



Government of Western Australia  
Department of Justice

# Annual Report 2019/20





# 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 2020.

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  
24 September 2020

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The front cover features an artwork called 'Waterholes', painted by a prisoner from Casuarina Prison. This is how the artist describes the painting:

*"This is Ballardong Waterholes, in the Avon River in the Stirling Ranges. I painted it because it was the fresh waterhole where we would catch fresh marron. The green lines were the tracks we walked down to get to the waterholes."*

# Contents

<b>Overview of the Agency .....</b>	<b>5</b>
Executive summary .....	5
Operating locations .....	9
Strategic framework .....	10
Performance management framework .....	12
<b>Agency performance .....</b>	<b>12</b>
Financial summary .....	13
Financial targets .....	13
Key Performance Indicators summary .....	14
COVID-19 response .....	18
Corrective Services .....	24
Court and Tribunal Services .....	51
Office of the Commissioner for Victims of Crime .....	64
Advocacy, Guardianship and Administration Services .....	69
Trustee Services .....	72
Registry of Births, Deaths and Marriages .....	76
Services to Government .....	78
Asset Management .....	107
Professional Standards .....	114
Managing our people .....	116
<b>Significant issues impacting the agency .....</b>	<b>121</b>
<b>Financial statements .....</b>	<b>124</b>
<b>Key Performance Indicators .....</b>	<b>183</b>
<b>Disclosures and Legal Compliance .....</b>	<b>214</b>
Governance disclosures .....	214
Major capital works .....	215
Customer feedback .....	215
Employment and industrial relations .....	215
<b>Other legal requirements .....</b>	<b>217</b>
Code of conduct .....	217
Compliance with sector standards and ethical codes .....	217
Gifts and benefits .....	217
Recordkeeping plan .....	217
Advertising and Allied Expenditure .....	219
Freedom of Information .....	219
Disability Access and Inclusion Planning .....	220
<b>Government policy requirements .....</b>	<b>222</b>
Substantive equality .....	222
Reconciliation action plan .....	222
OSH and injury management .....	222
<b>Appendix 1 - Acts Administered through the Department of Justice .....</b>	<b>224</b>

## Executive summary

The Department supports the community, Western Australian Government, judiciary and State 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 the Minister for Corrective Services in developing and implementing policy and the administration of, and compliance with, approximately 200 Acts of Parliament.

The past financial year was both a challenging and highly productive period that has demonstrated the delivery of significant legislative reforms; continued progress of key infrastructure expansion projects; and increasing demand for services. This combined with the operational impacts of the COVID-19 pandemic stretched the Department's resources.

I am proud of the Department's staff who have continued to meet these challenges and who have worked diligently and tirelessly to deliver results, often within short timeframes, during this difficult time.

### COVID-19 response

The impact of the COVID-19 pandemic provided unique operational challenges which had the potential to affect almost every area of the Department. The Department provides a number of essential frontline services for the Government and the community, including: corrective services, courts and tribunal services, the Registry of Births, Deaths and Marriages, the Office of the Public Advocate and the Public Trustee. The expectation was that we would continue to provide these services; and I am pleased to say that the Department responded positively to prepare for the pandemic and its possible impacts. As a result we were able to maintain the delivery of most services, albeit sometimes in a modified form.

The Department's staff demonstrated lateral thinking, flexibility and a willingness to take on new roles both inside the agency and in some cases on secondment to other agencies. They demonstrated a measured 'customer first' approach to working through the pandemic, while initiating and adopting new safe work practices. I thank all Justice staff who worked throughout the height of the COVID-19 restrictions - whether working remotely or physically in the workplace - for their efforts to keep our clients, those in our care, and colleagues safe, whilst

continuing to operate our services with the least disruption possible.

I would also thank the general public for bearing with us when services had to be either delayed or were otherwise impacted due to the physical distancing requirements and other restrictions that needed to be applied at this time.

The Department's response to the COVID-19 pandemic is explored in greater detail later in this report. Other key outcomes for 2019/20 are highlighted below.

### Driving justice reforms

The Department continued to progress significant justice reforms which promote both social justice and community safety. Policy and legislative reforms have been developed across a wide-ranging agenda that resulting in seven new pieces of legislation or significant legislative amendments becoming law in 2019/20.

These included: the *Bail Amendment (Persons Linked to Terrorism) Act 2019* which implements the 2017 Council of Australian Governments agreement for a presumption against bail applying to people with links to terrorism; the *Guardianship and Administration Amendment (Medical Research) Act 2020*, part of the State Government's response to COVID-19, ensures that people coming under guardianship laws are able to be considered for trials of new treatments and developments relating to COVID-19; and the *Prisons Amendment Act 2020* which amended the *Prisons Act 1981* by introducing mandatory testing of prisoners for certain infectious diseases if there are reasonable grounds to suspect there has been a transfer of bodily fluids from a prisoner to a prison officer. It also made several amendments to increase the monetary penalties for offences in the Act such as attempts to introduce contraband, such as illicit drugs or mobile phones, into a prison environment.

- The *High Risk Serious Offenders Act 2020* was a key State Government election commitment that was



passed by State Parliament in June 2020. It will allow both physically and sexually violent offenders who have a history of committing serious violent crimes and are nearing release from prison, to be issued with either a continuing detention or a supervision order by the Supreme Court in order to protect the community, if the offender is still deemed to be a serious recidivism risk.

- Another far-reaching legislative reform undertaken this year was the amendment of Western Australia's fines enforcement laws. The Fines Enforcement Registry will no longer issue warrants of commitment to imprison people for fine default. New hardship principles will come into effect and there will be a greater focus on recovering outstanding fines through garnishee orders or a wide range of community-based work options.
- Legislative changes have provided greater support and protection for victims of family and domestic violence through the passing into law of the *The Family Violence Legislation Reform (COVID-19 Response) Act 2020*. These amendments were led and developed by the Office of the Commissioner for Victims of Crime with input from Legislative Services and included the introduction of electronic monitoring for high risk family violence offenders, better processes to resolve disputed family violence orders; and a sentencing declaration for serial family violence offenders.
- Finally, reforming the *Criminal Law (Mentally Impaired Accused) Act 1996* continued to be a high priority with drafting work on this complex matter progressing through the year. The reforms will ensure those who cannot stand trial due to mental impairment are not subject to a greater penalty than if they had been convicted of a particular offence.

## Practice reforms

The Department's focus on reducing the over-representation of Aboriginal people in the criminal justice system continued this financial year, and included the fines enforcement reforms noted above, a number of Justice Planning and Reform initiatives, and the Kimberley Juvenile Justice Strategy (KJJS).

The KJJS aims to reduce the number of young people from the region coming into contact with the justice system through a number of community-led and culturally appropriate initiatives. As part of the Strategy, a range of grants to community organisations were implemented

across Kimberley towns to reduce the risk of offending behaviour by engaging young people in safe, structured, out-of-hours activities in Kununurra, Halls Creek, Fitzroy Crossing, Derby and Broome.

The Department engaged the Kimberley Aboriginal Law and Cultural Centre to carry out a comprehensive consultation process across the Kimberley to inform the development of preventative community-based solutions. The Government has announced \$6.2 million for the continued development and implementation of the KJJS, as part of the Government's Commitment to Aboriginal Youth Wellbeing.

The Department is also progressing important justice system reforms to improve community and victim safety through reductions in reoffending and increased rehabilitation. This is a four year reform journey that commenced in 2019. Importantly, these reforms will contribute to a reduction in the over-representation of Aboriginal people in the criminal justice system, including those in custody.

For example, in April 2020, in partnership with Legal Aid WA and the Aboriginal Legal Service Western Australia, the Department established a three-year metropolitan pilot Parole In-reach Legal Service and a Bail Support Service. These services will assist the administration of justice by improving access to bail for suitable applicants, and improving community safety through giving practical support to comply with their bail conditions and undertakings. The Parole In-reach Project will enhance prisoner access to rehabilitation programs and better prepare them for parole and/or release to the community.

## Supporting victims of crime

The Department continued to coordinate the operation of the National Redress Scheme in Western Australia and the introduction of On-Line Restraining Order Applications was a significant step in improving the process for victims of Family Violence. The introduction of Electronic Monitoring as a possible condition across multiple sentencing options supported the development of the electronic monitoring trial of family violence offenders.

### Building capacity and infrastructure

In 2019/20 the Department continued to progress several large-scale infrastructure projects. These included progressing the construction of the \$86 million Armadale Courthouse and Police Complex (led by WA Police Force), as well as the delivery and completion of 160 new beds at Bunbury Regional Prison (an investment of \$23.7 million), and the construction and delivery of two new 128-bed units at Casuarina Prison as part of its \$96.3 million four-unit expansion.

The substantial investment that the State Government has made in these areas will enable the Department to more effectively manage the increased demand for justice services into the future. The additional capacity in the prisons will also enable the Department to more effectively manage the projected increase in prison population and complex needs of prisoners, such as the increase in mental health conditions, alcohol and other drug problems and the aging population within the prison estate.

### Information and Computer Technology upgrades

In order to update and enhance the Department's aging computing infrastructure, this year saw the transition of the majority of the Department-owned IT infrastructure to the GovNext cloud. This significant project has removed critical ICT risks and provided a solid foundation upon which to focus platform and systems modernisation. The Department also refreshed its network infrastructure across the State and modernised its phone services through the adoption of GovNext network and IP telephony services.

### Strong demand for services

The Public Trustee and the Office of the Public Advocate continue to experience strong demand for their services as they worked to safeguard the interests of the growing number of vulnerable Western Australians who need their assistance. Mental illness has now replaced intellectual disability and dementia as the most common reason for the Public Advocate being appointed as guardian – a reflection of the challenges we face as a society.

Court and Tribunal Services also continued to face strong demand. Many courts continued to operate at median time to trial levels far greater than the targets set, which was exacerbated by the need to cease jury trials for some months because of the COVID-19 pandemic. However, the Coroner's Court was able to increase the number of coronial matters finalised compared with previous years. This is primarily due to the finalisation of 44 Long Term Missing Person cases.

The COVID-19 pandemic led to a reduction in reported criminal behaviour in the first half of 2020 and a subsequent sizeable decrease in those imprisoned. Despite this decrease, Corrective Services accommodated and managed an increasing prisoner population over the full year. The average number of prisoners increased from 6,908 in 2018/19 to 6,957 in 2019/20; and there continued to be a high proportion of remandees, who constituted 28 percent of the adult prisoner population.

### Corruption prevention

Professionalism, accountability and effective prevention of, and response to, misconduct were a strong feature for the Department this year.

In February, I appeared before the Corruption and Crime Commission (CCC) together with senior executives to outline the steps the Department has undertaken to respond to recommendations from six CCC reports into the management of misconduct matters. I was pleased to be able to demonstrate to the CCC the significant reforms that have been undertaken by the Department and substantial improvements in the way misconduct and corruption are addressed, not only in Corrective Services (the focus of the CCC reports) but across the Department as a whole. These included the full establishment of a Professional Standards Division, involving the restructuring and resourcing of Integrity and Accountability and a new Corruption Prevention and Education branch. These entities will prevent misconduct, respond to alleged misconduct and provide better access to support for staff concerned about integrity or misconduct matters.

To provide clear guidance on the Department's, and my own, expectations of staff professionalism and integrity, over the past year the Department has released a Justice Integrity Framework, an anti-fraud and corruption plan, and revised the code of conduct, public interest disclosure and gifts and benefits policy and reformed employee screening and vetting processes.

On 25 June 2020 the CCC acknowledged the reforms the Department has made, and commended it for its efforts. Of the 51 recommendations made in 2018, 37 have been fully addressed while 14 are being actively progressed and expected to be closed within the next 12 months.

### Leveraging technology

This year, perhaps more than ever, technology has enabled us to continue working and where possible maintain business as usual. Prisons introduced electronic visits when face-to-face social or official visits had to be suspended or restricted as a result of COVID-19. This was possible due to the expertise and IT infrastructure available, including the \$3.1 million video-conferencing facility opened at Hakea Prison in 2018. That unit can accommodate as many as 130 prisoners a day.

As an essential government service, many staff were required to remain at work sites, particularly in Corrective Services. However, Courts Technology Group and Knowledge, Information and Technology enabled more than 1,000 departmental staff to be equipped and able to work from home; and court matters, wherever possible, were heard via video-link.

The introduction of social media was used to great effect to keep the community informed about what we do, particularly during the COVID-19 pandemic. The Department now has a presence on Facebook, Twitter and LinkedIn. Recruitment campaigns were run on social media for the first time this year with a good degree of success.

Finally, 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 for their strategic direction and ongoing support of the Department.

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



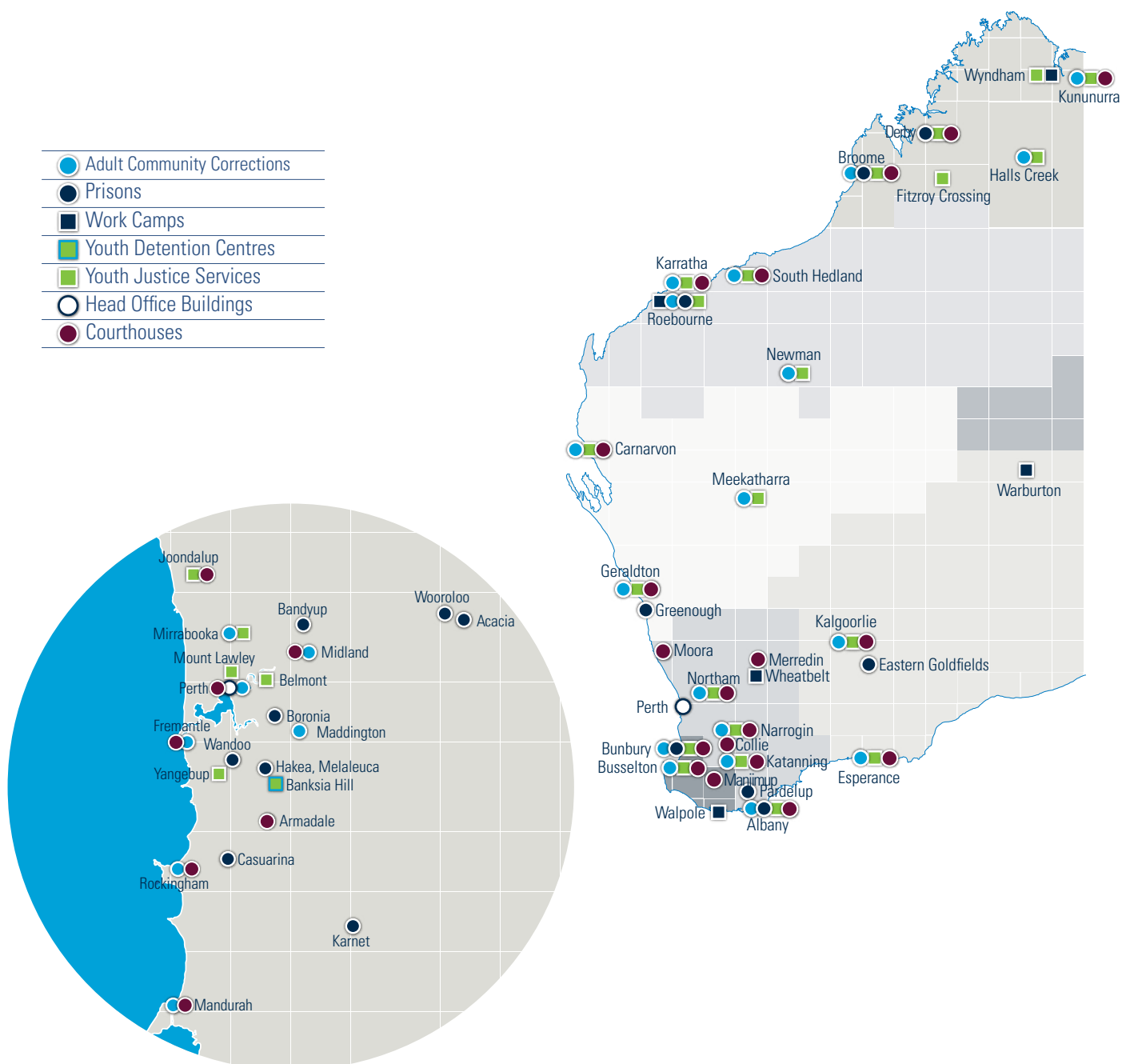
Dr Adam Tomison  
Director General



## Operating locations

The Department of Justice head office operates from the David Malcolm Justice Centre, 28 Barrack Street, Perth.

