyed represents approximately 96% of the chargeable work of the State Solicitor's Office.

The criterion used to assess satisfaction with service was the overall extent to which Government departments are satisfied with legal services.

The indicator is calculated by dividing the total number of client responses expressing overall satisfaction with legal services provided by the State Solicitor's Office by the total number of client responses, with the result expressed as a percentage.

What does this indicator show?

The variation from budget target of 11% is a result of the delivery of better than expected levels of client service in 2018/19, as rated by the State Solicitor's Office's clients.

| | |
|----------------|------|
| 2018/19 Actual | 100% |
| 2018/19 Target | 90% |
| 2017/18 Actual | 100% |
| 2016/17 Actual | 100% |
| 2015/16 Actual | 100% |

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

What does this indicator measure?

This indicator measures whether the legislative program has been met by determining the extent to which the drafting of legislation that Cabinet has authorised to be prepared has been completed according to the priorities set by Cabinet.

How is this indicator calculated?

The indicator is calculated by dividing the total number of Cabinet authorities of various priorities, for which legislation was completed by the relevant cut-off dates in a Parliamentary year by the total number of Cabinet authorities to which the legislative program relates, with the result expressed as a percentage. Information is recorded in databases located within the Parliamentary Counsel's Office.

This calculation excludes matters which were not completed on time due to circumstances beyond the control of the Parliamentary Counsel's Office, such as lack of action on the part of the instructing agency to progress a Bill; or deferral of a Bill by the instructing agency.

What does this indicator show?

No significant variation.

| | |
|----------------|------|
| 2018/19 Actual | 100% |
| 2018/19 Target | 95% |
| 2017/18 Actual | 98% |
| 2016/17 Actual | 100% |
| 2015/16 Actual | 98% |

Service 5: Services to Government

This service is delivered by the State Solicitor's Office and the Parliamentary Counsel's Office.

The State Solicitor's Office provides a broad-based legal service to Government and its agencies. The Parliamentary Counsel's Office provides comprehensive legislative drafting services and access to up to date Western Australian legislation.

The following efficiency indicators measure the average cost of delivering the service.

Key Efficiency Indicators

Average cost per legal matter

What does this indicator measure?

This indicator measures the average cost of a legal matter during the reporting year.

How is this indicator calculated?

This indicator is calculated by dividing the total cost of providing legal services by the total number of matters dealt with during the financial year. A legal matter 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. The number of matters is sourced from the Time and Matter Costing (TAMC) system and the total cost of service is extracted from the Department's activity based cost management system, PBCS.

What does this indicator show?

No significant variation.

| | |
|----------------|---------|
| 2018/19 Actual | \$4,064 |
| 2018/19 Target | \$4,200 |
| 2017/18 Actual | \$4,464 |
| 2016/17 Actual | \$4,441 |
| 2015/16 Actual | \$4,313 |

Average cost per page of output

What does this indicator measure?

This indicator measures the average cost per new or changed page of Bills, subsidiary legislation and reprinted texts produced each financial year.

How is this indicator calculated?

The average cost per drafting service is calculated by dividing the Parliamentary Counsel's Office total cost of output by the total 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 Parliamentary Counsel's Office. The total cost of service is extracted from the Department's activity based cost management system, PBCS.

What does this indicator show?

No significant variation.

| | |
|----------------|-------|
| 2018/19 Actual | \$216 |
| 2018/19 Target | \$199 |
| 2017/18 Actual | \$200 |
| 2016/17 Actual | \$257 |
| 2015/16 Actual | \$190 |

Outcome 6: A safe, secure and decent Corrective Services which contributes to community safety and reduces offenders' involvement in the justice system

The Department contributes to the Government's strategic goal of strong communities: safe communities and supported families through the administration of adult and youth correctional sentences in a manner that is safe, secure and decent.

The following effectiveness indicators show the extent to which the Department, through the activities of Corrective Services, has achieved this outcome. The indicators measure the Department's contribution to community safety through the safe, secure and decent management of people in custody, as well as the Department's objectives of ensuring court sanctions are completed and reducing the rate of reoffending and imprisonment.

Key Effectiveness Indicators

ADULT

Number of escapes – Adult (by security rating)

What does this indicator measure?

This indicator measures the number of escapes by prisoners in the custody of the Department by the prisoner's personal security rating.

How is this indicator calculated?

The number of escapes includes a count of all escapes that have occurred from both private and publicly operated facilities and during the escorted movement of prisoners between facilities and to other locations such as hospital or court.

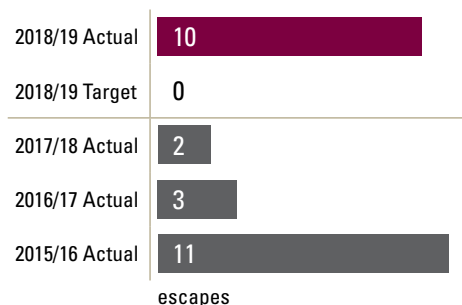
An escape occurs when a prisoner breaches physical security; flees from an authorised escort; or flees from or leaves any facility, hospital or location whereby they are lawfully meant to be.

A breakdown of the number of escapes by security rating for each year is provided in the accompanying table.

What does this indicator show?

There were ten escapes from adult custody during the 2018/19 period. The higher than target result is based on ten medium security escapes from Greenough Regional Prison during one incident in July 2018.

Each escape is investigated by the Department to identify factors that preceded or contributed to the escape so that the risk of further escapes can be minimised.



escapes

| | 2015/16 Actual | 2016/17 Actual | 2017/18 Actual | 2018/19 Target | 2018/19 Actual |
|---------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Maximum | 1 | 2 | 0 | 0 | 0 |
| Medium | 2 | 1 | 1 | 0 | 10 |
| Minimum | 8 | 0 | 1 | 0 | 0 |
| Total | 11 | 3 | 2 | 0 | 10 |

Rate of return – offender programs – Adult

What does this indicator measure?

This indicator measures the rate at which sentenced adult prisoners return to corrective services within two years of their release from custody, where the person had completed at least one offender program prior to release. This is an indicator of how effectively the Department is providing program interventions to reduce the rate of reoffending and imprisonment.

How is this indicator calculated?