The Department also provides services throughout metropolitan and regional Western Australia, as shown below.





# 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 State 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 the 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 registration services

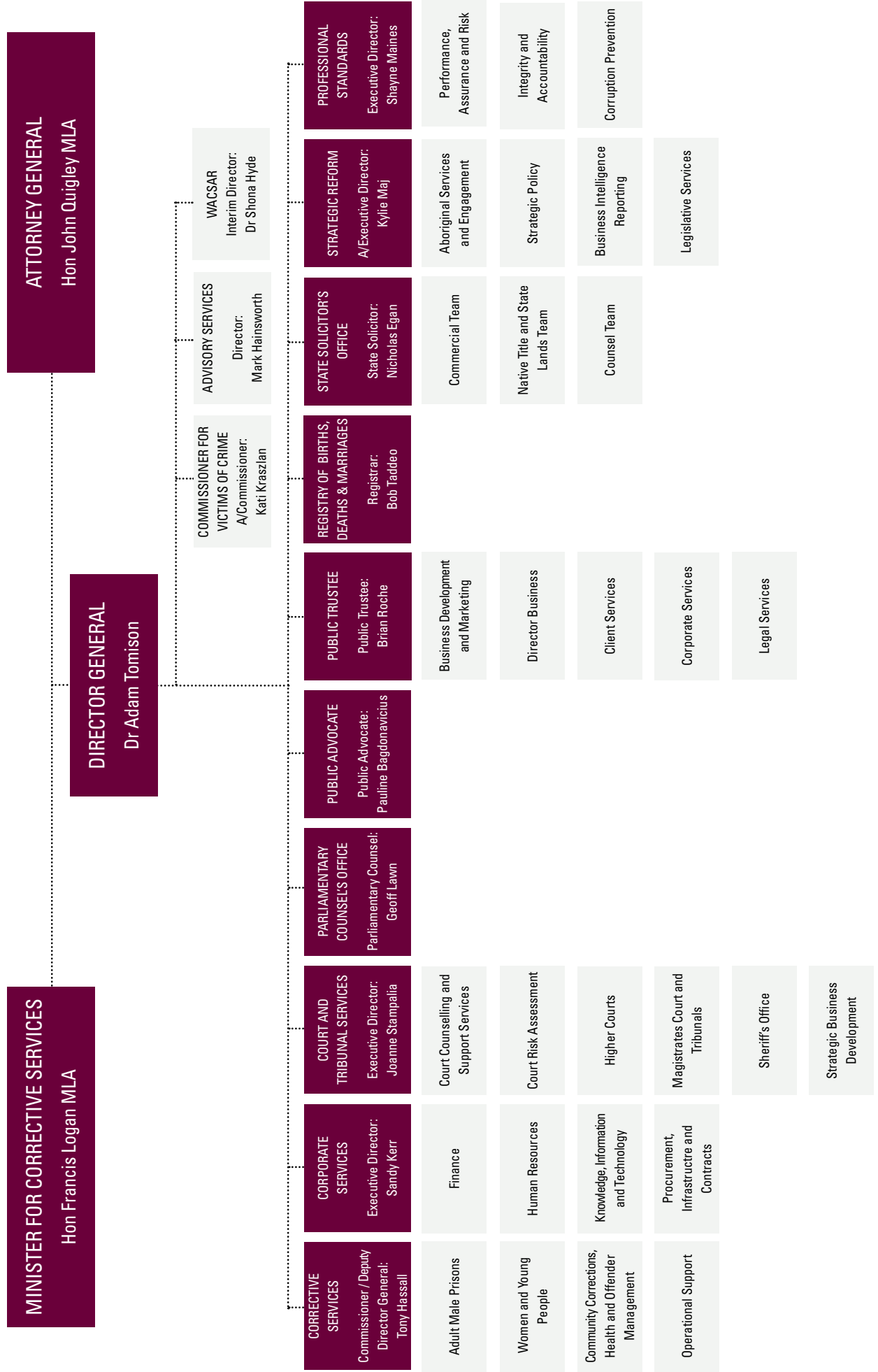
### Services to Government

- 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 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, desired outcomes and how the Department contributes to government goals.

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 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 4. National Redress Scheme for Institutional Child Sexual Abuse
	3. Western Australian birth, death and marriage certificates are accurate and accessible	5. Births, Deaths and Marriages
	4. Government receives quality and timely legal, legislative drafting and publication services	6. Services to Government
	5. Equitable access to legal services and information*	7. Legal Aid Assistance*
	6. A safe, secure and decent corrective services which contributes to community safety and reduces offenders' involvement in the justice system	8. Adult Corrective Services 9. Youth Justice Services

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



## Financial summary

Expenses	Original Budget 2018/19 \$000	Revised Budget 2019/20 \$000	Actual Expenditure 2019/20 \$000
1. Court and Tribunal Services	405,799	393,643	399,997
2. Advocacy, Guardianship and Administration Services	7,845	8,611	8,958
3. Trustee Services	25,090	24,547	25,734
4. National Redress Scheme for Institutional Child Sexual Abuse	81,337	16,733	9,356
5. Births, Deaths and Marriages	9,824	8,765	7,575
6. Services to Government	62,583	67,425	66,901
7. Legal Aid Assistance	44,935	56,848	53,381
8. Adult Offender Services	902,685	929,576	953,534
9. Juvenile Offender Services	98,168	99,079	95,639
<b>Total cost of services</b>	<b>1,638,266</b>	<b>1,605,227</b>	<b>1,621,075</b>

## Financial targets

	Original Target 2019/20 \$000	Revised Target 2019/20 \$000	Actual 2019/20 \$000	Variance	Comment
Total cost of services (expense limit)	1,638,266	1,605,227	1,621,075	(15,848)	Total Cost of Services was 1% higher than estimates mainly due to increased operating costs, including pressures associated with the management of adult offenders and delivering court services.
Net cost of services	1,463,121	1,423,097	1,346,741	76,356	Net cost of services was 6.3% lower than estimates mainly due to a gain on revaluation of \$109.7 million recorded an income in 2019/20. Gains and losses on revaluation are not part of the budget estimates.
Total equity	2,297,549	2,208,875	2,278,359	69,864	Equity was higher than estimates mainly due to a gain on revaluation of \$109.7 million.
Cash assets	81,325	50,242	40,298	(9,944)	Cash assets were 20% lower than estimates mainly due to increases in operating costs.

## Key Performance Indicators summary

The Department continued to work towards achieving the key performance indicator targets set in the 2019/20 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 45 weeks, 17 weeks above the 28 week target. *The Court Jurisdiction Legislation Amendment Act 2018* (WA), effective 1 January 2019, resulted in the Supreme Court primarily hearing homicide and related offences which are complex in nature and require lengthy trials. On 16 March 2020, jury trials were suspended in response to COVID-19 restrictions on social distancing.

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 2019/20, the time to finalise non-trial matters continued to be higher than target, reaching 48 weeks, 21 weeks above the target of 27 weeks. This was due to the long-term growth in the complexity and volume of final order parenting applications lodged, and the growth in the finalisation of these applications by court order or direction. Applications involving parenting issues take longer to finalise and represented 63 percent of the Family Court's finalisations.

In the District Court criminal jurisdiction, the median time to trial for criminal matters was 45 weeks, 13 weeks above the target of 32 weeks. This was due to a continual increase in the criminal workload, an increase in the number of cases committed to trial and the suspension of jury trials in response to COVID-19 restrictions on social distancing.

The State Administrative Tribunal (SAT) continued to achieve positive results. The median time to finalise a matter met 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 23 weeks, four weeks above the target of 19 weeks. The higher than target result is due to continued growth in the overall number of matters proceeding to trial.

The Coroner's Court achieved a median time to inquest result of 86 weeks, which was 42 weeks better than the target of 128 weeks. This was due to the additional judicial resource allocated to assist the Court in finalisation of 44 long-term Missing Person cases.

The Fines Enforcement Registry result of 32 percent of fines and costs satisfied within 12 months of referral was slightly below the target of 35 percent. The 2019/20 result for infringements satisfied within 12 months was 51 percent, which was below the target of 57 percent. The increasing average debt load per case has resulted in the inability of offenders to finalise infringements within 12 months.

The Office of the Public Advocate (OPA) 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 96 percent, which was slightly better than the target of 95 percent. Additional resources provided in 2019/20 have aided this improvement in performance and it is anticipated another modest increase in resources in 2020/21 will assist the OPA in managing its increasing caseload.

The Public Trustee administered 4.8 percent of deceased estates in Western Australia during 2019/20, exceeding its annual target of 4 percent. The percentage of clients whom the Public Trustee provided services at a subsidised cost has steadily increased over the years and reached 63 percent in 2019/20, exceeding the target of 50 percent.

The Office of the Commissioner for Victims of Crime responded to 97 percent of requests for information from the National Redress Scheme for Institutional Child Sexual Abuse within prescribed timeframes, exceeding the target of 50 percent. A conservative target was set for 2019/20, based on the scheme being an entirely new process, an initial estimate of a large number of applications being received in the first year and the reliance on other agency participation.

The Registry of Births, Deaths and Marriages has exceeded the target of 97 percent accuracy of its source records, with 98 percent of registrations accurately recorded in 2019/20. The timely delivery of certificates issued within two days result of 88 percent was slightly lower than the target of 90 percent.

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 percent satisfaction rating.

The Parliamentary Counsel's Office continued to support the State Government's legislative agenda, meeting 100 percent of the Government's timeframes for legislation it drafted. It also met its commitment to providing free access to the legislation of WA by meeting 100 percent of its legislation publication target.

Mixed results were achieved in relation to the objective of providing safe, secure and decent Corrective Services. The target of zero adult escapes was not met, with five prisoners escaping during 2019/20, including three from a minimum security work camp. All prisoners were re-captured and each incident was investigated by the Department. There were no escapes from youth detention.

The rate of return of adult prisoners (either to prison or community corrections) was 37.14 percent, slightly better than the target of 39 percent. However, the rate of return to youth detention was above the target of 50 percent, at 53.41 percent.

The successful completion rate of adult community corrections orders was slightly better than the target of 64 percent, at 64.9 percent. The successful completion rate of youth community-based orders improved in 2019/20 (58.61 percent) compared with 2018/19 (56.36 percent), however it remained lower than the target of 68 percent.

Youth Justice Services continues to work with young people, their families, culturally appropriate organisations and other Government agencies to build on this improvement by implementing case management strategies that are informed by best practice and target the criminogenic needs of young people.



## Achievements at a glance

### Legislation

#### Prisons Amendment Act 2020

Introduced mandatory testing of prisoners for certain infectious diseases.



#### Fines Penalties and Infringement Notices Enforcement Amendment Act 2020

Assented introducing a raft of changes to the Sheriff's Office and Fines Enforcement Registry.



16

Instruments of legislation passed and assented to or under development.



#### Higher penalties for serious assaults committed in the context of COVID-19 to protect front line staff.



### Aboriginal people, women and young people



**\$6.2 Million**

allocated to reducing the number of young people in the Kimberley entering the justice system.

Introduction of Offender Management Program in the Kimberley to help Aboriginal offenders remain on country.



Achieved 6 percent Aboriginal representation in the Department's workforce, doubling the target set by the Public Sector Commission.

#### 42 percent decrease in the number of young people



from the Kimberley region received by Banksia Hill Detention Centre.



#### Driver training and education

646 enrolments in the program, 308 learner's permits issued and 233 provisional motor vehicle driver licences achieved.



Assisted victims of crime by processing

**1000+**

requests for information under the National Redress Scheme.

### Supporting victims of crime



**12 602** victim support referrals.

**3615**

Applications for Criminal Injuries Compensation received in 2019/20.



**\$45.3 Million**

awarded to victims of crime.



#### Family Violence Legislation Reform Act 2020

Passed by Parliament and received Royal assent in July 2020.

**\$210,000**

Paid for Funeral expenses for homicide victims.



## Achievements at a glance

**Melaleuca Women's Prison returned to public management.**



The Drug Detection Unit conducted **3602** drug searches and trained 4 new drug detection dogs and handlers.



Opened two new units at Casuarina Prison including

**256**

new beds creating a reduction in the population at Hakea Prison by 25%.

Only youth custodial facility to offer Army cadets, and the first all female cadet program, delivered at Banksia Hill Detention Centre with 15 participants.



Produced more than

**\$13 Million**

in produce and services to offset our running costs.



### Corrective Services



**88**

**Graduates**

from the Alcohol and Drug Rehabilitation program at Wandoo Prison.

**50**



Celebrated Bandyup Women's Prison's anniversary.



**Employed 450 additional prison officers.**



**160 new beds at Bunbury Regional Prison**

**4671**

**e-visits**

Delivered between March and May 2020 in response to visitor changes during the COVID-19 pandemic.



**5888 adults  
1305 young people**

On average managed in the community.

### Service delivery and enhancements

**Corruption, Prevention and Education Directorate**

Senior positions were filled in 2019/20.



**2,463**

people for whom the Public Advocate was appointed guardian as at 30 June 2020, a 15 percent increase from 20 June 2019.



### WACSAR

Establishment of the WA Office of Crime Statistics and Research

**Transition to the cloud**

First operational department to join cloud under GovNext reform.



**Leveraging technology**

KIT relocated 1000+ staff to work from home during COVID-19 restrictions.

**62**

Physically-distanced weddings conducted at the Registry of Births Deaths and Marriages.



## COVID-19 response

### Department innovates to safely deliver services to WA

The greatest single challenge the Department faced this financial year was to ensure the safe and continued delivery of services in the context of the COVID-19 pandemic.

The Department delivers a diverse and vitally important range of services to the Western Australian community, and was therefore declared an essential services agency under the State of Emergency declaration.

The pandemic had the potential to disrupt or entirely close down much of the Department and the services it provides. The intent was to continue to operate as much as possible on a 'business as usual' basis while minimising the risk to the community, staff and those in its care. A Department emergency response team was established to coordinate responses.

A specific incident management team was developed to manage the Corrective Services response given it was a substantial risk area for the Department, particularly in the custodial estate which peaked at 7,168 adults and 125 young people in custody on 2 March 2020.

Between 23 March and 27 June 2020, social visits for prisoners were suspended due to the risk COVID-19 posed to the prison estate. However, the Department adapted and offered free phone calls and free additional mail items throughout the suspension. In addition, e-visit capacity was expanded in custodial facilities across the State, with 170 new kiosks installed. This ensured prisoners were able to maintain ties with their families – a vital step in their successful return to the community on release – which promotes community safety. There were 4,671 e-visits conducted across 16 prisons and the Banksia Hill Detention Centre between March and May this year.

The Section 95 program's community activities involved 388 approved prisoners from around the State performing important work in the community. The program was halted to minimise unnecessary traffic going into and out of prison facilities. Despite being restricted to prison-gazetted land, the prisoners continued to learn new skills and give back to the community through the Helping Hands initiative. Prisoners made study desks for school children, assembled care packages, and designed and created artwork and cards for seniors.

In the Court and Tribunal Services Division, new jury trials were suspended mid-March 2020 because of the difficulty in maintaining physical distancing and this impacted on jury services. As at 30 June 2020, plans had been initiated to relaunch jury trials with greater physical screening in place between juror's seating. Other matters were either rescheduled, heard by a judge alone or dealt with on the papers without parties having to attend in person. This required significant work to extend existing audio-visual capabilities within the courts and tribunals and to enhance the links into the custodial facilities.