This indicator is calculated by dividing the number of offenders who return to either community corrections or custody under sentence within two years of their release from custody, by the number of sentenced offenders released from custody, where the offenders completed at least one offender treatment program prior to release. The result is expressed as a percentage.

The rate includes offenders who returned to custody due to cancellation of an early release order (parole) by the court for either reoffending or non-compliance with the terms and conditions of release. The rate excludes offenders who were in custody on sentences that relate only to default of a court imposed fine and offenders who return to custody due to the suspension of an early release order (parole). This indicator refers to clinical intervention programs only and does not include programs relating to education and vocational training or life skills.

What does this indicator show?

There is no significant variation between the 2018/19 actual result and the target. The 2018/19 actual result is 11% higher than the 2017/18 actual result of 36.69%, relating mainly to an increase in the number of offenders returning to community corrections on a subsequent sentenced episode within two years of their release.

| | |
|----------------|--------|
| 2018/19 Actual | 40.78% |
| 2018/19 Target | 39.00% |
| 2017/18 Actual | 36.69% |
| 2016/17 Actual | 39.02% |
| 2015/16 Actual | 42.70% |

Successful completion of community corrections orders – Adult

What does this indicator measure?

This indicator measures the percentage of community orders completed during the period that were not terminated for a breach of order for failure to meet the order requirements or because further offences were committed. This is an indicator of the Department's objective of ensuring court sanctions are completed.

How is this indicator calculated?

This indicator is calculated by dividing the number of orders successfully completed by the total number of orders validly terminated, completed, or expired, with the result expressed as a percentage. Orders are considered successfully completed if they run their full course without breach action that is finalised or pending. Terminated orders exclude those terminated due to the death of an offender.

What does this indicator show?

No significant variation.

| | |
|----------------|--------|
| 2018/19 Actual | 64.15% |
| 2018/19 Target | 64.00% |
| 2017/18 Actual | 63.80% |
| 2016/17 Actual | 61.42% |
| 2015/16 Actual | 61.38% |

Average out of cell hours – Adult

What does this indicator measure?

This indicator provides the annual average number of hours that prisoners are not confined to their cells or units.

Providing a secure, safe and decent custodial environment includes managing prisoners in a way that minimises the risks they pose to the community while enabling them to achieve an acceptable quality of life. Time spent out of cells provides a greater opportunity for prisoners to participate in activities such as work, education, well-being, recreation, treatment programs, visits, and interacting with other prisoners and staff.

How is this indicator calculated?

This indicator is measured in accordance with national standards and is calculated by dividing the total out of cell hours for the year by the number of days in the year and the average daily population. The average out of cell hours result is based on the default out of cell hours for all prisons, which excludes nightly prisoner lock downs, as well as reported lock downs during normal hours. The number of out of cell hours each day will vary due to lock downs during normal hours for reasons such as staff meetings, staff training and security requirements.

What does this indicator show?

There is no significant variation between the 2018/19 actual result and the target. The full year 2017/18 average out of cell hours result of 12.00 hours is based on the default out of cell hours for all prisons, which excludes nightly prisoner lock downs, as well as reported lock downs during normal hours. In March 2018, the Department implemented improved recording of lock downs. Prior to March 2018, seven adult prisons had recorded lock downs during normal hours, compared to twelve prisons during the March to June 2018 period. The omission of some lock down records during the July to February period overstated the final 2017/18 result by approximately 3%. The average out of cell hours result for the March to June 2018 period, which included improved recording of lock downs, was 11.66 hours.

| | |
|----------------|-------|
| 2018/19 Actual | 11.37 |
| 2018/19 Target | 12.00 |
| 2017/18 Actual | 12.00 |
| 2016/17 Actual | 12.33 |
| 2015/16 Actual | 12.46 |

Rate of serious assault per 100 prisoners – Adult

What does this indicator measure?

This indicator measures the rate of serious assaults per 100 prisoners and is an indicator of the Department's objective of providing a safe, secure and decent custodial environment. This includes providing a prison environment in which there is a low level of violence, whether perpetrated by prisoners against other prisoners or against staff.

How is this indicator calculated?

This indicator is measured in accordance with national standards and is calculated by dividing the number of victims of serious assault by prisoners against prisoners and prisoners against staff, by the average daily population for the year, with the result expressed as a rate per 100 prisoners. Serious assaults are defined as acts of physical violence resulting in injuries that require treatment involving hospitalisation in a medical facility or ongoing medical treatment, as well as all sexual assaults.

What does this indicator show?

The higher than target rate of serious assaults per 100 prisoners for 2018/19 is based on 114 serious assaults against prisoners and staff, comprising 29 serious assaults by prisoners against staff and 85 serious assaults by prisoners against other prisoners.

During 2018/19, the Department undertook a review to ensure complete and accurate reporting and recording of assaults against staff and prisoners. The 2017/18 serious assault rate has been restated from 0.66 serious assaults per 100 prisoners to 0.83 serious assaults per 100 prisoners, following a review carried out by the Department which identified a further eleven incidents requiring ongoing medical treatment for injuries sustained during assault incidents. This work ensures that the reported serious assault rate for 2018/19 is comparable to results reported for the prior year.

| | |
|----------------|--------|
| 2018/19 Actual | 1.65 |
| 2018/19 Target | < 0.48 |
| 2017/18 Actual | 0.83 |
| 2016/17 Actual | 0.97 |
| 2015/16 Actual | 1.01 |

YOUTH

Number of escapes – Youth

What does this indicator measure?

This indicator measures the number of escapes by young people in the custody of the Department.

How is this indicator calculated?

The number of escapes includes a count of all escapes that have occurred from detention and during the escorted movement of young people between facilities and to other locations such as hospital or court.

An escape occurs when a young person in custody of the Department breaches physical security; flees from an authorised escort; or flees from or leaves any facility, hospital or location whereby they are lawfully meant to be.

What does this indicator show?

There were no escapes from youth detention in 2018/19, or the preceding three years.

| | |
|----------------|---|
| 2018/19 Actual | 0 |
| 2018/19 Target | 0 |
| 2017/18 Actual | 0 |
| 2016/17 Actual | 0 |
| 2015/16 Actual | 0 |

escapes

Rate of return to detention - Youth

What does this indicator measure?