The Registry of Births, Deaths and Marriages continued to perform marriage ceremonies with reductions in the size of wedding parties and other measures taken in line with social distancing requirements. During the COVID-19 pandemic, the Registry made the decision to close down its public counter and moved to delivering services either online or by post. This innovation has been maintained, although the public counter has been reopened.



The Strategic Reform Division, State Solicitor's Office and Parliamentary Counsel's Office put in a significant effort to have a range of COVID-19-related legislation developed and passed through State Parliament. This included laws to give victims of family violence the chance to apply for a violence restraining order online for the first time, rather than in person at court.

The Department also looked to technology across many business areas to allow services to be delivered remotely. More than 1000 staff members across the Department were able to work remotely at the height of the pandemic thanks to the Knowledge, Information and Technology directorate and the wider support of Corporate Services.

Staff at the Office of the Public Advocate and Public Trustee ceased direct client contact, except in exceptional circumstances, and used phone calls, emails and video conferencing to provide services to and keep in touch with vulnerable clients, many of whom have urgent or acute needs which must be addressed without delay.

The pandemic gave the Department an opportunity to leverage the new social media channels launched in January. The platforms, particularly Facebook, provided an alternative way to communicate with external stakeholders about how services were affected during COVID-19.

As an essential frontline service, many of our staff remained in their respective workplaces during the COVID-19 pandemic. All those who worked throughout the height of the COVID-19 restrictions, remotely or physically in the workplace, are commended for their hard work, flexibility and willingness to adapt, in what was a busy and uncertain time.

### *Other methods of addressing COVID-19 in our workplaces*

- Creating both Department wide and Corrective Services specific response teams with centralised incident management locations
- Ensuring physical distancing in all facilities where possible
- Temperature testing and provision of hand sanitiser in high traffic areas
- Risk assessment of each work location to ensure appropriate customised signage and PPE were available and in place, particularly in high risk and public contact areas
- Prioritising the transition of vulnerable workers out of and, when safe, back into the workplace
- Buying parking space in the CBD to ensure essential staff were able to travel risk free and were not financially disadvantaged while working during COVID-19
- Ensuring public messaging, including signage, staff updates and social media posts were up to date and in line with Department of Premier and Cabinet and WA Health Department requirements
- Developing IT solutions to enable more than 1000 staff members to work from home.

## COVID-19 response

### CASE STUDY – Registry of Births, Deaths and Marriages

#### *Love in the time of COVID-19*

While cancellation or postponement of marriages in WA became commonplace due to the COVID-19 threat, the Registry of Births, Deaths and Marriages continued to host civil ceremonies while meeting new public health requirements.

From 26 March 2020, only the couple marrying, the celebrant and two witnesses were permitted to attend the ceremony.

The Manager for Marriage Services reported that inquiries about Registry ceremonies increased during the pandemic because of couples having to cancel larger weddings at external venues.

Physical distancing was applied, with the celebrant standing a minimum of 1.5 metres away from the couple and witnesses signing the marriage certificate separately. Interpreters, if required, participated via teleconference to ensure compliance with the designated number of attendees.

The wedding rooms were cleaned between every ceremony to further minimise the risks and hand sanitiser was provided to all people coming into and out of the rooms.

The Registry front counter closed for a short time during the pandemic with other services switching to online and mail options.

Restrictions at the Registry were eased in line with the Government's roadmap to recovery from COVID-19.



*Registry celebrant Jody Saxon marries a couple while maintaining social distancing*

## COVID-19 response

### CASE STUDY – Court and Tribunal Services

#### *COVID-19 sees jury duty suspended*

All new jury trials were suspended on 16 March 2020 as a precautionary response to the COVID-19 pandemic.

Of the 163 District Court trials vacated in the Perth metropolitan area, 14 were granted judge-alone trials.

Trials that did not proceed by judge alone were referred to compulsory case conferencing to reduce the number and length of trials requiring relisting.

On 15 June 2020, the Hon Chief Justice Peter Quinlan and Her Hon Chief Judge of the District Court Julie Wager announced that jury trials would resume in late July.

The decision to recommence jury trials was not taken lightly, with a detailed examination of court rooms, jury rooms and jury empanelment procedures conducted and health advice sought.

The Department quickly and efficiently prepared for the resumption with a number of measures implemented to minimise the risks presented to potential jurors, staff and the community as a whole.

Modifying jury boxes in the District Court building by removing chairs and installing Perspex screens between jurors was one of the many social distancing measures introduced.



*Jury Trials resume with social distancing measures*

## COVID-19 response

### CASE STUDY – Corrective Services

#### *E-visits at Hakea*

Corrective Services suspended face to face social visits to minimise the potential risk of COVID-19 entering the custodial estate.

In order to continue providing prisoners with vital connection to family and friends on the outside, 170 e-visit kiosks were rolled out in WA prisons and Banksia Hill Detention Centre.

Thousands of video calls helped prisoners and detainees to stay in touch with their loved ones, with more than 4,500 e-visits conducted at 17 facilities by the end of May 2020.

The e-visits were provided in addition to free telephone calls and increased mail allowances, while Corrective Services Commissioner Tony Hassall personally wrote to people in custody to keep them informed of changes that would impact them.

"These measures and the rollout of e-visits helped prisoners and visitors stay in touch at a difficult time," Commissioner Hassall said.

"E-visits are the next best thing to face-to-face contact and something loved ones can do from their own homes," he said.

The visits are governed by similar rules to a face to face social visit, and are monitored by security and prisoners and detainees at no time have access to the internet. Any breaches are dealt with and, where appropriate, sanctions are applied.

E-visits will continue to be offered to prisoners and detainees to provide an additional contact option.

"For many, this will remain a convenient way to spend time with prisoners, particularly for those who live remotely or have difficulties in being able to travel to the prison at visiting times," Commissioner Hassall said.



*Prison officers monitor e-visits at Hakea*



## COVID-19 response

### CASE STUDY – Corrective Services

#### *Section 95 prisoners participate in Operation Helping Hands*

Corrective Services halted all unnecessary movement into and out of custodial facilities while COVID-19 presented a risk.

This meant that prisoners who performed work in the community under Section 95 of the *Prisons Act* were unable to complete their normal reparative work.

In order to continue providing the prisoners with opportunities to learn new skills and give back to the community, Operation Helping Hands was developed.

The project allowed Section 95 prisoners to create items within prison gazetted areas to support the community.

Prisoners at the Pardelup Prison Farm donated 100 hand-made desks to Mt Barker Community College students studying at home during movement restrictions.

The wooden desks were crafted in just two weeks and delivered to students in need of a secure space to learn at home.

Projects also included:

- Bandyup Women's Prison crafting children's clothes for families in need;
- Wooroloo Prison Farm restoring bicycles for the Department of Communities to rehome; and
- Boronia Pre-Release Centre residents cooking meals for charity group Assisting Your Life to Achieve (AYLA) to donate.



*Prisoners at Pardelup create desks.*

## Corrective Services

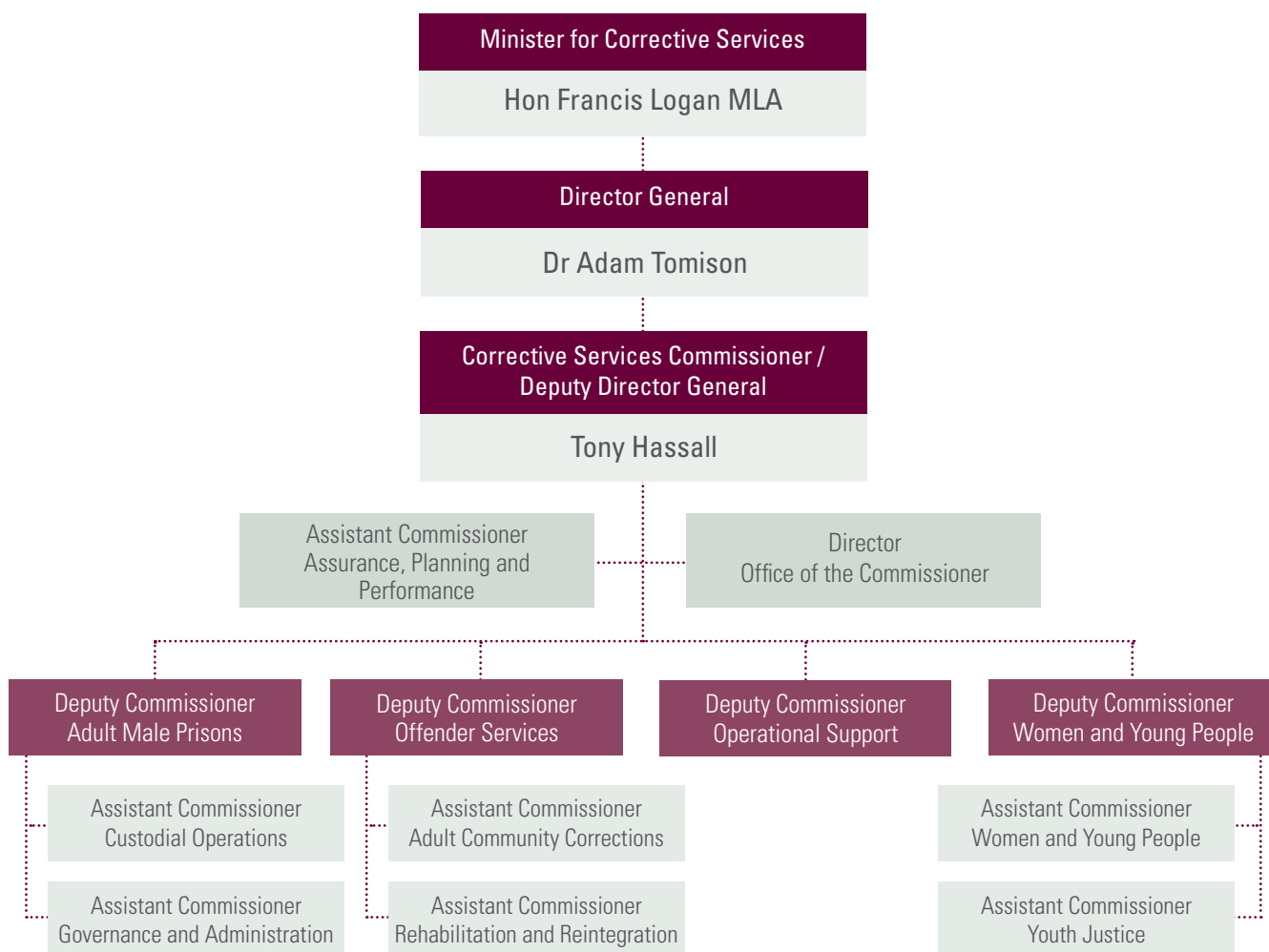
The Corrective Services Division is responsible for the State's adult prison and youth detention populations, as well as the adults and young people living in the community under the management of community corrections. The key priorities are community safety, rehabilitation and operating in an ethical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

This has been a challenging year for Corrective Services – undertaking significant reforms and service improvements while dealing with a global pandemic that could have had

serious impacts on staff and those in custody in the prison estate.

The fact that it did not, and that Corrective Services continued to operate as effectively as it did throughout the pandemic, is a testament to the strategic management and the staff on the frontline who continued to deliver essential services and remained resolute in maintaining optimum health standards in order to safeguard the WA community, staff and the prisoners in their care.

### Corrective Services - Organisational Structure



Corrective Services employs approximately 4,890 staff and has an operating budget of \$1.029 billion.

Corrective Services maintains the custodial estate and community corrections across the vast distances of regional and remote Western Australia as well as the metropolitan area. There are prisons and community corrections offices located from Wyndham in the far north,

to Warburton in the east and Albany in the south.

In 2019/20 WA prisons held on average a daily population of 6,957 adults in custody, while 5,888 adults were managed in the community. During the year there was an average daily population of 107 young people detained at Banksia Hill Detention Centre and 1,305 young people managed in the community.

## Highlights

- At Casuarina Prison work continued to increase the capacity by an additional 512 beds with two units holding 256 beds completed in June 2020. A further 256 beds are still under construction to address population pressures. One of the units will be the base for the delivery of WA's first dedicated alcohol and other drug treatment facility for men
- Planning work is already underway for a further 344 bed expansion at Casuarina which has a focus on the management of high need cohort groups such as those requiring mental health treatment, higher security environments or aged care assistance
- The Melaleuca Remand and Reintegration Facility was officially transitioned back to the State Government on 4 April 2020 and renamed Melaleuca Women's Prison. This will give the Department more options in terms of how it manages and rehabilitates women in prison
- A 160 bed upgrade and expansion to Bunbury Regional Prison, which officially opened in October 2019, was finalised and fitted out
- The Department continues to progress the Government's \$12.3 million capital works investment in Greenough Regional Prison. Work continues on key infrastructure, including an internal precinct fence and work on reinforcing cells and cell units. The fencing tender was awarded to GBSC Yurra, a joint venture between a local firm and a local Aboriginal company
- Corrective Services continued efforts to reduce and remove the supply of illegal drugs and contraband into prisons. This included adding additional capacity in the drug detection unit with more narcotic detection dogs and investment in other technologies to deter and disrupt supply of illegal drugs and contraband into custodial facilities. There were also unannounced searches of vehicles and visitors entering prison. These campaigns were run throughout the State.
- In February 2020 a new electronic monitoring contract for offenders was awarded to continue existing services and accommodate the expected increase in demand resulting from the Government's 2019 decision to invest \$52.3 million to expand the use of electronic monitoring in the community
- The Kimberley offender management project was initiated. It aims to design a regional specific approach to offender management and through care. Western Australia has the highest rate of imprisonment of all States, with Aboriginal and Torres Strait Islander people significantly over-represented in the criminal justice system. In response, the Department has led the implementation of several justice reform initiatives targeted at delivering sustained, structural reductions to the forecast growth in the adult prisoner population. It aims to provide integrated corrective services and programs looking at the specialised needs of Aboriginal offenders and female offenders. More information on these reforms is provided in the Strategic Reform section
- In May 2020 a review of the educational and vocational training programs to find ways to better meet the needs of Western Australian prisoners and offenders was completed. The recommendations focus on literacy, numeracy and job readiness and, where possible, suggest linkages with local industry to increase options for employability
- The Commissioner's Operational Policies and Procedures Project continued, with all 127 approved. These policies and procedures stipulate how staff must search people, use restraints, use force and report incidents when they occur and will continue to be implemented over the coming year
- The Corrective Services Training Academy delivered training for 235 new Prison Officers including a program delivered locally at Eastern Goldfields Regional Prison from January to March 2020. This gave 19 locally recruited staff the chance to work as prison officers in the city where they live. In addition to prison officers the academy also delivered training for 42 youth justice officers, 22 youth custodial officers, 67 vocational support officers, 50 community corrections officers and 22 assistant senior officers across the State
- A taskforce to coordinate Corrective Services' response to COVID-19 was established when the pandemic began. The team worked to ensure business continuity and to adapt and respond to emerging risks.

## Western Australia's prisons

Western Australia has 16 public prisons, one private prison and five work camps. In 2019/20 the facilities collectively housed an average of 6,957 adult prisoners, including an average of 79 prisoners per day in minimum security work camps.

Prison population at a glance			
Average daily population	2019/20	2018/19	Change
Overall	6,957	6,908	0.7%
Prison location	2019/20	2018/19	Change
Metropolitan	5,017	5,029	-0.2%
Regional	1,940	1,879	3.2%
Gender <sup>1</sup>	2019/20	2018/19	Change
Male	6,219	6,171	0.8%
Female	739	736	0.4%
Aboriginality <sup>1</sup>	2019/20	2018/19	Change
Aboriginal and Torres Strait Islander	2,707	2,694	0.5%
Non-Aboriginal	4,250	4,214	0.9%
Personal security rating <sup>1</sup>	2019/20	2018/19	Change
Maximum	1,880	1,800	4.4%
Medium	3,445	3,498	-1.5%
Minimum	1,633	1,610	1.4%

<sup>1</sup> Figures may not add to total due to rounding.

## Corrective Services

### CASE STUDY – Australian Corrections Medal winners

#### *WA Corrective Services staff recognised*

Five WA staff received the Australian Corrections Medal for distinguished service in 2020. This brought the total number of Western Australians to receive this award to 10 since 2017 when it was added to the Australia Day Honours list.

#### *Greg Little*

In addition to being named Australia's NAIDOC Male Elder of the Year for 2019, Noongar Elder Greg Little received the medal for his work as a prison support officer at Bunbury Regional Prison. Greg has played a major role in the management, leadership and mentoring of the prisoner support team.

#### *Samuel Dinah*

Fellow Noongar Elder, Mr Samuel Dinah was recognised for his involvement with the Aboriginal Visitors Scheme. Since joining the Department in 2004, Sam has been pivotal in helping families concerned about a relative in custody. A 16-year employee of the Department, he is one of a small team which visits metropolitan and regional custodial facilities, police lock-ups and courts to support and advise Aboriginal offenders.

#### *Cassandra Gilbert*

Adult Community Corrections Manager in the Pilbara and Kimberley Cassandra Gilbert spends a lot of time on the road. Cassandra joined the Department as a prison officer in 1995 and in her current role sometimes travels more than 1,000 kilometres a day to support staff who work with offenders in the community.

#### *Ben Leadbeatter*

Ben Leadbeatter, Assistant Superintendent, Security Support and Administration in the Special Operations Group, is a good man to have in a crisis. Since joining the Department as a prison officer 15 years ago, Ben's skills have been in demand during prison incidents and emergencies to restore good order and security without significant injuries to staff or prisoners. He has also contributed to policy development and specialist training delivery.

#### *Leith Thomas*

Leith Thomas has held several positions since joining the Department as a nurse at Broome Regional Prison in 2007. That has included working as a team member for prison addiction services and employment coordinator. Now Assistant Superintendent, Offender Services West Kimberley Regional Prison, Leith has established positive relationships with communities and understands what skills prisoners need to find work on release.

Corrective Services Commissioner Tony Hassall said the five recipients were well deserving of the recognition.

"All five have worked tirelessly in their chosen fields and their work in supporting the prison estate and in rehabilitating prisoners has proved invaluable," Mr Hassall said.



*Noongar elder Greg Little*



## Population Management

Of the adult population in 2019/20, 28 percent were on remand. These continuing high remand levels resulted in increased demand for remand beds.

Corrective Services also experienced a backlog in Individual Management Plans (IMP); initial assessments used to determine which programs and services each prisoner requires during their time in prison. In July 2019 a review into increasing the efficiency and effectiveness of prisoner assessment through the IMP commenced. The purpose of the review was to:

- analyse all components of the initial assessment process for sentenced prisoners including education, treatment and custodial assessments;
- examine the process with a focus on succinct reporting and reducing administration; and
- review the staffing model, organisational structure, delivery and governance.

A number of strategies have now been implemented including streamlining initial assessment reports and increasing the number of education, treatment and custodial assessment staff. Between July 2019 and early March 2020, these strategies reduced the backlog of initial IMPs by 35 percent and reduced outstanding treatment assessments by 36 percent. Clearing this backlog will improve rehabilitation and reintegration opportunities for sentenced prisoners.

Further to the number of strategies implemented in managing the Western Australia prisoner population, the Bunbury Regional Prison completed a 160 bed upgrade and expansion which officially opened on 18 October 2019 increasing the medium security accommodation capacity across the state. Additionally during 2019/20 the Casuarina 512 bed Expansion Project provides the state additional maximum security beds. This project to date, saw the opening in June 2020 of two new secure units (256 beds) and a number of support buildings. The remaining 256 beds incorporating the commencement of the male AOD unit is planned to be officially opened in October 2020.

Architects have been appointed to progress a further expansion of 344 maximum security beds at Casuarina Prison including a new High Security Unit to provide secure management of the State's most dangerous prisoners.

## *Acknowledging Aboriginal and Torres Strait Islander culture*

Aboriginal and Torres Strait Islander people make up only 3.1 percent of the Western Australian population but account for approximately 39 percent of the adult prisoner population and 30 percent of the adult community offender population. WA has the highest rate of Aboriginal imprisonment nationally with 4,058 incarcerations per 100,000 population – 62 percent above the national average rate for Aboriginal incarceration. During 2019/20, the daily average population of Aboriginal young people held in custody was a total of 77 detainees (a decrease of 24.5 percent from 2018/19).

Corrective Services has introduced an approach to guide the way it works with, and relates to, Aboriginal people. The Participation, Partnership and Promotion of Culture (PPP program) seeks to promote an active and inclusive approach to the engagement of Aboriginal offenders, community partners and families. It recognises the fundamental role of culture, language, community and spirituality, to reduce Aboriginal incarceration and improve Aboriginal wellbeing.

As part of the Program the Department introduced a change to the way it captures information in relation to Aboriginal prisoners and detainees to record Aboriginality, country and language which will better assist in managing prisoners that identify as Aboriginal in terms of accommodation, service provision and transition to country on release.

Other activities for the year included:

**Roebourne Regional Prison** is a leader in driving projects to benefit Aboriginal prisoners. An important piece of work this year was to ensure Aboriginal prisoners were able to communicate with friends and family in communities via e-visits during the social visit suspension. A partnership with local radio station Ngaarda Media in Roebourne allowed prisoners to request music and broadcast messages on a show called 'Inside Soundz'. As a part of this project, work is progressing to have Ngaarda Media set up as an approved external activity provider to give prisoners the ability to learn and work in media operations.

The **Aboriginal Visitors Scheme** entered its third decade of operation, providing Aboriginal prisoners and young people with access to cultural contact and support. The visitors are employed on a casual and rostered basis to ensure they can provide help at all times to those in custody.

At Greenough Regional Prison decorative pillars featuring art work by the male and female prisoners were installed in June 2020. The pillars feature colourful and welcoming designs that reflect the area's sea life and native flora and fauna. These are the first in a series of installations designed by Aboriginal prisoners with around a dozen more pillars set to flank the drive leading into the prison.

During NAIDOC Week 2019, eight Aboriginal offenders from **Boronia Pre-release Centre for Women** participated in a Kaarta Garup (Kings Park) cultural walk and talk led by Whadjuk woman and Nyungar Tours operator Kerry-Ann Winmar. During the tour they learned about the six Noongar seasons and the gardening techniques of the Noongar people.

A new partnership between the Department and Carey Training, an Aboriginal owned and operated private registered training organisation, was formed. The Carey Bindjareb program is run out of **Karnet Prison Farm** and provides job skills training to Aboriginal and Torres Strait Islander prisoners. Successful applicants graduate with a Certificate II in Civil Construction.

After being unable to source suitable local Aboriginal cultural training for staff, the management team at **Broome Regional Prison** worked with local Aboriginal Elders to develop an online training package which aligned with local Aboriginal culture. This new program has improved the cultural awareness of staff particularly with regard to the long standing culture in the region.



*Prisoners proudly showed Corrective Services Minister Francis Logan and Commissioner Tony Hassall their work.*

## Adult Male Prisons

Adult Male Prisons directorate is responsible for the operation of five metropolitan male prisons, including one privately managed facility, eight regional prisons (three for men and five for both men and women), five regional male work camps and the statewide 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.

Adult males constitute 89 percent of the State's total prison population, with 38 percent of those identifying as of Aboriginal or Torres Strait Islander descent.

### *Key achievements*

- Management of an average daily population of 6,219 male prisoners
- Employment of approximately 450 new prison officers
- Completion of the \$23.7 million project for a 160 bed upgrade and expansion to Bunbury Regional Prison
- Opening two new units (256 beds) in June 2020 as part of the \$96.3 million 512 bed upgrade and expansion project at Casuarina Prison
- The appointment of architects to progress the second stage of the Casuarina redevelopment will add another 344 beds. This includes:
  - a High Security unit, the first of its kind in Western Australia, purpose built for prisoners who pose an extreme threat and/or violence risk or influence to other prisoners and staff
  - a new Mental Health Unit for management of high psychiatric priority rated prisoners across the State and an Assistant Care Unit which is designed to cater for the frail, aged and infirmed
- Beginning the \$1.4 million planning phase for a new prison in the Broome area, including engagement with the Yawuru native title holders to identify and evaluate potential sites.

## Casuarina

The State Government's strong investment in prison infrastructure will see 1,228 new beds available across the estate between 2017 and 2023, 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.

The completion of 256 new beds at Casuarina Prison in June 2020 has provided a reduction in the Hakea Prison population of approximately 25 percent, and will ameliorate population pressures expected at Hakea in the 2020/21 financial year. A further 256 beds at Casuarina are due for completion in August 2020 providing the custodial network with additional capacity and greater flexibility in prisoner management.

As prisoner population growth continues, the challenge of dealing with the specialised needs of particular cohorts of prisoners has also increased. Consistent with national trends, there is an increase in the population of aging prisoners and prisoners with mental health and drug and alcohol issues in Western Australia. To address this \$186 million to deliver a further 344 new beds at Casuarina Prison was secured as part of the 2019/20 budget. The construction investment includes expanding and improving the current infirmary, establishing a suitable 30-bed mental health unit to deal with serious psychiatric conditions, a new high security unit and enhanced aged care accommodation options.

## Hakea

Hakea Prison is the main remand facility for men. Managing a largely transient population comes with unique challenges compared with managing more stable populations where prisoners have been sentenced. During 2019/2020 approximately 60 percent of prisoners were remanded at Hakea Prison for less than 30 days and approximately 10 percent were remanded for more than 90 days.

In view of the unique challenges presented at Hakea Prison, the Hakea Risk Group Committee was formed in early 2019 and is attended by senior executives from within Corrective Services. This committee meets on a weekly basis to develop and implement various strategies to manage safety and security risks both at the remand facility and in the wider prison estate.

In order to better identify and manage incidents, in May 2020 Corrective Services released a revised incident reporting policy for prisons and Banksia Hill Detention Centre to assist officers to accurately record and categorise incidents.

Incidents categorised as assaults are particularly monitored and regularly reviewed. The rate of serious assault against staff at Hakea Prison reduced from 0.96 per 100 prisoners in 2018/19 to 0.35 per 100 prisoners in 2019/2020. There was also a marginal improvement in the rate of prisoner on prisoner serious assaults from 3.04 per 100 prisoners in 2018-19 to 2.98 per 100 prisoners in 2019/20.

As a result of the increased bed capacity across the estate, there is expected to be a reduction in the prisoner muster at Hakea Prison in 2020/21 financial year. This will enable the Department to undertake minor refurbishment across the site, including painting of the units and support buildings.

## Corrective Services

### CASE STUDY – Building infrastructure and capacity

#### *More staff and more prison beds in the custodial estate*

Two new accommodation units and a support unit opened at Casuarina Prison in June, providing an additional 256 beds to the Western Australian custodial estate.

Minister for Corrective Services, Francis Logan joined Director General, Dr Adam Tomison and Corrective Services Commissioner Tony Hassall for an inspection of the new buildings led by Superintendent James Schilo.

The expansion of Casuarina Prison is part of a \$96.6 million development to provide an additional 512 beds to the custodial estate and to upgrade key support buildings.

“The expansion will include a new kitchen, upgrades and expansions to the existing medical centre, visitor area, reception area and car park,” Mr Hassall said. “This new state of the art facility is a credit to everyone involved in the build from the architects to Broad Construction and the Operations team in Corrective Services.”

Staff and prisoners have been moved into the new units. Later this year one of the units will be converted into WA’s first alcohol and other drug treatment facility for male prisoners with capacity to treat up to 128 prisoners.

Dr Tomison noted that “a survey conducted in 2015 found that more than 60 percent of adults entering custodial facilities had used ice or speed in the past year. If we can better treat those prisoners with drug and alcohol dependencies it will give them a better chance of avoiding relapse on their release.”

Once complete, the project will bring Casuarina Prison’s capacity to around 1,500 making it the second-largest prison in the State and one of the most innovative.



*Minister Francis Logan, Director General Dr Adam Tomison and Commissioner Tony Hassall tour the new units with Superintendent James Schilo*



## Section 95 community support and activities

Section 95 of the *Prisons Act 1981* allows eligible minimum security prisoners who are nearing release to make reparation to the community and gain new skills to assist with their reintegration into the community.

Prisoners from work camps and a number of facilities across the State can apply to perform Section 95 duties. Community groups and not-for-profit organisations can apply to the Department for eligible prisoners to assist with their projects.

In 2019/20, Western Australia's five work camps (Walpole, Dowerin, Warburton, Wyndham and Roebourne) completed 23,564 hours of community work across the State valued at \$463,258 and 21,713 hours of government work valued at \$426,877. In addition, Section 95 prisoners with a minimum security clearance from various prisons across Western Australia completed 47,637 hours of community work valued at \$936,553 and 13,202 hours of government work valued at \$259,570.

Projects worked on this year include:

- tracking, clearing and maintenance on the Bibbulmun Track between Denmark and Northcliffe;
- propagation, planting, watering and maintenance of trees in the Warburton Community for the Ngaanyatjarra Shire;
- maintenance and landscaping at Wyndham Swimming Pool;
- the collection, propagation, establishment and care of native plant species as part of the Argyle Diamond Mine Native Seed Collection Agricultural Ranger Program;
- renovation and maintenance of grounds, including landscaping and fencing, at Roebourne Courthouse and Police Station;
- grounds and garden maintenance, painting and clearing at the Bodhinyana Monastery in Kelmscott;
- fire mitigation, clearing and general gardening to reduce fuel load to provide control measures and barriers against fires for a number of local governments;
- general garden maintenance, cleaning, painting and minor building maintenance at St John's Catholic Church in Toodyay;

- minor construction of service buildings and refurbishment of heritage buildings for the Chapman Valley Shire;
- trail clearing of debris, trees and burnt materials and construction of steps and re-establishment of trail surface following erosion on the Mount Trio Walk Trail in the Stirling Range National Park; and
- replacement of bollards and general maintenance at Burra Rock Nature Reserve in the Goldfields in partnership with the Department of Parks and Wildlife and Goldfields Land and Sea Council Aboriginal Rangers.

## Prison industries

Having a structured routine of work, study, training and programs is considered essential for prisoners in their rehabilitative journey. A part of this is the ability to perform meaningful work.

Prison industries supports activities designed to provide prisoners with useful skills and deliver services to community and charity groups.

Prisoners can work in the dairy, bakery, abattoir, laundry, textiles or cabinet workshops. These industries are connected to accredited TAFE courses and apprenticeships, helping them to be 'job ready' when they are released from prison.

In 2019/20, Prison industries produced:

- meat products: 787,745 kilograms valued at \$11,003,639;
- milk: 1,588,665 litres valued at \$1,583,565; and
- eggs: 138,888 dozen valued at \$414,714.

*\*The hours worked has only been measured between July 2019 and March 2020 as a result of the COVID-19 community work suspension. Values are based on minimum wage of \$19.66/hour.*



In addition to primary production, new projects that began in this financial year included:

- clothing manufacturing at West Kimberley Regional Prison which produces jumpers for Casuarina Prison to help meet the demand for clothing across the male prison estate;
- establishment of a livestock lot feed operation at Pardelup Prison Farm which creates employment and training opportunities with alternate farming systems for prisoners;
- the research, design, testing and manufacture of improved fire resistant mattresses at Albany Regional Prison, which will produce the new mattresses to be used throughout the estate;
- the manufacture of new lilac uniforms by Bandyup Women's Prison for prisoners at Melaleuca Women's Prison in line with bringing the facility back to public management; and
- the manufacture and distribution of over 10,000 reusable cloth face masks for prisoners across the prison estate as part of the response to COVID-19.

In February 2020 Corrective Services began planning for the expansion and commercialisation of Prison industries. The proposed 10 year plan will incorporate the principles and priorities of rehabilitation and reintegration, restorative justice, increasing production outputs, market planning for internal and external markets and establishing joint venture initiatives.

In 2019/20 and as part of WA's COVID-19 outbreak preparedness, Prison Industries will be expanding production of reusable cloth face masks for use beyond prisons while Government purchases are being delivered and local suppliers come on stream.

The additional production will provide significant mask availability should additional masks be required in the general community.