This indicator measures the rate at which young people return to sentenced detention within two years of their release from detention. This is an indicator of the Department's goal of reducing the rate of reoffending and detention.

How is this indicator calculated?

This indicator is calculated by dividing the number of young people who return to detention under sentence within two years of their release from detention, by the number of sentenced young people released from detention during the exit year, with the result expressed as a percentage. The rate includes young people who re-enter detention because of a new sentence and those who return to detention because their supervised release order is cancelled or suspended. A young person is counted once, even if they leave and re-enter detention multiple times within the year, or return more than once within two years of release.

What does this indicator show?

No significant variation.

| | |
|----------------|--------|
| 2018/19 Actual | 52.87% |
| 2018/19 Target | 50.00% |
| 2017/18 Actual | 58.73% |
| 2016/17 Actual | 55.00% |
| 2015/16 Actual | 54.63% |

Successful completion of community-based orders – Youth

What does this indicator measure?

This indicator measures the percentage of sentenced community corrections orders during the period where all attendance, community work and/or supervision conditions of the order have been fulfilled. This is an indicator of the Department's objective to rehabilitate young people by diverting young people from offending, providing timely intervention and resolution of justice issues, ensuring that statutory requirements are met, and reducing the rates of reoffending and detention.

How is this indicator calculated?

This indicator is calculated by dividing the number of orders completed during the period that were not terminated for a breach of order for failure to meet the order requirements, or because further offences were committed, by the total number of orders validly terminated, with the result expressed as a percentage. Terminated orders exclude those terminated due to the death of an offender.

What does this indicator show?

The Department did not meet the 2018/19 target by 17% due to young people failing to comply with conditions of their order or reoffending. When young people do not comply with orders and pose a risk to the community, breach action is warranted in line with relevant legislation and Departmental procedures.

The 2017/18 successful completion rate has been restated from 57.17% to 57.14% to amend a typographical error included in the 2017/18 report.

| | |
|----------------|--------|
| 2018/19 Actual | 56.36% |
| 2018/19 Target | 68.00% |
| 2017/18 Actual | 57.14% |
| 2016/17 Actual | 56.17% |
| 2015/16 Actual | 55.23% |

Service 7: Adult Corrective Services

This service is delivered by Corrective Services.

The Department strives towards an adult corrective services system that contributes to community confidence, provides timely offender services, ensures court sanctions are completed and contributes to reducing the rate of reoffending and imprisonment.

Services are provided to adults in prison custody and through a range of community corrections orders and programs (for example, parole, intensive supervision). Both public and privately operated facilities are included, however, the scope does not extend to youth justice which is reported under Service 8.

The following efficiency indicators measure the average cost of delivering the service.

Key Efficiency Indicators

Cost per day of keeping an offender in custody – Adult

What does this indicator measure?

This indicator measures the average cost per day of keeping an adult prisoner in custody.

How is this indicator calculated?

This indicator is calculated by dividing the total cost of managing adult prisoners in custody by the average daily number of adult prisoners and the number of days in the period.

What does this indicator show?

No significant variation.

| | |
|----------------|-------|
| 2018/19 Actual | \$296 |
| 2018/19 Target | \$279 |
| 2017/18 Actual | \$299 |
| 2016/17 Actual | \$297 |
| 2015/16 Actual | \$307 |

Cost per day of managing an offender through community supervision – Adult

What does this indicator measure?

This indicator measures the average cost per day of managing adult offenders through supervision of community orders.

How is this indicator calculated?

This indicator is calculated by dividing the total cost of managing adult offenders through community supervision by the average daily number of adult offenders supervised and the number of days in the period.

What does this indicator show?

There is no significant variation between the 2018/19 actual result and the target. The 2018/19 actual result was 12% lower than the 2017/18 actual result of \$34. This change reflects a reduction in total costs associated with management of offenders in the community combined with an increase in the number of offenders managed and the subsequent economies of scale.

| | |
|----------------|------|
| 2018/19 Actual | \$30 |
| 2018/19 Target | \$33 |
| 2017/18 Actual | \$34 |
| 2016/17 Actual | \$42 |
| 2015/16 Actual | \$45 |

Service 8: Youth Justice Services

This service is delivered by Corrective Services.

The Department is responsible for the safety, security and rehabilitation of young people in custody and those engaged with Youth Justice Services in the community. The Department is focused on:

- security and safety of young people at every stage of the youth justice system;
- safety of our people, and
- rehabilitation of young people.

The Department's core objective is to reduce reoffending among young people through:

- programs and services to divert young people away from the criminal justice system;
- programs and services for young people on orders in the community; and
- programs and services in custody.

Youth Justice Services is responsible for administering justice to young people who have committed or allegedly committed an offence while considered by law to be a juvenile (aged 10-17 years).

Youth Justice Services balances the care of young people with the responsibility to ensure community safety and will always:

- prioritise the safety of the young person and the community;
- consider what is in the best interests of the young person and their family;
- deliver services to young people that recognise vulnerability, developmental levels, gender, and cultural and religious beliefs and practices;
- be informed by evidenced based practice;
- deliver a comprehensive 'through-care' model of practice that is informed by:
 - the needs of each young person and is age, gender, culturally and linguistically appropriate;
 - a recognition and understanding that many young people in the justice system have experienced multiple traumas and that rehabilitation and care will need to address the trauma's causes and symptoms;
 - the identification of protective and risk factors;
- communicate clearly and in a timely manner with all key stakeholders;
- partner with other agencies and organisations to address complex issues contributing to youth offending in the planning and delivery of services; and
- engage with Aboriginal people to seek, promote and support culturally competent and Aboriginal-designed and led initiatives that reduce reoffending.

The following efficiency indicators measure the average cost of delivering the service.

Key Efficiency Indicators

Cost per day of keeping a young person in detention

What does this indicator measure?

This indicator measures the average cost per day of keeping a young person in detention.

How is this indicator calculated?

This indicator is calculated by dividing the total cost of managing young people in detention by the average daily number of young people in detention and the number of days in the period.

What does this indicator show?

The higher than target result, by 24%, is due to a reduced average daily number of young people in detention, compared to the budgeted number of young people in detention during the year. The higher average costs relate to reduced economies of scale as a result of the lower average daily number of young people in detention.

| | |
|----------------|---------|
| 2018/19 Actual | \$1,019 |
| 2018/19 Target | \$821 |
| 2017/18 Actual | \$935 |
| 2016/17 Actual | \$977 |
| 2015/16 Actual | \$990 |

Cost per day of managing a young person through community supervision

What does this indicator measure?