## Women and Young People

This directorate is responsible for managing the unique needs of female prisoners and young people in custody and in the community with a program of reform and improvement designed to address the needs of these two unique cohorts.

It is responsible for four metropolitan female prisons with prisoners also housed within five mixed-gender regional prisons including Banksia Hill Detention Centre - the State's only youth detention facility - and young offenders being managed in the community. In 2019/20 the directorate managed an average daily population of 739 female prisoners, 107 young people in custody and 1,305 young people in the community.

### *Key achievements*

- The graduation of 88 women from the rigorous alcohol and drug rehabilitation therapy program at Wandoo Rehabilitation Prison
- A reduction in the number of young people at Banksia Hill Detention Centre and those being managed in the community as the Department works hard to identify alternatives to custody
- The Department is working with a number of Aboriginal Community Controlled Organisations and Local Governments to develop service specifications and commence programs, such as night patrols and place based initiatives as part of the Kimberly Juvenile Justice Strategy
- A celebration of Bandyup Women's Prison's 50<sup>th</sup> anniversary
- Training of 82 percent of Bandyup Women's Prison staff in family and domestic violence trauma care
- The return of Melaleuca Women's Prison to public management
- The delivery of the first all-female Army Cadets program, with 15 female young people participation
- Commencement of the 'Sounds Write' program at Banksia Hill Detention Centre, which uses the educational system of phonics to teach young people to read and write
- Introduction of a sporting program in partnership with the Indigenous Players Alliance designed to increase physical and mental health for young people in custody whilst delivering culturally appropriate support and a connection to sporting clubs in the community to aid in throughcare.

## Young people

At a glance			
Young people being managed in the community			
Average daily population	2019/20	2018/19	Change
Overall <sup>1</sup>	1,305	1,524	-14.4%
Gender <sup>2</sup>	2019/20	2018/19	Change
Male	991	1,172	-15.4%
Female	313	351	-10.8%
Aboriginality <sup>2</sup>	2019/20	2018/19	Change
Aboriginal	724	839	-13.7%
Non-Aboriginal	469	554	-15.3%
Order category <sup>3</sup>	2019/20	2018/19	Change
Court order (including bail)	577	626	-7.8%
Supervised release order	33	57	-42.1%
Juvenile justice team	520	577	-9.9%
Other youth justice services	342	445	-23.1%

At a glance			
Young people in custody			
Average daily population	2019/20	2018/19	Change
Overall	107	134	-20.1%
Status	2019/20	2018/19	Change
Sentenced	41	60	-31.7%
Unsentenced	66	74	-10.8%
Gender <sup>4</sup>	2019/20	2018/19	Change
Male	96	121	-20.7%
Female	10	13	-23.1%
Aboriginality	2019/20	2018/19	Change
Aboriginal	77	102	-24.5%
Non-Aboriginal	30	32	-6.3%

<sup>1</sup> Includes persons whose gender or Aboriginality is unknown.

<sup>2</sup> Does not total to Overall due to persons whose gender or Aboriginality is unknown.

<sup>3</sup> Does not total to Overall as an individual could be counted in multiple categories.

<sup>4</sup> May not total to Overall due to rounding.

Youth justice staff work with some of the State's most disadvantaged and challenging young people in the community. Their primary focus is to keep the community safe, divert young people from the justice system and reduce reoffending through the provision of programs and services. Youth justice officers work closely with the community and other government departments to address the underlying causes of offending and provide a holistic approach to the case management of those in their care.

Available youth justice services include:

- statutory supervision of young people subject to court and early release orders through a network of metropolitan and regional offices;
- Juvenile Justice Teams;
- metropolitan youth bail services;
- court services; and
- programs and psychological services.

Youth justice services, in partnership with other government agencies and funded contracted services, look for opportunities at every stage of contact to divert young people from the justice system and particularly from custody.

The Kimberley youth justice staff have had great success working with the communities they service, aligning with the Kimberley Juvenile Justice Strategy (see Strategic Reform) to ensure Aboriginal young people remain on-country as an alternative option to custodial sentences wherever possible. In collaboration with local Aboriginal Elders, communities and Aboriginal community controlled organisations, youth justice staff have strengthened initiatives such as cultural camps and alternative education engagement programs.

In 2019/20 there has been a 42 percent decrease in the number of young people from the Kimberley region received by Banksia Hill Detention Centre compared to the previous financial year. This is one of many initiatives which aim to reduce recidivism rates of young people in detention.

Similarly, the metropolitan and regional youth bail services have had great success in increasing the number of young people being granted bail rather than being remanded in custody for relatively short periods of time. Their primary mandate is to reduce the number of young people remanded in custody in circumstances where they are deemed eligible for bail but a responsible person or an appropriate placement cannot be found or the responsible person is unsuitable or unwilling to sign a bail undertaking on behalf of the young person. On an average day in 2019/20, Youth Justice Services provided a supervised bail option to 61 young people across the State as an alternative to custody.

Research shows that the younger a person is when they first enter the justice system, the more likely they are to continue their offending into later life. The juvenile justice teams manage young people who have committed offences or may be in the early stages of offending and play an important role in diverting vulnerable young people away from the justice system. They work with the individual, the family and the victim (if there is one and they are willing) through a restorative justice process. In 2019/20, 2,176 young people were referred to juvenile justice teams including court conferencing.

The average daily population of young people being managed in the community for 2019/20 was 1,305, a decrease of 14.4 percent compared to the year prior.

### ***Banksia Hill Detention Centre***

Banksia Hill Detention Centre is the sole facility for the detention of young people aged between 10 and 17 years of age who have been remanded or sentenced to custody. The facility aims to provide a safe and secure environment for young people and ensures they are dealt with in a culturally appropriate manner.

The average daily population of young people in custody at Banksia Hill Detention Centre for 2019/20 was 107, a decrease of 20.1 percent compared to the year prior.

Banksia Hill offers a diverse range of rehabilitative programs including substance abuse counselling, psychological counselling, life skills training and health and development training. Specific programs are provided for young women and young people who identify as Aboriginal or Torres Strait Islander.

The average length of stay is 24 days during which time staff work hard to provide structure in the young person's life to build resilience and address the underlying causes of their offending. Key to this is education and training which many of the young people have disengaged from whilst in the community.

The last 12 months have been an exciting time at Banksia Hill with a number of new services designed to engage young people to develop coping strategies being commissioned. Despite the significant disruption caused by COVID-19, the team has worked hard to maintain services and ensure that the needs of the young people continued to be met.

Understanding young people is essential to ensure that appropriate through care is provided. Staff are trained on the needs and experiences of young people with a focus on mental health issues, disabilities, alcohol and other drug dependencies and culturally diverse backgrounds on an ongoing basis. This year 71 staff members have been trained in trauma informed practices and 99 staff members have received Foetal Alcohol Spectrum Disorder training. This training has allowed staff to take a step forward in building capacity and it has had a positive impact on the engagement between the staff and young people in custody.

### ***Sounds Write program***

The Sounds Write program gives detainees a chance to learn to read and write based on phonics.

An early success story, one young man who was extremely self-conscious and embarrassed that he couldn't read at the age of 18. He was initially assessed as having the spelling age of less than six, could only identify and sound out 11 letters from the alphabet and could not read any consonant-vowel-consonant words. After spending four months in the program he was able to read 67 consonant-vowel-consonant words, recognise and sound out all letters in the alphabet and was reading short texts and stories independently. In addition, he was no longer embarrassed by his reading level and was thriving with full determination to continue reading and improve his skills.

### ***Banksia Beats music program***

The program was expanded this year thanks to the donation of musical instruments via the youth justice centre in the Goldfields. Additionally, the old metal workshop at the facility was transformed into a recording studio and a purpose-built music room with the young people assisting in the build and the BOUNCE school holiday program creating murals for the walls.

The music program runs four days a week, with outcomes ranging from improved literacy and increased self-esteem to the development of leadership skills and teamwork. It also offers many Aboriginal young people the opportunity to share their culture through stories and song. The program has expanded to allow the young people to perform in front of their peers in 'Recess on the Green' in between school classes.

### ***Cadet programs***

Banksia Hill Detention Centre runs two cadet programs that offer young people the chance to gain skills to help them live successful lives in the community and reduce reoffending behaviours.

Banksia Hill remains the only youth custodial facility in Australia to deliver the Army Cadets program where participants learn personal discipline and teamwork, increase literacy skills and gain qualifications in WorkSafe practices and first aid. Entering its third year this year, the Army Cadets program delivered its first all-female program with 15 young women taking part.

The Youth Emergency Services program entered its second year of operation through collaboration with the Department of Fire and Emergency Services young people were supported through a course that provides them with the skills to engage with services including the State Emergency Services, WA Volunteer Fire and Rescue Services and the Bush Fire Service and Canine Unit.

### ***National Suicide Prevention and Trauma Recovery Project***

During the COVID-19 pandemic Corrective Services partnered with the national suicide prevention and trauma recovery project; a Perth-based organisation which delivers an intensive support program for Aboriginal girls. The program aims to build trust with the young people while they are in detention and post-release provides them with support and help to secure housing, mental health support and access to education and employment.

### ***Parkrun***

Banksia Hill this year became the first youth detention centre in the southern hemisphere to host a parkrun event in partnership with Parkrun Australia. Since 30 November 2019, 15 events have been held with 118 runners taking part and 66 personal best times being recorded. The inclusive activities do not have a time limit and there is no 'last place' with the focus being on increasing physical activity through walking, jogging or running.

### ***Banksia Beans café***

The Banksia Beans café offers young people a chance to gain barista qualifications and real-life work experience. Nine young people graduated this year receiving barista qualifications. In addition young people are given an opportunity to build their networks through the café and to engage with employment agencies.

## **Outcomes 2019/20**

The percentage of young people who re-entered detention because of a new sentence and those who returned to detention because their supervised release order was cancelled or suspended increased from 52.87 percent to 53.41 percent during the financial year.

Other key outcomes included:

- processed 1,704 separate receptions of young people into detention, which represents 1,648 unsentenced\* receptions and 56 sentenced receptions;
- processed 1,720 separate discharges of young people from detention, including 171 discharges of young people who had been sentenced to detention and 1,549 discharges of unsentenced young people;
- young people in custody completed 927 education units including 17 White Cards, 14 hospitality skill sets and 49 Keys For Life (pre-driver program);
- more than 30 sessions of the Prison Health In: Prison Health Out and 20 sessions of the Be Solid programs were provided to detainees; and
- key training was provided to staff, including Foetal Alcohol Spectrum Disorder (FASD) education through Telethon Kids Institute to allow them to better support and engage with young people with FASD.

*\* One reception does not equate to one young person in detention as an individual may be admitted to the facility more than once.*

## Corrective Services

### CASE STUDY – Rehabilitation and reintegration

#### *Footy great Marlion Pickett mentors detainees at Banksia Hill Detention Centre*

A host of visiting AFL identities have brought star power to Banksia Hill Detention Centre but more importantly have been strong role models for detainees.

Former prisoner turned AFL premiership player Marlion Pickett paid a visit to the facility to mentor young Aboriginal offenders.

The 27-year-old, who served time in WA prisons between 2010 and 2012, was able to use his success story as inspiration for detainees.

Corrective Services Minister Francis Logan said Mr Pickett's ability to turn his life around by pursuing his dream was inspirational.

"Marlion Pickett's story is one which will resonate with a lot of young Aboriginal people," Mr Logan said.

"To achieve his goals he has worked hard and turned his back on crime. He is truly motivational and a respected leader in the Noongar community."

Former AFL star Des Headland led the Indigenous Players Alliance which came to the rescue when visits and other activities were suspended at Banksia Hill because of COVID-19.

The IPA partnered with Binar Sports and the Stephen Michael Foundation to run football and basketball clinics at the centre.

As well as developing sporting skills, male and female detainees were able to earn umpiring and coaching certificates which could lead to work after release.

"Sport is, of course, a great way to build teamwork, responsibility and trust, but what is important about this new initiative is the mentoring role it plays as well," Mr Logan said.

"Having such great Indigenous role models, including the staff who run the clinics, makes a big difference to the young people at Banksia Hill."



*Marlion Pickett chats to Banksia Hill Detention Centre residents* Photo Credit – Belinda Hawkins, Australian Story, ABC



## Women

The women's prison estate consists of four metropolitan prisons, Bandyup Women's Prison, Boronia Pre-Release Centre for Women, Melaleuca Women's Prison and Wandoo Rehabilitation Prison; and five female units in regional, mixed gender prisons. Together, they provide a structured progression for women in custody from reception to eventual transition back into the community.

For women, the pathway to offending is often very different to men. Many have lives typified by experiences of sexual and/or physical abuse and a pattern of linkage between this abuse and poverty, mental health issues and substance abuse.

A recently completed review into the management of women in custody will inform the development of a strategy that will help to identify their unique needs and ensure they are met.

In addition, research and the experiences of women in the prison system suggests that the children of offenders have a higher likelihood of entering the criminal justice system themselves, in particular when the mother is in custody. Changing the way women in custody and under supervision are managed may have a positive intergenerational impact on community safety.

### *Bandyup Women's Prison*

The majority of the State's maximum security female prisoners are housed at Bandyup Women's Prison, which celebrated 50 years of operation in 2020.

This facility plays an important role in the women's prison estate and accommodates many women prisoners with the most severe mental health issues. As a part of the philosophy, each prisoner is responsible for her own behaviour and is encouraged to focus on her own rehabilitation through programs, education, employment opportunities and constructive activities.

In 2019/20 more than half (57percent) of Bandyup staff received trauma-informed care training which 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.

The prison has several industry areas including kitchen, laundry, cleaning, textiles, gardens, maintenance, beauty skills and barista.

### *Mothers and babies unit*

Every year pregnant women come into custody and have their babies while in custody. Corrective Services allows women prisoners to care for their babies or children in prison where it is considered to be in the best interests of the child and the management and security of the prison is not threatened. The age of children living in prison ranges from newborns to up to four years.

In the past year there have been 34 pregnant prisoners living in specialised mother and baby units at Bandyup Women's Prison.

Of critical importance is the provision of services including healthcare, which meets the needs of the mothers and babies in a supportive and, as far as possible, normal environment. Much of the work of the Women and Family Services Manager is about supporting the expectant mothers to manage their pregnancies and be able to cope with the birth of their children. Bandyup staff are supported in this by the Women and Newborn Drug and Alcohol Service midwives from King Edward Memorial Hospital.

Other activities include:

- mothers' support groups held three times per week;
- setting up a resources hub with information about looking after babies and related external services available for after-release support;
- ongoing support for pregnant prisoners who have not been approved to have their child live with them; and
- introducing new pregnancy food packs which have greater nutritional value.

### *The Beauty Spot salon*

Many of the women in prison have suffered trauma from abusive relationships and have underlying mental health and addiction issues. Building confidence and self-esteem for women is an important first step to address their offending behaviour. The Beauty Spot salon was established to train prisoners in hair and beauty skills that not only improve self-esteem but also provide them with industry qualifications. Bandyup Women's Prison will soon be the first prison to offer a 12 month traineeship to become a salon assistant through a course facilitated by North Metro TAFE.

### *Boronia Pre-release Centre for Women*

Boronia Pre-release Centre for Women 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.

Every year Boronia holds a Gala Day, a unique sales event which raises community awareness of the work completed by prisoners across the State. Gala Day 2019 set a new record in its support for local not-for-profit organisations and charities by raising \$21,076.00.

Each year the Boronia Community Engagement and Advisory Group elects a charity to benefit from the money raised at Gala Day. In 2019 Boronia supported Assisting Your Life to Achieve (AYLA), a non-profit organisation dedicated to empowering people to overcome hardship.

In partnership with the Aboriginal community and Department of Communities, the 'Stitching our Futures Together' Elders program was officially launched, supporting Aboriginal women to celebrate their culture whilst learning new skills and language from senior women.

The facility reinforced its position as part of the Bentley community during the COVID-19 pandemic by delivering 'across the fence' socially-distanced choir performances and Skype sessions for surrounding aged care facilities and local Aboriginal Elders.

Boronia also increased the number of rooms (from 6 to 10) available for mothers to have their children reside with them during the period of custody. The aim is to build and strengthen the attachment between the mother and child, teach and support positive parenting and positively contribute to the child's developmental growth.

### *Melaleuca Women's Prison*

The State Government returned the former Melaleuca Remand and Reintegration Facility back into public hands this year and it was renamed Melaleuca Women's Prison. During the transition negotiations, the Department worked closely with the WA Prison Officers Union, the Community and Public Sector Union and the Civil Service Association. Existing Melaleuca staff were given an opportunity to join the Department; 76 staff accepted this offer and were sworn in on April 2020.

Transferring Melaleuca back to public hands gave the State more options and flexibility to better manage and address the female prison population. Women on remand now have increased access to meaningful and constructive day activities as well as improved access to essential services including improved health and mental health supports.

During this period Melaleuca, in partnership with Aboriginal Legal Service of Western Australia and Legal Aid WA, launched the Women Prison Avoidable Remand Project. This project adapts a previous male centred pilot program and supports the Corrective Services' commitment to reducing imprisonment rates for Aboriginal women in custody.

### *Wandoo Rehabilitation Prison*

2019/20 represents the second year of operation for Wandoo Rehabilitation Prison and its second year of maintaining its drug free status. The facility was repurposed as WA's first dedicated female alcohol and other drug rehabilitation facility and accepted the first women into the program in July 2018.

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

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.

Women wanting to take part in the program have to meet several substance use and other individual criteria but most importantly they must self-nominate to participate. The desire to improve their own lives increases their chance of success in remaining drug free when released.

The supportive nature of the program has resulted in 88 women successfully completing the therapy program over the 2019/20 period.

## Community Corrections, Health and Offender Services

Offender Services focuses on the rehabilitation and the management of offenders in the community. It is comprised of Adult Community Corrections, Rehabilitation and Reintegration services, Health Services branch and Mental Health and Alcohol and other Drugs branch.

A key aim during 2019/20 was strengthening the 'end to end' offender case management approach in an effort to reduce the likelihood of further offending.

### Key achievements

- The successful statewide Community Corrections officer recruitment campaign which allowed for two correctional officer foundation training programs to be held in the 2020 calendar year
- Introduction of the Kimberley offender management program to deliver a region specific responses in order to help offenders remain 'on country'
- Implementing the mental health review outcomes to strengthen clinical and operational governance to ensure staff, prisoner and community safety through an improved mental health response
- Completed reviews of the Individual Management Plan program, criminogenic programs and education services, to ensure services are culturally appropriate, gender specific and are focused on increasing the potential for prisoners and offenders to reduce reoffending
- Completed the tender for religious and spiritual services to give prisoners and young people equal opportunity to receive pastoral care and practice the religion and/or spiritual belief of their choosing
- Managed the successful transfer of health and mental health services through the Melaleuca Women's Prison transition from private sector management
- Completed the tender for the provision of alcohol and other drug services for the Recovery and Rehabilitation Unit at Casuarina Prison.

### Adult Community Corrections

Adult Community Corrections is responsible for the management and supervision of adult offenders completing their sentence in the community. This may include pre-sentence court orders such as bail or post-

sentence orders such as parole and also includes those offenders requiring intensive supervision such as those assessed as high risk offenders pursuant to the *Dangerous Sexual Offenders Act 2006* (WA) or the *Sentence Administration Act 2003* (WA).

The average number of offenders managed in the community has increased by 29 percent over the past 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 incrementally increased by 135 percent since then.

There are 24 Adult Community Correction centres in WA, managing 5,888 adult offenders throughout the metropolitan and regional areas of the State. In addition, there are four specialty teams located at Central Law Courts and two specialty teams operating from elsewhere in the central business district.

The percentage of successfully completed community corrections orders remained stable at 64 percent in 2019/20.

In 2019/20, Corrective Services managed on average 26 dangerous sexual offenders on community supervision orders, 24 dangerous sexual offenders on continuing detention orders and 126 offenders on post sentence supervision orders.

### At a glance

Average daily population	2019/20	2018/19	Change
Overall <sup>1</sup>	5,888	5,902	-0.2%
Gender	2019/20	2018/19	Change
Male	4,553	4,585	-0.7%
Female	1,324	1,313	0.8%
Aboriginality <sup>2</sup>	2019/20	2018/19	Change
Aboriginal	1,755	1,868	-6.0%
Non-Aboriginal	4,108	4,012	2.4%
Order category <sup>3</sup>	2019/20	2018/19	Change
Bail order	431	362	19.1%
Early release order	1,314	1,178	11.5%
Work development order	169	160	5.6%
Post sentence order	150	109	3

<sup>1</sup> Includes whose gender or Aboriginality is unknown.

<sup>2</sup> Does not total to Overall due to persons whose gender or Aboriginality is unknown.

<sup>3</sup> Does not total to Overall as an individual could be counted in multiple categories.

## Corrective Services

### CASE STUDY - Kimberley Offender Management Program

The Kimberley Offender Management Program was initiated in January 2020 to deliver a culturally safe, competent and respectful approach to offender management while acknowledging the importance of relationships to family, community and country. A key focus is to deliver region-specific responses in order to help offenders stay 'on country'.

The program includes four key focus areas:

Community engagement and partnership. The role of Elders in supporting prisoner management is a key success factor. A group of eight Kimberley Aboriginal Elders supports Corrective Services in its work towards positive outcomes by strengthening partnerships with Aboriginal communities. By increasing the Aboriginal voice through communication and working closely with local services such as health, education, transport, and housing collectively, Corrective Services is working towards making positive, culturally appropriate change for prisoners, offenders and their families.

'End-to-end' offender management. The pilot program is developing the role of the Community Corrections Officers to include engagement with the prisoner from induction into prison; through the assessment and case management process and ending with an appropriate release process. This program will also review the assessment process between Adult Community Corrections and the prisons to optimise information exchange and prevent duplication.

Promotion of culturally relevant education and training by putting in place a regional education and vocation training approach.

Keeping Kimberley offenders on country. This includes, advocacy for prisoners to return to country and facilitating the delivery of programs and assessments as needed on country.

### CASE STUDY – Adult Community Corrections

#### *Centralised Breach Unit*

The Centralised Breach Unit in the Perth Magistrates Court, coordinates and compiles all breaches initiated by every Adult Community Corrections centre in the State.

When offenders fail to comply with or breach the conditions of their community-based orders and/or commit another offence during the term of the order, the offender's allocated community corrections officer will initiate breach action through their team leader and manager. This is then forwarded to the team at the Centralised Breach Unit to prepare all relevant legal documentation and the breach report.

Once the breach matters are listed, the case is ready to go before the court again and the offender is served either via a court hearing notice or a summons.

Once the offender is brought back before the court for sentencing and/or resentencing, the breach is prosecuted and depending on the level of non-compliance, prosecutors may seek for the court to resentence on the original offences.

"It's important for us to be transparent and open with the offender so they have an understanding of why they are being breached," prosecutor Fiona Caporn said. "I'd say about four-fifths of the offenders accept that they've failed to adhere to the conditions on their order and about one-fifth dispute them," she said.



*Fiona works with a range of stakeholders in the Corrective Services and Court and Tribunal Services areas of Justice*

### E-monitoring

Offenders under supervision in the community may be required to comply with electronic monitoring conditions. Adult Community Corrections work in partnership with the WA Police Force to monitor and manage offenders. This has been a successful measure in ensuring compliance and reducing reoffending while offenders are wearing the devices.

### Support for victims of crime

Victims of crime are kept informed of an offender's progress through the justice system by the staff of the Victim Offender Mediation Unit and the Victim Notification Register. This service gives a vitally important opportunity for a victim of crime to provide comment and input into the releasing conditions for the offender.

People protected by a Family Violence Restraining Order or a person who can demonstrate that they had been subject to a violent personal offence - previously committed by the offender in the context of a family relationship - are able to register on the Victim Notification Register.

As at 30 June 2020 there were 1,714 victims registered for 1,382 offenders.

In 2019/20, the Victim Offender Mediation Unit:

- received 4,984 referrals;
- received 595 applications to join the Victim Notification Register;
- prepared 1,775 reports for sentencing and releasing authorities; and
- provided input into protective conditions for the victims of 1,844 community-based offenders.

### Health Services

Many people in prison have complex health care needs. They often present with high rates of mental health conditions, chronic disease, communicable disease and acquired brain injuries. They also have higher rates of tobacco, drug and alcohol use than people living in the general community.

In 2019/2020, Health Services maintained full accreditation under the Royal Australian College of General Practitioners Standards for Health Services in Australian Prisons. Each of the 16 prison health centres achieved accreditation, along with Head Office and

Pharmacy Services. This now includes Melaleuca Women's Prison's health services following the successful transition from private to public administration.

Corrective Services is committed to providing patient-centred, comprehensive and coordinated primary health care for offenders in WA's prisons. All prisoners undergo a comprehensive health assessment within 24 hours of admission to prison, including diagnostics and treatment of those presenting with acute and chronic conditions, health promotion and education, referrals to specialist services and discharge planning for transition to the community.

#### *Mental Health, Alcohol and Other Drug Services*

Mental Health, Alcohol and Other Drug Services staff deliver healthcare to some of the most vulnerable and high risk individuals in the prisoner population. 2019 data demonstrates that 79 percent of assaults against staff involved prisoners with a major mental illness and up to 23 percent of prisoners have committed self-harm. Most recent data from June 2020 indicates that mental health teams are currently working with a total of 813 prisoners with a major mental illness.

In July 2019, a review of mental health service provisions was carried out to identify areas for improving the mental health response to ensure staff, prisoner and community safety. One outcome of the review, completed in February 2020, was the establishment of the Mental Health, Alcohol and Other Drug Services Branch. This branch consists of Psychological Health Services, Mental Health, Alcohol and Other Drug Services nursing staff, including Aboriginal Mental Health workers, consultant psychiatric support, and Prison Support Services including the Aboriginal Visitors Scheme.

Mental Health, Alcohol and Other Drug Services are engaged in a number of strategic projects including the new Alcohol and Other Drug rehabilitation service for male prisoners at Casuarina Prison, planning for future regional mental health units and planning for the changes to the management of prisoners deemed 'unfit to plead' by reason of mental health or intellectual disability.

#### *Prison Support Services*

Prison Support Services consists of the Prison Support Officers and Aboriginal Visitors Scheme and forms part of Corrective Services overall mental health and self-harm prevention and intervention strategy.



These services provide cultural and welfare support and assist prisoners who are at risk of self-harm and suicide and those vulnerable prisoners at risk of harm from others. Prison Support Services also manages a prisoner Peer Support Program which focuses on prisoners assisting other vulnerable prisoners to better identify those at risk of self-harm or suicide.

Prison Support Services consists of Aboriginal staff who have a strong focus on the social and emotional wellbeing of Aboriginal prisoners. During 2019, Prison Support Services put in place a new reporting system which began reporting in June 2020 to better identify prisoners who may be at risk.

Aboriginal Visitor Services had a total of 704 contacts with Aboriginal people in custody during that month. One of their roles is to act as a 'bridge' with the community including through the Aboriginal Visitors Service's 1800 number. This service is available to prisoners as well as the general community and provides a point of contact for family members to call when they have concerns about the social and emotional wellbeing of their family members in custody.

## Reintegration and Rehabilitation Services

Reintegration and Rehabilitation delivers a range of services to address the needs of prisoners and offenders in the community. This includes education and employment services, contract management of non-government organisations which provide support services, programs to address offending behaviour, psychological services and sentence management.

## Education, employment and transitional services

Prisoner education and vocational training 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 so that they can acquire and keep ongoing work on release. In 2019/20, 8,500 prisoners were enrolled in an education or vocational training course.

The Release - Help and Support website was launched in 2020 and provides a tool to support prisoners as they transition back into the community. The website offers resource information to ex-offenders and family members and has geolocation features which allows users to see services around their location at a glance.

A review of Corrective Services' educational and vocational training programs recommended a greater focus on literacy, numeracy and job readiness and where possible link with local industry to increase options for employability. The final report was completed in May 2020 and Corrective Services is developing an implementation plan for 2020/21.

## Offender Programs

Offender Programs is responsible for the delivery of therapeutic programs to prisoners in custody and offenders 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.

In late 2019 the Department carried out a review of the Department's offender programs. The aim of the review was to make sure the programs were still relevant and met the needs of offenders. The final report, 'Review of Criminogenic programs; Minding the Gap' was received in February 2020. Preliminary work has started on the review recommendations and staff will develop a three year plan to put them into effect.

## Contract Management

Contract Management works with 19 non-government organisations engaged by service agreements to provide statewide rehabilitation and reintegration services to prisoners, according to their risk and need. Service providers engage with prisoners six months before release and give further support up to 12 months post release for adult offenders reintegrating back into the community from prison.

The programs and services delivered by external providers address a range of issues for offenders such as short term accommodation needs, health, education, vocational and training needs, life skills and emotional wellbeing, alcohol and other drugs and domestic violence. Chaplains are also engaged by service agreements.

## Corrective Services

### CASE STUDY – Rehabilitation and reintegration

#### *Aboriginal and Torres Strait Islander prisoners graduate with mining industry qualifications*

The Carey Bindjareb Project is bolstering the employment prospects of Aboriginal and Torres Strait Island prisoners at Karnet Prison Farm through construction industry training.

In its first year of operation, the project saw 22 Indigenous prisoners graduate with Certificate II in Civil Construction qualifications.

The project is a joint venture between Carey Training, a branch of the 100 percent Aboriginal-owned Carey Mining and the Department of Justice.

A key objective is to address the high incarceration rate of Aboriginal men by providing them with supportive education, giving them industry specific skills and helping them to develop key life skills in a culturally appropriate training environment.

The 14-week traineeship is undertaken at a simulated mine site at the prison with a focus on heavy earthmoving equipment used in mining and civil construction.

WesTrac provided a CAT loader and a skid steer to assist in the prisoners' education while BIS Industries donated two heavy machinery simulators, water cart and side tipper.



*A prisoner gets to grips with some heavy machinery*

## Operational Support

This directorate has a critical role in maintaining and increasing security across the prison estate and delivering improvements to Corrective Services and the Department. Ultimately, this work contributes to community safety through the:

- 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 Commonwealth agencies, in safely managing offenders in the community;
- management of the Corrective Services Academy; and
- development, maintenance and compliance monitoring of Corrective Services operational standards and procedures.

### *Key achievements*

- Training four new drug detection dogs and handlers to service metropolitan and regional prisons
- Conducting approximately 3,602 drug searches using drug detection dogs and other technology
- 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
- The Commissioner's Operating Policies and Procedures (COPPs) Project is progressing successfully. The project is focused on consolidating all of the current Prison Directives into a suite of COPPs that ensure compliance with best practice operations of the prison system. It will ensure consistent operations across the estate and remove outdated procedures
- Significant increases to financial penalties for offences under the *Prisons Act 1981* were introduced for the first time in almost 40 years on 27 June 2020, including a sixfold increase to the penalty for bringing contraband or drugs into prisons, with penalties increased to \$12,000 fine and/or 18 months' jail.

## Stopping drugs in prisons

Corrective Services is committed to ensuring prisons are drug-free and to break the cycle of drug related crime. Operational Support continued to play a key role in the Prisons Drugs Strategy and continued efforts to detect, deter, disrupt and deny the supply of drugs into prisons through a range of search operations. This included targeted, 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, Special Operations Group, the Intelligence Services Branch and the Professional Standards Division.

Under the tough new penalties introduced this year, anyone refusing a search can incur a \$6,000 fine and anyone caught loitering around a prison or concealing an article for a prisoner could be fined up to \$6,000 and/or face 12 months' prison.

## Drug Detection Unit

In December 2019 the Drug Detection Unit celebrated its 25<sup>th</sup> anniversary. The unit is mobile and can take its drug detection capability throughout the custodial estate. It uses narcotic detection dogs and other technologies to stop contraband, including illicit drugs, entering custodial facilities. The Unit recruited and trained four new Drug Detection Officers and their dogs to bring the Unit to full strength enabling enhanced deployment in regional areas.