This indicator measures the average cost per day of managing young offenders through supervision of community orders.

How is this indicator calculated?

This indicator is calculated by dividing the total cost of managing young offenders through community supervision by the average daily number of young offenders supervised and the number of days in the period.

What does this indicator show?

The lower than target cost of managing young offenders in the community, by 12%, reflects a reduction in total costs associated with management of young people in the community.

| | |
|----------------|-------|
| 2018/19 Actual | \$83 |
| 2018/19 Target | \$94 |
| 2017/18 Actual | \$91 |
| 2016/17 Actual | \$100 |
| 2015/16 Actual | \$97 |

Disclosures and Legal Compliance

Governance disclosures

Ministerial directives

No ministerial directives.

Pricing policy of services

The pricing policy adopted across the Department conforms with Treasury guidelines. The Department charges for goods sold from prison industries. The charges comply with national competition policy principles.

Court and Tribunal Services

Fees are collected for a variety of services. This includes court hearing time, transcripts, and the enforcement of orders, including infringements lodged with the Fines Enforcement Registry for enforcement by various prosecuting authorities.

A review of fees is conducted annually to ensure a balance between the criteria of access to justice, incentives to settle matters and user-pays contributions.

Court fees and Fines Enforcement Registry fees were increased in 2018/19 by an average of 7.5 per cent. This information was published in the Government Gazette on 15 June 2018 and came into effect on 1 July 2018.

Registry of Births, Deaths and Marriages

The fees charged by the Registry of Births, Deaths and Marriages are reviewed annually. The pricing aims to achieve full cost recovery, and takes into account the Consumer Price Index, the cost of providing and maintaining services and the level of fees charged by other Australian registries for similar services. Fees remained unchanged in 2018/19.

Public Trustee

The Public Trustee collects fees for a variety of services.

The fees are based on a user-pays system while recognising the Public Trustee has operating subsidy obligations around a client's ability to pay.

The Public Trustee's hourly rate was increased by 1.5 per cent in 2018/19, which came into effect on 1 July 2018.

State Solicitor's Office

The State Solicitor's Office charges client agencies, including other State Government departments, for legal services that are non-core in nature. These fees are based on hourly rate charges and are set to reflect no more than cost recovery. The fees were increased by 0.7 per cent and came into effect on 1 July 2018.

Financial interests

At the date of reporting, other than normal contracts of employment, no senior officers had any interests in existing or proposed contracts with the Department.

Act of grace and ex gratia payments

The Department from time to time processes act of grace and ex gratia payments on behalf of the State. During 2018/19, one ex gratia payment totalling \$4,000 and six Wittenoom residents' Mesothelioma claims totalling \$1.041 million were paid on behalf of the State.

Unauthorised use of purchase cards

Purchase cards are an effective way to buy goods and services.

Only staff members who need to use a purchase card as part of their work are issued with them. Staff are only allowed to use the cards for Departmentally-approved business purposes. The Department recouped a total of \$4,148.14 during 2018/19 after 87 employees used their purchase cards for private purposes. All of this money has since been repaid.

The matters were referred to the Chief Finance Officer and the accountable authority in line with Departmental policies. A summary of the aggregated amounts of personal use expenditure is as follows:

| 2018/19 | Amount |
|--|------------|
| Settled within five working days | \$684.45 |
| Settled after five working days | \$3,463.69 |
| Outstanding | \$0.00 |
| Aggregate amount of personal use expenditure | \$4,148.14 |

Major capital works

Capital expenditure for 2018/19 was \$75.5 million, mainly due to assets associated with the custodial infrastructure program.

Capital projects in progress

Custodial infrastructure

\$35.6 million was spent on capital works in progress in 2018/19 as part of the following custodial infrastructure projects:

- Casuarina expansion project, including the new alcohol and other drug treatment unit for men (\$22.7 million)
- Bunbury Regional Prison's 160 bed expansion project (\$13.0 million).

Capital projects completed

During 2018/19, capital projects were completed with a value of \$17.7 million, including:

- construction of the Wandoo Rehabilitation Prison for women
- final stages of the immediate bed expansion project within the male prison estate
- Broome Prison security and condition upgrade
- Ligation minimisation program
- Acacia Prison waste water treatment plant upgrades.

Customer feedback

The Department is committed to providing quality service to Government, agencies, and the community, and welcomes feedback on its performance. The Department is committed to openness and transparency and ensures all complaints are addressed in a timely and appropriate way.

Feedback management systems

Following the Machinery of Government changes amalgamating the former Departments of the Attorney General and Corrective Services, the Department of Justice continued to operate two customer feedback systems. The customer feedback management system of the former Department of the Attorney General, and the administration of complaints, compliments and suggestions system of the former Department of Corrective Services, remain operational, managing complaints, compliments and suggestions. Feedback can be provided in various formats including online, by mail, over the phone, in person and via email.

Outcomes 2018/19

During 2018/19 the customer feedback management system received 684 submissions consisting of:

- 533 complaints
- 85 compliments
- 63 suggestions
- three other (not categorised).

Court and Tribunal Services received the most submissions (44 per cent) with the Public Trustee receiving the second highest number (30 per cent). The Public Trustee also received the highest number of compliments (46 per cent). 83 per cent of all feedback received in 2018/19 was responded to on time.

The Corrective Services system received 4,678 matters, comprising 4,344 complaints, 53 compliments, 27 suggestions, 152 requests for information, 79 contact only, six staff grievances and 17 other contacts (not categorised).

Employment and industrial relations

Breach of human resource management standards

There were 24 breach claims lodged with the Department during the 2018/19 reporting year. Of these, three were upheld.

There were 19 claims lodged against the employment standard and five against the grievance standard.

Social media policy

The Department has a social media policy, which establishes a clear set of requirements for the use of social media. The Department recognises that staff may choose to use social media in their personal life. Social media may also be used for official interests and professional interests.

The policy does not intend to discourage nor unduly limit the personal interests of staff or their online activities. Staff are encouraged to familiarise themselves with the policy which is available on the staff intranet.