Despite the suspension of prison visits as a result of COVID-19 the Drug Detection Unit still maintained a high operational presence, with 3,900 deployments occurring throughout the custodial estate, resulting in the detection and seizure of 91 narcotic substances or narcotic paraphernalia.

The Drug Detection Unit worked closely with the Special Operations Group to conduct search activities of staff, prisoners and visitors across the custodial estate and provided advice and support to the new Casuarina Alcohol and Drug treatment facility by conducting pre-occupation searches using detection dogs and sourcing electronic drug trace detection devices which will be used at the facility.

The Drug Detection Unit continues to use and trial contemporary methods of drug detection in order to keep custodial facilities safe and secure for staff and reduce the devastating impact illegal drugs have on prisoners and young people in custody.

Overall, the operations have been effective with numerous coordinated and intelligence-led operations deterring drug related activities and continuing to reduce the risks associated with drug use in a custodial environment.

### Intelligence Services

Intelligence Services gives 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 give advice and assessments to operational and strategic areas of the Department to help staff make informed decisions about 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 together on operational matters.

During this financial year Intelligence Services developed and released a strategic plan in order to expand its means of gathering intelligence between now and 2023. It has also employed more staff to fill key positions – especially on the frontline in prisons and facilities through the recruitment of several intelligence collators. Intelligence Services' leadership structure has also been stabilised.

Operationally, Intelligence Services has continued to be innovative in its interaction with the Special Operations Group, its closer cooperation and collaboration with the Professional Standards Division and in building ongoing relationships and initiatives to detect and monitor any radicalisation in custody.

### 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 conducts surveillance and intelligence gathering, high-security escorts, and delivers specialist training and exercises.

During the course of the year the Special Operations Group has conducted numerous coordinated search operations, weekly high security escorts (including for some of WA's most high-profile prisoners), maintained the integrity of the perimeters of Hakea and Casuarina Prisons and supported the custodial facilities to manage the response to countless critical incidents from prisoner disturbances, barricades, self-harm incidents, roof-top incidents and infrastructure fires.

The Special Operations Group provided security support in response to the changing risk profiles of prisons. Since COVID-19, Special Operations Group members have significantly increased their presence in all metropolitan prisons, conducting regular high profile foot patrols.

Special Operations Group supported both the Casuarina Prison expansion project commissioning and the transition of Melaleuca Women's Prison into public hands, through secure-line infrastructure testing and preoccupation security tasks.

A \$2 million funding boost has been provided to enhance the Special Operations Group's statewide security and emergency response capabilities and to bolster tactical and operational training for staff.

### Emergency Management

The Corrective Services Emergency Management branch oversees and manages local emergency management procedures and policy, the conduct of emergency management training exercises and the review of response equipment. In addition it fosters relationships with external stakeholders such as the Department of Fire and Emergency Services and the WA Police Force through attendance at District Emergency Management Committee meetings.

Two positions have been created to bolster and strengthen the Department's ability in emergency management: Manager Emergency Management and Emergency Management Coordinator. The Manager Emergency Management has been successfully recruited and was expected to commence full-time by the end of July 2020.

## Corrective Services

### CASE STUDY – Boosting prison security

#### *Stepped up security as prison visits resume*

The Department stepped up security in line with the lifting of the COVID-19 social visit suspension on 27 June 2020.

A search operation conducted at Hakea Prison on that day saw 16 matters referred to police, five people charged, the seizure of drugs and other contraband and eight visit bans.

Earlier in June four new Corrective Services dogs and officers graduated from training ready to join the Drug Detection Unit. They were posted to the metropolitan arm of the DDU, with the ability to be deployed to regional facilities.

The dogs are trained to sniff out drugs and other contraband including mobile phones.

While COVID-19 restrictions were in place, including the suspension of social visits, the DDU increased efforts on screening mail and searching within facilities. About 400 searches were conducted from April to June across the State using drug detection dogs. They resulted in 14 seizures of prohibited substances and narcotics-related paraphernalia.

The DDU'S Labrador retrievers are bred and given early training by the Australian Border Force's detector dog program in Melbourne.



*The latest cohort of graduates*



## Corrective Services Academy

The Academy is a registered training organisation and is responsible for identifying and delivering Corrective Services' current and future learning and development needs. Training is conducted at the individual, business group and organisational level in the areas of corporate governance, work skills and leadership development.

During the year the primary output for the Academy was the delivery of foundation training programs for frontline operational staff including training for 300 Prison Officers, 22 Special Operations Group Officers, 42 Youth Justice Officers, 22 Youth Custodial Officers, 50 Adult Community Corrections Officers, 67 Vocational Support Officers and 22 Assistant Senior Officers across the State. From June 2018 to July 2020, 474 Prison Officers were recruited and trained and commenced duties at the State's prisons.

In 2019 the Academy launched the Leadership Development Framework Project. The project aims to design and carry out a structured range of programs and academic activities. These activities are designed to establish a leadership culture to help cultivate new and established leaders to continue honing their skills. The framework will help develop individuals within their current role and also prepare those who consider themselves as emerging leaders and want to further their career within Corrective Services.

As part of this initiative, Corrective Services saw two emerging leaders successfully complete the Murdoch University Graduate Certificate in Business (Executive Leadership and Management) Program. The program includes employees from the Department of Fire and Emergency Services, the WA Police Force, Department of Biodiversity, Conservation and Attractions, and Corrective Services. The program is a customised, postgraduate level qualification suitable for employees who want to further develop their skills in a challenging academic environment. The innovative program reflects global best practice, focusing on human factors that can improve the management and responsiveness of emergency services agencies. Corrective Services will have a further four emerging leaders complete the program in 2020/21.

## Operational policy, compliance and contracts

In 2019/20 the Operational Policy Branch continued to deliver on a key project to consolidate all of the current Prison Directives. The Commissioner's Operating Policies and Procedures project (COPPs), will ensure compliance with best practice operations in the custodial estate. On 31 May 2020 a number of priority policies were implemented: Searching, Use of Force and Restraints and Incident Reporting. This is part of the Department's commitment to address recommendations made by the Corruption and Crime Commission (CCC) in six reports published in 2018. The implementation of the remaining COPPs will progress during 2020/21.

The Operational Compliance Branch provides a second tier of assurance in accordance with Corrective Services' Assurance Framework. The branch helps achieve compliance with operational policies by carrying out objective, fair and impartial assessments of operational areas within Corrective Services. By doing so, the branch intends to foster continuous improvement in the delivery of correctional services. In 2019/20, the Operational Compliance Branch did nine comprehensive on-site compliance reviews into prisons, detention centres and court security and custodial services locations. In addition a range of on-site and desktop compliance checks were conducted into areas of operational policy. Operational Compliance activities were also focused on ensuring the operational contracts within Operational Policy, Compliance and Contracts delivered services consistent with contractual requirements.

The Operational Contracts branch continued to be responsible for the contract management and oversight of prison services and court security and custodial services. The Acacia Prison Services Agreement, which provides for the operation of Acacia Prison, expires in May 2021. In December 2019 the State Government announced its decision to tender the private operation and maintenance services at Acacia. The procurement process has begun to find a suitable service provider to operate and maintain Acacia Prison. The Court Security and Custodial Services Contract provides for the transport of adults in custody across Western Australia and court security and court custody services in outer metropolitan and major regional court locations. In April 2020 the Melaleuca Remand

and Reintegration Facility (Melaleuca) was successfully transitioned from private to public operations. This occurred as a result of an agreement with the private sector operator to cease the contract prior to the expiry of the original five year term.

### Assurance Planning and Performance

The Assurance Planning and Performance Directorate works across Corrective Services to provide direction and leadership for the delivery of operational strategic planning, performance monitoring and reporting, and assurance and risk management services.

Specifically, Assurance Planning and Performance gives critical support to the Commissioner and the Corrective Services Executive Team to ensure that governance arrangements contribute to the overall performance and delivery of services and programs, as well as meeting the requirements of the law, regulations, published standards and community expectations of probity, accountability and transparency.

#### *Key achievements*

- Began development of a Strategic Plan that sets the direction and goals for Corrective Services over the next five years, 2021-2025
- Developed new performance monitoring frameworks and processes which enables critical analysis of key efficiency and effectiveness performance data to identify gaps and areas for improvement in the Division's operations and opportunities for policy review
- Developed an electronic dashboard reporting for the Commissioner and the Executive Team's data and information needs
- Established the Corrective Services Performance Assurance Risk Committee chaired by the Commissioner to oversee the effective performance, operational risk and control management and compliance within Corrective Services. The Committee reports into the Department's overarching Risk Management and Audit Committee
- Established the Corrective Services Safety and Health Committee to provide a dedicated safety and health forum to discuss matters that affect the safety, health and wellbeing of Corrective Services employees
- Facilitated risk workshops and developed prison risk profiles across all custodial facilities including Banksia Hill Detention Centre and established local risk management committees at each of the correctional facilities to review and monitor the risk profiles on a monthly basis, or earlier as required
- Provided a critical risk management and assurance service to the COVID-19 taskforce in Corrective Services' response to the pandemic
- Coordinated reviews and inspections conducted by external oversight bodies and worked to put into effect and close out 124 recommendations (50 percent) in this financial year.

### Strategic planning and performance

The Planning and Performance branch coordinates strategic and business planning activities including a performance framework which enables performance monitoring, reporting and analysis.

Development of a new Strategic Plan will set the direction for Corrective Services to deliver on the State Government's objectives and reform agenda through monitoring its key performance indicators.

Through its expertise in data analysis and exception reporting, this branch continues to identify business risks and operational concerns that subsequently drive key business decisions and overall business improvement activities. Critical analysis of performance data by this branch has identified gaps and resulted in process efficiencies across Corrective Services.

In the past year there has been greater opportunity for policy review and operational improvement as a result of this branch developing a robust performance monitoring framework.

### Governance, assurance and risk management

The Governance and Assurance branch provides processes which help improve decision-making through the appropriate delegation of accountability and responsibility. It is responsible for strategic and operational risk management including the development and implementation of frameworks and systems in line with the Department's risk management agenda.

In 2019/20 the branch successfully put into effect a governance framework which is led by the Corrective Services Performance Assurance Risk Committee. In addition, built into this governance framework is the Corrective Services Safety and Health Committee to effectively oversee and manage operational risks and compliance activities. This has provided a platform to discuss matters which affect Corrective Services' philosophy of the security and safety of detainees, prisoners and offenders, rehabilitation, and the safety of our people.

The branch also put into effect an operational risk management framework to provide the tools and guidance for risk management across Corrective Services, including an escalation process for further discussion and mitigation by Corrective Services' Executive.

### Internal and external reviews

Throughout the year the Governance and Assurance branch coordinated external information requests for a number of different inspections and reviews including by the Office of the Inspector of Custodial Services, and data for the CCC inquiries and various external audits conducted by the Office of the Auditor General.

The branch also coordinates the internal reviews and analysis of critical incidents to inform business improvements and deliver recommendations based on lessons learnt.

Responses to all of the reviews and recommendations made are collated and assessed by the branch to ensure Corrective Services' responses meet the requirements of the recommendations, are achievable and evidenced for audit purposes.

Through this process the branch put into effect 124 recommendations this year, making a positive contribution to the delivery of key Corrective Services' priorities of community safety, rehabilitation and operating in an ethical and transparent manner.

# Court and Tribunal Services

## Courts and Tribunals

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

Court 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

- Supporting the State's courts and tribunals in maintaining continuity of services during the COVID-19 pandemic
- Upgrading Court 2 at the heritage-listed Stirling Gardens court complex to accommodate eCriminal trials (hearings conducted using audio-visual technology)
- Saving an estimated 334 trial days as well as legal costs for litigants in the Family Court pre-trial conference pilot
- Constructing two more conference rooms and three interview rooms for use by the Family Court of WA Registrars conducting pre-trial conferences
- Redeveloping and enhancing the Supreme Court website
- Making technology upgrades to all 24 District Court courtrooms, six remote witness rooms, three remote child witness service rooms, a judicial conference room, a jury assembly room and a remote custody cell
- Improving measures to address the increased demand in the Coroner's Court for forensic pathology, toxicology, and body removal services
- Procuring and installing weapons detection systems at selected regional courthouses
- Continuing to support the Australian Capital Territory via the Integrated Courts Management System
- Relocating staff across eight business areas from International House to Golden Square
- Relocating the Sheriff's Office staff, including the Fines Enforcement Registry staff, to the 1987 building attached to the Supreme Court in Stirling Gardens
- Moving the Library Management System into the cloud.

## 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, manslaughter and breaches of Commonwealth drug enforcement laws. The General Division also deals with civil matters of a complex nature or where the amount involved in a dispute is more than \$750,000 as well as applications for injunctions and other forms of relief.

In addition, the General Division deals with probate matters (including disputes over wills), admiralty issues (disputes involving ships), disputed elections and applications under the *Corporations Act 2001* (Cth).

The Court of Appeal hears appeals from single judge decisions of the Supreme Court, lower courts and various tribunals.

### Outcomes 2019/20

The median time to trial for criminal matters was 45 weeks (17 weeks above the budget target of 28 weeks). The Supreme Court has continued to deliver high quality services to the community in the following ways:

- finalised 2,867 civil cases and 83 criminal cases;
- finalised 7,414 probate applications;
- conducted 36 criminal trials and 29 civil trials;
- finalised 335 criminal appeals and 161 civil appeals; and
- managed 114 criminal cases in the Stirling Gardens Magistrates Court.

### *Impact of the COVID-19 pandemic*

Due to the COVID-19 pandemic the conduct of jury trials was suspended from mid-March and was still in place as of 30 June 2020. It was necessary to vacate nine jury trials scheduled to start over this period. Four criminal trials before a judge alone were able to proceed in courtrooms where appropriate social distancing could be ensured.

Four civil trials proceeded with the express authorisation of the Chief Justice based on the urgency of the matter and availability of resources. These trials were held in courtrooms where appropriate social distancing could be ensured. Civil trials which could not be conducted in this way were vacated and will be relisted.

Wherever possible the delivery of judgments as well as directions hearings, case management conferences, mediations and strategic conferences were conducted by telephone or video conferencing. Contested chambers hearings and General Division appeals were conducted by telephone or 'on the papers' by prior arrangement. Unless otherwise ordered criminal appeal and civil appeal hearings were conducted by telephone or video conferencing. Documents continued to be presented for filing using the court's Electronic Document System, by email, registered post, facsimile, or by secure drop-box located in the court building.

The Court also accommodated a number of urgent applications for admission to the legal profession with the balance of those applications deferred to a later date.

Following public health advice a variety of measures were put in place to enable jury trials and business in general to resume in a manner consistent with the health and safety of the public.

The impact of COVID-19 continued as restrictions eased and vacated trials and other hearings across the state were relisted. Relisting the hearings vacated between March and July 2020 posed a challenge to existing judicial and physical resources, and involved extensive collaboration.

Even with the easing of restrictions, the court is continued to facilitate increased use of audio-visual technology and other technological improvements, where appropriate, in order to enhance access to justice and improve court processes and procedures.

### **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.

#### *Outcomes 2019/20*

The Family Court continues to experience high demand for its services. The Court received 15,897 applications in 2019/20, including:

- 2,794 initiating applications for final orders;
- 4,974 interim order applications;
- 5,595 divorce applications; and
- 2,338 consent order applications.

During the COVID-19 pandemic, the Court put measures in place to ensure that matters continued to be heard, including but not limited to, the promotion of eLodgment and the use of telephone attendances.

### **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.

This was Justice Janine Pritchard's first year as the President of the Tribunal, having started her term on 4 June 2019. Justice Pritchard maintains her commission as a judge of the Supreme Court and the Court of Appeal.

Despite the challenges of the COVID-19 pandemic, the Tribunal continued to operate. Hearings, directions and mediations were conducted via video, audio conferences or, in some exceptional circumstances, people attended in person but maintained social distancing. There was a change in the demand for technology during this period, to provide a service delivered from a hearing room to an office or home, which now continues to be the standard expected.