Summary of employee numbers by occupational group and gender

| Row Labels | 2017/18 | | | | | 2018/19 | | | | |
|--|-----------------|-----------------|-----------------|--------------|--------------|-----------------|-----------------|-----------------|--------------|--------------|
| | Number | | | % | | Number | | | % | |
| | F | M | Total | F | M | F | M | Total | F | M |
| Catering Employees and Tea Attendants | 1.00 | 0.00 | 1.00 | 100.00 | 0.00 | 0.79 | 0.00 | 0.79 | 100.00 | 0.00 |
| Child Care Workers | 1.00 | 0.00 | 1.00 | 100.00 | 0.00 | 1.00 | 0.00 | 1.00 | 100.00 | 0.00 |
| Cleaners and Caretakers | 2.06 | 0.00 | 2.06 | 100.00 | 0.00 | 2.05 | 0.00 | 2.05 | 100.00 | 0.00 |
| Enrolled Nurses and Nursing Assistants | 2.00 | 0.00 | 2.00 | 100.00 | 0.00 | 2.92 | 0.00 | 2.92 | 100.00 | 0.00 |
| Jury Officers | 1.00 | 0.31 | 1.31 | 76.34 | 23.66 | 1.30 | 0.00 | 1.30 | 100.00 | 0.00 |
| Juvenile Custodial Officers | 73.60 | 182.86 | 256.46 | 28.70 | 71.30 | 69.54 | 177.34 | 246.88 | 28.17 | 71.83 |
| Medical Practitioners Agreement | 2.90 | 9.30 | 12.20 | 23.77 | 76.23 | 5.10 | 9.60 | 14.70 | 34.69 | 65.31 |
| Nurses Industrial | 87.80 | 18.03 | 105.83 | 82.96 | 17.04 | 111.56 | 20.10 | 131.66 | 84.73 | 15.27 |
| Prison Officers Agreement | 552.17 | 1,798.33 | 2,350.50 | 23.49 | 76.51 | 602.21 | 1,903.58 | 2,505.79 | 24.03 | 75.97 |
| Public Service Employees | 2,095.63 | 977.93 | 3,073.56 | 68.18 | 31.82 | 2,196.34 | 991.97 | 3,188.31 | 68.89 | 31.11 |
| Salaries and Allowances Tribunal | 6.65 | 12.00 | 18.65 | 35.66 | 64.34 | 7.20 | 12.00 | 19.20 | 37.50 | 62.50 |
| TAFE Lecturers | 0.32 | 0.00 | 0.32 | 100.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Youth Detention Centre Teachers | 10.00 | 6.00 | 16.00 | 62.50 | 37.50 | 11.20 | 6.80 | 18.00 | 62.22 | 37.78 |
| Total | 2,836.13 | 3,004.76 | 5,840.89 | 48.56 | 51.44 | 3,011.21 | 3,121.39 | 6,132.60 | 49.10 | 50.90 |
| Judicial Services | | | | | | | | | | |
| Government Officers (GOSAC/ GOSGA Award) | 103.70 | 45.90 | 149.60 | 69.32 | 30.68 | 102.40 | 43.90 | 146.30 | 69.99 | 30.01 |
| Prisoners Review Board | 1.00 | 0.00 | 1.00 | 100.00 | 0.00 | 1.00 | 0.00 | 1.00 | 100.00 | 0.00 |
| Public Service Employees | 7.00 | 2.00 | 9.00 | 77.78 | 22.22 | 8.00 | 1.40 | 9.40 | 85.11 | 14.89 |
| State Administrative Tribunal | 9.00 | 7.00 | 16.00 | 56.25 | 43.75 | 11.00 | 6.00 | 17.00 | 64.71 | 35.29 |
| Total | 120.70 | 54.90 | 175.60 | 68.74 | 31.26 | 122.40 | 51.30 | 173.70 | 70.47 | 29.53 |

Summary of employee numbers

The Department has 6306.30 full time equivalent employees (FTE) comprising 6,536 paid individuals, excluding the judiciary and including trainees.

Note: The table provides employee numbers by award groups as of the last pay of the 2019 financial year, which is the pay period ending 27/06/2019 and the previous financial year's last pay, the pay period 28/06/2018.

Other legal requirements

Code of conduct

The Department is committed to providing a fair, responsive and supportive workplace. The Department's Code of Conduct aims to instil the values of respect, integrity, unity and diversity, justice and collaboration in all staff members.

The Code of Conduct was updated in 2019. It sets out standards of behaviour and helps inform employees about how to exercise judgement and accept personal responsibility in their professional roles.

Establishment of the new Professional Standards Division

As part of the Director General's commitment to improve integrity and accountability and reduce misconduct, the Professional Standards Division was established in January 2019. The remit of Professional Standards applies across the Department.

Compliance with sector standards and ethical codes

The Department complies with the public sector standards in human resource management and the public service code of ethics. The Department's code of conduct is the guiding source for all employees on the ethical principles, obligations and standards applying to staff.

Gifts and benefits

In 2018/19, the Department established a new Professional Standards Division reporting to the Director General. The Professional Standards Division reports quarterly on the offer and acceptance of gifts, benefits and other rewards.

During 2018/19, offers of 105 gifts were registered and 81 (77 per cent) were accepted.

Of the gifts accepted, nine (11 per cent) relate to hospitality events (including briefings, seminars and presentations), 20, (26 per cent) relate to offers of food or alcohol (including meal vouchers), 14 (17 per cent) relate to events or courses (including tickets to performances as well as complimentary placement on training courses) and 37 (46 per cent) relate to other items. These were mainly donations of resources, such as art supplies, given to prison facilities for the purposes of education and programs for those in the Department's care.

- During this reporting period, 39 (48 per cent) of the 81 accepted gifts were valued between \$0 - \$50, 21 (26 per cent) were valued between \$51 - \$100, nine (11 per cent) were valued between \$101 - \$200 and 12 (15 per cent) were valued at more than \$201.
- The 12 gifts accepted which were over the value of \$201 related to prison education and programs for those in the Department's care.

Recordkeeping plan

Under section 19 of the *State Records Act 2000*, the Department is required to have an approved recordkeeping plan. The Department manages its records under recordkeeping Plan 2018002, approved by the State Records Commission in March 2018. The plan is due for review by the State Records Commission in March 2023. The Department is developing policies, procedures, systems and tools to assist staff to meet their recordkeeping responsibilities and the requirements of the plan.

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

The recordkeeping systems were evaluated throughout 2018/19. Areas of systems improvement were identified to improve effective, efficient and compliant records management as well as meeting business information needs, including:

- Completion of the work required to amalgamate the former Department of the Attorney General's and Corrective Services' Electronic Document and Records Management Systems (EDRMS) into a single system. This resulted in a comprehensive report and a significant number of recommendations required to prepare a single Departmental EDRMS.
- Started work on the development of a single Business Classification Scheme to provide standardised language controls for Departmental records
- Completion of an upgrade of the EDRMS from HPE Records Manager 8.3 to Content Manager 9.2. This upgrade ensures that the recordkeeping systems are supported, compatible with Microsoft software, and that user interfaces and system settings are consistent and effective across both systems.
- Began work on a digitisation plan to meet the requirements of the General Disposal Authority for Source Records.

2. The organisation conducts a recordkeeping training program.

Recordkeeping training for metropolitan and regional sites in 2018/19 continued to promote EDRMS use and standardised recordkeeping procedures. Training in recordkeeping and EDRMS was delivered to system users on-site, across the State with customised training provided on request to cater for particular learning needs.

In 2018/19, 121 training sessions for a total of 264 staff were provided, and 672 staff completed the online recordkeeping awareness training course. The total number of staff who have completed this online course is 5,786.

3. The efficiency and effectiveness of the recordkeeping training program is reviewed from time to time.

The online recordkeeping awareness training course is available through the Department's learning management system. The course material has been reviewed to present a consistent training curriculum for all staff. The updated course will be made available in 2019/20.

Learning management system user group forums are held each month where the system and the training course content is reviewed, and issues identified and addressed.

Training materials and system user guides were updated in line with the EDRMS upgrade to Content Manager 9.2. The training material was communicated to staff and published on the Department's intranet.

The Department started developing an online knowledge base. The interactive knowledge base is intended to be available to all staff via the intranet, and will expand access to information and resources on recordkeeping and using the EDRMS to all staff.

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

The online course is compulsory for all new staff to do, and they must pass with at least 80 per cent, within three months of starting work. Staff are also required to complete re-certification training every five years. This course outlines in detail what staff have to do to comply with the requirements of the plan.

Individual business areas do local recordkeeping induction training as part of employee inductions. Requirements about recordkeeping and the proper use of information are included in the Department's code of conduct. Recordkeeping responsibilities are also included in the

policies, procedures and operating manuals created and maintained by individual business areas.

The efficiency and effectiveness of the Department's recordkeeping training program is evident in the number of records created in the EDRMS. The number of document has increased each year, and the number registered in 2018/19 has increased more than 91 per cent from 2017/18.

| | 2016/17 | 2017/18 | 2018/19 |
|----------------------------|---------|---------|-----------|
| Documents created in EDRMS | 590,682 | 679,856 | 1,301,618 |
| Folders created in EDRMS | 135,236 | 136,514 | 157,993 |
| Boxes created in EDRMS | 9,428 | 7,768 | 8,576 |

Advertising and Allied Expenditure

In compliance with section 175ZE of the *Electoral Act 1907*, the Department reports on expenditure incurred for advertising, market research, polling, direct mail and media during 2017/18.

| | |
|--------------------------------------|------------------|
| Advertising Agencies | \$168,951 |
| Adcorp Australia Ltd | \$48,689 |
| Carat Australia Media Services | \$12,812 |
| Initiative Media Australia | \$107,450 |
| Market Research Organisations | \$64,200 |
| Catalyse Pty Ltd | \$64,200 |
| Polling Organisations | \$295 |
| Survey Monkey | \$295 |
| Direct Mail Organisations | \$68 |
| Mailchimp | \$68 |
| Media Advertising | \$264,113 |
| Cocos Keeling Islands | \$99 |
| Department of Premier & Cabinet | \$7,484 |
| DPS Publishing Pty Ltd | \$4,090 |
| Facebook | \$1,863 |
| Fairfax Media | \$125 |
| Law Institute of Victoria | \$115 |
| Law Society of Western Australia | \$4,560 |
| Mediabrand Australia | \$555 |
| Momentum Media Holdings | \$875 |
| State Law Publisher | \$8,277 |
| Telstra | \$216,598 |
| West Australian Newspapers | \$19,472 |
| Total | \$497,627 |

Freedom of Information

In 2018/19, the Department received, 1,117 Freedom of Information (FOI) applications. During this time, 1,074 applications were completed and 69 remain outstanding. Eighty-seven applications were transferred in full to other agencies and 162 applications were withdrawn. In this period, 23 decisions were reviewed internally at the applicant's request. The original decision was varied on 12 occasions and upheld on five occasions. There were 11 requests to the Information Commissioner for external review. Five external reviews were completed, of these, four were withdrawn and one was closed by conciliation.

At the end of this period, nine reviews remain outstanding with the Information Commissioner.

Summary of FOI applications for 2018/19

| Applications processed | |
|-----------------------------------|--------------|
| Personal information requests | 963 |
| Non-personal information requests | 64 |
| Amendment of personal information | 3 |
| Applications transferred in full | 87 |
| Total | 1,117 |
| Outcomes | |
| Applications completed | 1,074 |
| Applications withdrawn | 162 |
| Internal reviews completed | 17 |
| External reviews completed | 5 |
| Applications being processed | 69 |

The Office of the Public Advocate, the Public Trustee, State Administrative Tribunal, Parliamentary Counsel's Office, Acacia Prison, Melaleuca Remand and Reintegration Facility and Broadspectrum (Australia) Pty Ltd are not listed as being part of the Department in the Freedom of Information Regulations 1993 and compile separate statistics.

Disability Access and Inclusion Planning

Under section 19 of the *State Records Act 2000*, the Department is required to have an approved recordkeeping plan. The Department manages its records under Recordkeeping Plan 2018002, approved by the State Records Commission in March 2018.

The plan is due for review by the State Records Commission in March 2023. The Department is developing policies, procedures, systems and tools to assist staff to meet their recordkeeping responsibilities and the requirements of the plan.

Outcome 1: People with a disability have the same opportunities as other people to access the services of, and any events organised by, the Department of Justice.

To improve the awareness of the Disability Access and Inclusion Plan (DAIP) with contractors and service providers who deal with the public, the Department confirmed that all renewing contracts, where a service is provided on behalf of the Department to the public, will include a discussion about the inclusion of the DAIP clause.

In 2018, Corrective Services began to develop and implement a project with a view to building the requirement for all custodial operational policies and procedures to be subject to a diversity impact assessment.

In 2019, an initiative to improve the quality of information on the intranet, public site and publications was put into effect.

Outcome 2: People with a disability have the same opportunities as other people to access the buildings and facilities of the Department of Justice.

The Department remains committed to making sure our buildings and other facilities are both safe and accessible.

Outcome 3: People with a disability receive information from the Department of Justice in a format that will enable them to access the information as readily as other people are able to access it.

The Office of the Public Advocate has continued to produce an 'easy read' version of its annual report, which is a two-page summary of annual activities in plain English and a larger font size, which assists people with intellectual disabilities, print disabilities or low literacy levels, so they can understand the work of the Office.

The Registry of Births, Deaths and Marriages continues to provide Auslan interpreters and hearing loops as requested. Front counter staff are trained to assist people requiring an Auslan interpreter with one employee able to communicate in Auslan.

Outcome 4: People with a disability receive the same level and quality of service from the Department of the Justice staff as other people receive.

The Department continues to raise awareness of disability issues by promoting associated events. In December 2018 the Department raised money for the Western Australian Deaf Society by holding a morning tea to celebrate International Disability Awareness Week.

The Public Trustee continues to offer the Wills on Wheels service to people in their home or in hospital, as well as National Relay Training for staff to assist clients with verbal or hearing difficulties.

The Office of the Public Advocate delivered 24 education sessions to community members and professionals from the health, mental health, disability, aged care and legal sectors. All of the sessions were held in accessible venues.

Outcome 5: People with a disability have the same opportunities as other people to make complaints to the Department of Justice.

The Office of the Public Advocate continues to provide a feedback banner advertisement on its webpage to direct users to where they can provide feedback.

The Department continues to track feedback logged involving people or issues which raise disability criteria, with a view to using the data to improve services. During 2018/19, feedback was received from people identifying as having a disability, but none of the feedback provided related to disability access issues.

Outcome 6: People with a disability have the same opportunities as other people to participate in any public consultation by the Department of Justice.

Business areas continue to consult relevant stakeholders, agencies and organisations to ensure people with disabilities are engaged and their views represented.

Outcome 7: People with a disability have the same opportunities as other people to access employment to the Department of Justice.

The Department's Senior Human Resources Officer (Diversity, Equal Opportunity) continues to work to ensure the Department's employment policies and procedures are maintained and adhere to the Department's DAIP.

Government policy requirements

Substantive equality

The Department continued to work towards substantive equality in its services and outcomes to meet the needs of employees and stakeholders, as per the Government's policy framework for substantive equality.

The Department's commitment to the Government's policy is reflected in its code of conduct and embedded into human resource policies, procedures and guidelines.

Court and Tribunal Services

The Court and Tribunal Services (CTS) division developed and put into effect a substantive equality plan for 2017-2022, co-ordinated by a project officer.

Achievements included the introduction of a tool to assess the substantive equality impact on all new project proposals, revision of the CTS Induction Program to include employee responsibilities for substantive equality, updating and improving CTS websites for assistive technology and rural/regional users, and the commitment to providing compulsory disability awareness training for CTS staff throughout the State.

Corrective Services

Two Aboriginal Health Worker positions were established within Health Services in the Corrective Services Division to improve health care for offenders at Eastern Goldfields Regional Prison and at Wandoo Rehabilitation Prison.

Aboriginal Health Workers have a working knowledge of Aboriginal family structure, knowledge and understanding of Aboriginal culture, customs and history which they can use in providing care to Aboriginal people.

The Department's first Aboriginal Health Worker started in 2017/18 at Eastern Goldfields Regional Prison.

The Department also appointed an Aboriginal Mental Health Worker at Wandoo Rehabilitation Prison. These roles help make the prison more responsive to the health needs of Aboriginal people.

The staff will give ongoing support to clinical teams by providing culturally appropriate care (physical, emotional and social) from a prisoner's admission until they are released.

Reconciliation action plan

In July 2018, the Department launched its inaugural Reconciliation Action Plan (RAP) 2018/19 to 2020/21. The RAP focuses on initiatives which improve outcomes for Aboriginal and Torres Strait Islander people.

The RAP has been guided by a Steering Committee with Aboriginal and non-Aboriginal co-chairs. In putting the RAP into effect, the Department has been working with Aboriginal communities, groups and representatives to develop better ways of addressing the complex factors which contribute to offending among Aboriginal and Torres Strait Islander people.

During 2018/19, the Department achieved many important initiatives in the RAP, including the 2018 NAIDOC Week event and exhibition, meetings with Aboriginal Services Committees across the prison system and the Department's Aboriginal Workforce Development Strategy 2018 – 2021 has been developed, launched and is being put into effect. The revamped Aboriginal Mediation Service is being promoted through electronic and print media, the Aboriginal Justice Program's Open Days continue to deliver enhanced services to regional and remote Aboriginal people, and the Aboriginal Liaison Officer Program continues to deliver valuable services across 10 court locations in Western Australia.

OSH and injury management

The Department of Justice maintains a commitment to providing a safe and healthy workplace for employees, volunteers, contractors and visitors. A copy of our occupational safety and health (OSH) policy has been supplied to all workplaces to improve awareness of the Department's commitment to safety and health.

An assessment of the OSH management system against the WorkSafe plan was last done in 2017. This assessment resulted in key recommendations which formed the basis of the 2018-2020 corporate OSH plan. The corporate OSH plan consists of 15 objectives and each objective requires specific actions to be completed. A number of these actions are underway and a progress report is tabled at the corporate safety and health committee meeting held each quarter.

Through the effective use of occupational safety and health policies, procedures and safety and health systems, the Department aims to provide a workplace free from work-related harm, disease and injury.

Workers compensation

The Department remains committed to helping injured workers back into gainful employment. The workers compensation and injury management team works in partnership with our various business areas on injury prevention, early intervention and return to work planning.

The Department has adopted injury management practices which comply with the workers' compensation code of practice (injury management) 2005. Injury management procedures are regularly reviewed to ensure practices best meet the Department's needs.

The Department continues to improve practices to focus on reducing the frequency, severity and volume of all compensable injuries.

| Year | Number of fatalities | Number of lost time injuries or disease | Number of severe claims | Lost time injury severity rate | Number of lost time injuries within 13 weeks and returned to work | Number of lost time injuries within 26 weeks and returned to work | Number of lost time injuries more than 26 weeks and returned to work |
|---------|----------------------|---|-------------------------|--------------------------------|---|---|--|
| 2017/18 | 0 | 397 | 145 | 36.5239 | 91 (22%) | 12 (3%) | 1 (0.25%) |
| 2018/19 | 0 | 517 | 209 | 40.4255 | 118 (22%) | 38 (7%) | 23 (4%) |

Acts Administered through the Department of Justice

Acts Amendment (Equality of Status) Act 2003
Acts Amendment and Repeal (Courts and Legal Practice) Act 2003
Administration Act 1903
Age of Majority Act 1972
Anglican Church of Australia (Diocesan Trustees) Act 1888
Anglican Church of Australia (Diocese of North West Australia) Act 1961
Anglican Church of Australia (Swanleigh Land and Endowments) Act 1979
Anglican Church of Australia Act 1976
Anglican Church of Australia Constitution Act 1960
Anglican Church of Australia Lands Act 1914
Artificial Conception Act 1985
Australia Acts (Request) Act 1985
Bail Act 1982
Bail Amendment Act 2008
Baptist Union of Western Australia Lands Act 1941
Bills of Exchange (day for payment) (1836) (Imp)
Bills of Exchange (non-payment) (1832) (Imp)
Births, Deaths and Marriages Registration Act 1998
Charitable Trusts Act 1962
Child Support (Adoption of Laws) Act 1990
Children's Court of Western Australia Act 1988
Choice of Law (Limitation Periods) Act 1994
Civil Judgments Enforcement Act 2004
Civil Liability Act 2002
Civil Procedure Act 1833 (Imperial)
Classification (Publications, Films and Computer Games) Enforcement Act 1996
Commercial Arbitration Act 2012
Commissioner for Children and Young People Act 2006
Commonwealth Places (Administration of Laws) Act 1970
Commonwealth Powers (De Facto Relationships) Act 2006
Companies (Administration) Act 1982
Constitutional Powers (Coastal Waters) Act 1979
Co-operative Schemes (Administrative Actions) Act 2001
Coroners Act 1996
Corporations (Administrative Actions) Act 2001
Corporations (Ancillary Provisions) Act 2001
Corporations (Commonwealth Powers) Act 2001
Corporations (Consequential Amendments) Act (No. 3) 2003
Corporations (Taxing) Act 1990
Corporations (Western Australia) Act 1990
Court Security and Custodial Services Act 1999
Courts and Tribunals (Electronic Processes Facilitation) Act 2013
Crimes at Sea Act 2000
Criminal Appeals Act 2004
Criminal Code Act Compilation Act 1913
Criminal Injuries Compensation Act 2003
Criminal Investigation (Extra-territorial Offences) Act 1987
Criminal Law (Mentally Impaired Accused) Act 1996
Criminal Organisations Control Act 2012
Criminal Procedure Act 2004
Criminal Property Confiscation Act 2000
Criminal Property Confiscation (Consequential Provisions) Act 2000
Cross-border Justice Act 2008
Crown Suits Act 1947
Dangerous Sexual Offenders Act 2006
Debts Recovery Act 1830 (Imp)
Debts Recovery Act 1839 (Imp)
Defamation Act 2005
District Court of Western Australia Act 1969
Domestic Violence Orders (National Recognition) Act 2017
Domicile Act 1981
Electronic Transactions Act 2011
Escheat (Procedure) Act 1940
Evidence Act 1906
Executors Act 1830 (Imp)
Factors (1823) (Imp)
Factors (1825) (Imp)
Factors (1842) (Imp)
Factors Acts Amendment Act 1878
Family Court Act 1997
Family Court (Orders of Registrars) Act 1997
Family Legislation Amendment Act 2006
Family Provision Act 1972
Fatal Accidents Act 1959
Federal Courts (State Jurisdiction) Act 1999
Financial Transaction Reports Act 1995
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
Historical Homosexual Convictions Expungement Act 2018
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)

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 Act 2004
Magistrates Court (Civil Proceedings) Act 2004
Mercantile Law Amendment Act 1856 (Imp)
National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018
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
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
Prisoners (International Transfer) Act 2000
Prisoners (Interstate Transfer) Act 1983
Prisons Act 1981
Professional Standards Act 1997
Prohibited Behaviour Orders Act 2010
Property Law Act 1969
Prostitution Act 2000 (s. 62 & Part 5 only; remainder of Act administered by the Minister for Health principally assisted by the Health Department)
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 (Interstate Transfer of Community Based Sentences) Act 2009
Sentence Administration Act 2003
Sentencing Act 1995
Sentencing (Consequential Provisions) Act 1995
Sentencing Legislation Amendment and Repeal Act 2003
Solicitor-General Act 1969
Spent Convictions Act 1988
State Administrative Tribunal Act 2004
State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004
Statute of Frauds (1677) (Imp)
Statutory Corporations (Liability of Directors) Act 1996
Suitors' Fund Act 1964
Supreme Court Act 1935
The Salvation Army (Western Australia) Property Trust Act 1931
Titles (Validation) and Native Title (Effect of Past Acts) Act 1995
Trustee Companies Act 1987
Trustees Act 1962
Trustees of Western Australia Limited (Transfer of Business) Act 2003
Unauthorised Documents Act 1961
Uniting Church in Australia Act 1976
Vexatious Proceedings Restriction Act 2002
Victims of Crime Act 1994
Warehousemen's Liens Act 1952
Warrants for Goods Indorsement Act 1898
West Australian Trustees Limited (Merger) Act 1989
Wills Act 1970
Yallingup Foreshore Land Act 2006
Young Offenders Act 1994