### Outcomes 2019/20

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 15 weeks, a result on budget target and a one week increase compared with the previous year.

- 80 percent of guardianship and administration matters were finalised within 11 weeks compared with 10 weeks in the previous year; and
- the Tribunal received 7,138 applications in 2019/20, an increase of 4.3 percent on 2018/19.

Key application trends included:

- 24.5 percent increase in guardianship and administration applications (4,903 applications) that accounted for 69 percent of all applications received by the Tribunal;
- 26 percent decrease in commercial and civil applications largely the result of a 30 percent decrease in applications under sections 13(7), 13(7b) and 14A (3) of the *Commercial Tenancy (Retail Shops) Agreement Act 1985*, which regulates commercial tenancy agreements and deals with disputes arising under commercial tenancy agreements;
- 14.1 percent decrease in development and resource applications with decreases mainly relating to the *Planning and Development Act 2005*; and
- 13.8 percent decrease in vocational regulation applications, mainly as the result of a 21 percent decline in applications under the *Security and Related Activities (Control) Act 1996*.

### District Court

The District Court deals with serious criminal offences that must be tried before a jury or judge alone including those for which the maximum term of imprisonment that can be imposed is a life sentence, except homicide. 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.

Chief Judge Kevin Sleight retired from the court on 1 May 2020. Her Honour Judge Julie Wager was appointed Chief Judge on 2 May 2020.

During the year all 24 courtrooms in the District Court Building in Perth underwent a technology upgrade which converted the courtrooms from an analogue system to a digital system with improvements made to the audio-visual and recording capabilities of each courtroom and ancillary rooms in the building.

The District Court took an opportunity to learn more about Aboriginal culture and the issues facing Indigenous communities when all available District Court judges were joined by five justices of the Supreme Court in attending the Mapu Kungulu, Mapu Ngarlu, Mapu Muwarr Wakajku (Open Mind, Good Feeling, Good Talk and Business for All of Us), District and Supreme Court Judges' Conference in September 2019 at the University of Notre Dame Australia's Broome Campus. The program was developed in close collaboration with the Karajarri and Yawuru people along with the Bidyadanga community. It included sessions on intergenerational trauma, child health matters and Aboriginal interpreting. Information shared included many personal stories of challenge, hope and resilience, a presentation about conservation, Indigenous protected areas, animals on Karajarri land and community kinship systems. The National Judicial College of Australia contributed funding to support the conference.

The District Court's annual Open Day saw 637 visitors to the District Court Building. Visitors were able to take part in a mock jury empanelment in a courtroom with a judge presiding, tour the detention centre for a behind-the-scenes look at the cells where people are held in custody and ask questions of judges and staff who attended on a voluntary basis.

### Outcomes 2019/20

The criminal median time to trial in the District Court was 45 weeks (13 weeks above the budget target of 32 weeks); 78 percent of all cases were finalised within the budget target timeframe of 52 weeks. During 2019/20 the court had:

- 2,909 criminal cases lodged;
- 2,522 criminal cases finalised;
- 5,621 civil cases lodged, 39 of which were appeals from lower courts;
- 5,305 civil cases finalised, 35 of which were appeals from lower courts; and
- 388 criminal cases and 74 civil cases finalised by trial.

### Impact due to COVID-19 pandemic

Building on the courtroom digitisation program, existing technological capabilities were reviewed and upgraded primarily to facilitate the increased usage of audio-visual technology and systems. Changes to work practices such as reducing the delivery of hard copy transcripts into courtrooms, changes to mail opening and scanning procedures were also conducted to reduce the risk of transmission of the coronavirus. Jury trials were suspended from mid-March 2020 and began again on 20 July 2020 when the court also adopted changes to the jury empanelment process to allow juries to be empanelled remotely via video-link from a separate court room.

Special hearings were conducted to vacate cancelled trials (including direction hearings) in metropolitan and regional locations. Additional case management practices were introduced such as sentencing via video-link, scheduling of judge alone trials and judicially mediated compulsory case management conferences. The criminal jurisdiction increased electronic communications, local printing and ancillary actions such as servicing bail and other applications. As COVID-19 restrictions ease, jury trials across the state are now being brought forward (based on health and physical distancing requirements) and re-listed for hearings where judicial and physical resources are available.

All civil trials listed between April to June 2020 were vacated and additional listing conference lists were created to vacate and relist these matters for alternative trial dates later in the year. Procedural changes were introduced to deal with civil matters, such as applications which were required to be listed before a judge in court, were dealt with on the papers, while all pre-trial

conference hearings and most other civil hearings were dealt with via audio means. The court received an increase in telephone calls regarding pre-trial conference matters and general queries regarding changes to procedures.

While the front counter remained open, physical documents were not permitted to be lodged over the counter and had to be provided to the court via email or lodged through the eLodgment process.

### 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. All criminal charges against adults begin in the Magistrates Court. All simple offences and most 'either way' offences are disposed of in the Magistrates Court by plea or hearing. Strictly indictable matters and some 'either way' offences are processed in the Magistrates Court before being committed to the District or Supreme 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 2019/20

In response to the COVID-19 pandemic, the Magistrates Court put in place significant measures to actively reduce the number of court users appearing in person at Magistrates Court facilities across Western Australia whilst continuing to deliver a vital justice service to the wider Western Australian community. The impact of the pandemic on all Magistrates Court outcomes continued to be monitored to ensure that resources met any future demand on services.

During 2019/20, the Magistrates Court had more than 88,900 criminal case lodgments, a 7.4 percent (7,000 cases) decrease from 2018/19. This was driven primarily by decreases in lodgments of traffic offences, prohibited and regulated weapons offences, public order offences and offences against justice procedures, government security and government operations. During the same period criminal charge lodgments decreased by 7.5 percent; 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 an 11.9 percent decrease in civil lodgments from 2018/19. This is due to a number of factors but has been driven primarily by a 19.9 percent decrease in residential tenancy matters as a result of the introduction of the *Residential Tenancies (COVID-19 Response) Act 2020*. This Act implemented the decision of National Cabinet to place a moratorium on evictions in response to COVID-19. In addition, the introduction of mandatory conciliation for residential tenancy disputes arising out of the economic effects of COVID-19 has resulted in a significant decrease to the number of Residential Tenancy cases lodged with the Magistrates Court. This is tempered by a 3 percent increase in restraining order lodgments for the same period. The largest decreases in civil lodgements were seen in Joondalup (41.1 percent, 1,596 cases), Gascoyne (27.7 percent, 93 cases), and Midland (22 percent, 861 cases).

The median time to trial for criminal and civil trials in the Magistrates Court was 23 weeks, above the budget target of 19 weeks. There was little impact from the COVID-19 pandemic on the time to trial in the Magistrates Court in 2019/20 as the majority of trials continued as listed. The major factor contributing to the time to trial outcome is the shift in the mix of offence types listed for trial. Traffic offences decreased from 29 percent of all Magistrates Court trials to 20 percent in 2019/20 while there has been an increase in the number of assault and burglary trials since 2014/15 that continued into 2019/20. These matters are more complex than traffic trials, require a longer trial and can take longer to be ready for trial because of the need for forensic evidence.



*Construction continued on the \$85.8 million Armadale Courthouse and Police Complex this financial year. The project is a collaboration between the Western Australia Police Force, Department of Justice, Department of Finance and Department of Treasury.*

*A concrete pour in March 2020, the first major pour on site, saw 77 cubic metres of concrete laid on site, part of which formed the retention tank, which will hold rainwater and help conserve water use on site. This contributes to the sustainability of the building.*

*The ACPC is scheduled for completion in late 2021.*

*The courthouse will feature state-of-the-art video conferencing and digital recording facilities, five courtrooms, a pre-trial conference room, plus separate and secure facilities for victims of crime.*



## Mental Health Court (Start Court and Links)

The Start Court (adults) and Links (children) began 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 involving dedicated and trained staff from multiple agencies including: Legal Aid Western Australia, the Mental Health Law Centre, the WA 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 2019/20*

There were 302 referrals to Start Court in 2019/20 compared to 327 referrals in 2018/19. The Links Clinical Assessment Team has provided advice, assessment or assistance in 593 cases during 2019/20, compared with 388 cases in 2018/19. In 2019/20 there were 39 child clients case-managed by the Links team, 82 percent (32) were substance users (cannabis, alcohol and methamphetamine). In the 2018/19 financial year Links had 44 case-managed clients, 72 percent (32) were substance users (cannabis, alcohol, methamphetamine).

## Sunday Court

Sunday Court at the Perth Police Complex 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. To ensure that young people are also brought before the court for the determination of bail at the earliest possible opportunity, and to reduce the likelihood of children being held in custody over the weekend, Sunday Court magistrates are now appointed as acting magistrates of the Children's Court.

### *Outcomes 2019/20*

From 1 July 2019 until 30 June 2020, 2,709 accused people appeared before the Sunday Court, 72.5 percent of accused people were released on bail or had their matters finalised. Of the 2,709 accused people:

- 738 were remanded in custody to appear at a future court date;
- 1,565 were bailed to reappear to a future court date;
- 406 accused people had their charges finalised; and
- there were 270 juvenile accused whose Children's Court matters were heard.

## Perth Drug Court and Diversion Programs

The Perth Drug Court diverts serious offenders who have significant substance abuse problems into highly intensive, 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 is 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 have been 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 2019/20*

- A total of 913 offenders throughout the State gained access to a diversion program during 2019/20, including those dealt with by the Drug Court.

## Family Violence List

The Family Violence List is for criminal matters in the Magistrates Court of Western Australia at 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 the Department of Communities, WA Police Force and the Department of Justice.

## Barndimalgu Aboriginal Family Violence Court

The Barndimalgu Aboriginal Family Violence Court in Geraldton, 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.

The service provides offenders with the opportunity to complete an 11 week program specifically targeted to address family violence before a final sentence is delivered.

### *Outcomes 2019/20*

There were 89 referrals to Barndimalgu Court in 2019/20, an increase of 7 percent from 2018/2019. Of the 89 referrals, 30 participants successfully completed and graduated from the program, 29 withdrew from the program and 30 participants were breached for failing to comply with a condition of the program.

## 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 and restraining order applications involving children under the age of 18.

As noted above, the Perth Children's Court also delivers diversion programs including a Children's Drug Court, which aims to divert young people who are experiencing drug-related problems into intensive case management and treatment. 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.

Plans are underway to pilot a therapeutic child protection case list in the Perth Children's Court. Feedback submissions in response to a discussion paper have been received and the pilot is proposed to commence in the second half of 2020.

### *Outcomes 2019/20*

- Finalisation of criminal cases decreased from 6,683 in 2018/19 to 5,798 in 2019/20; and
- Civil lodgments decreased from 2,206 in 2018/19 to 2,041 in 2019/20.



## Coroner's Court

The Coroner's Court investigated 2,577 cases in 2019/20 where the death arose 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.

Under section 27 of the *Coroners Act 1996* (WA), the State Coroner provides a comprehensive annual report each year on the deaths which have been investigated to the Attorney General for tabling in State Parliament.

A dedicated Computed Tomography (CT) scanner was funded by the State Government for use by the State Mortuary and was installed at Sir Charles Gairdner Hospital in Nedlands in April 2019. The CT scanner provides non-invasive medical imaging technology that is commonly used by pathologists and coronial staff to help establish causes of death.

The CT scanner became fully operational in September 2019; from then until the end of financial year it was used to perform 2,141 scans. This enabled a reduction in full post-mortem examinations that had to be completed to confirm the cause of death and an increase in cases completed by an external post-mortem only (ie CT scan and non-invasive assessment).

An additional Coroner was funded for 2019/20 (at 0.5 FTE) to enable inquests to be held for 44 long-term Missing Persons cases referred to the Coroner's Court from the WA Police Force.

### Outcomes 2019/20

The Coroner's Court continued its focus on older backlog coronial cases. As at 30 June 2020, there was a backlog of 497 coronial case, an increase of 39 cases compared to 30 June 2019. It should however be noted, that the number of cases awaiting external agencies supplying reports or information has increased by 29 cases and was 67 percent of the total backlog, which proportionally is less than the previous year at 74 percent.

The Coroner's Court was unable to proceed because it was awaiting reports or information supplied by external agencies; proportionally, this was the same as the previous year (74 percent).

In 2019/20 the court dealt with 2,577 reportable deaths, in addition to 1,121 death certificates, and finalised a total of 2,726 matters. The Coroner's Court sat for 143 days in 2019/20 and finalised 97 inquest cases.

## Boards and Committees

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; and
- Gender Reassignment Board.

### Prisoners Review Board

The Prisoners Review Board is an independent statutory authority 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 620 meetings, compared with 592 from the previous year.

The Prisoners Review Board made 1,895 orders to release offenders on discretionary parole during 2019/20 which is a decrease of 5.8 percent when compared to 2018/19. Parole was suspended or cancelled on 416 occasions. In 2019/20 there was a total of 2119 parole applications denied by the Board or the Governor, an increase of 9.8 percent from the previous year. Of those, 594 were denied parole at the request of the prisoner, an increase of 3.7percent from the previous year.

The Board's comprehensive annual report is provided each year to the Attorney General for State 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 administered by the Department. It 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 2019/20 the Board held 38 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 a year. In 2019/20, the Board prepared 58 statutory reports.

The Board's comprehensive annual report 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 administered by the Department. Created under the *Young Offenders Act 1994* (WA), it 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 2019/20 the Board met 49 times.

The Board's comprehensive annual report 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 2019/20 the Board received 42 applications, an increase of eight compared with the previous year.

### ***Dangerous Sexual Offenders Review Committee (DSORC)***

The Dangerous Sexual Offenders Review Committee (DSORC) is a non-statutory Departmental committee which was established to facilitate the implementation of the *Dangerous Sexual Offenders Act 2006* (the Act).

The DSORC's role is to review offenders serving a sentence for serious sexual offences to consider their risk of further serious offending and to refer selected offenders to the Office of the Director of Public Prosecutions for the purposes of considering whether to make an application to the Supreme Court for a continuing custody order or for a community-based supervision order in accordance with the Act.

In 2020/21, with the proclamation of the *High Risk Serious Offenders Act 2020*, the DSORC will be replaced by a High Risk Serious Offenders Committee that will assess offenders for post-sentence orders because of their physical violence offending as well as their sexual violence offending histories and the perceived risk that they may commit further serious offences upon release from custody.

## 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 and took up her role in the previous financial year with the retirement of Chief Assessor Ms Helen Porter.

An additional assessor was appointed in May 2019 for a period of two years to address the growing number of new applications for criminal injuries compensation, bringing the total number of assessors to four.

The Office provides for victims of crime to be compensated for injuries suffered as a consequence of the commission of an offence. People may be eligible to claim compensation under the *Criminal Injuries Compensation Act* if they are a victim of an offence or alleged offence and are injured and/or experience financial loss as a result of the injury; or if they are a close relative of a victim of an offence and experience financial loss as a result of that offence.

Compensation can be sought regardless of whether a person has been identified, charged or convicted of the offence. The scheme may cover pain and suffering, loss of enjoyment of life, loss of income, medical or psychological expenses, and other incidental expenses, such as travel for medical treatment or damage of clothing.

In the case of a death, a close relative can apply for funeral expenses and loss of financial support.

### Outcomes 2019/20

- The number of criminal injuries compensation applications received this year decreased by 0.3 percent from 3,626 in 2018/19 to 3,615 in 2019/20.
- Finalisations increased by 33.7 percent on last year from 2,373 finalisations in 2018/19 to 3,173 finalisations in 2019/20.
- In 2019/20 a total of \$45.3 million was awarded to victims of crime. To assist in compensating the State for this cost, a total of \$1.684 million was recovered from offenders, 2.9 percent 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 State 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. The Department has responsibility for supporting and training Western Australian JPs.

### Outcomes 2019/20

- This year the Department continued to provide training opportunities for the State's 2,571 JPs.
- A total of 36 training seminars/workshops/online modules were conducted in the year which included seven in the metropolitan area, 13 in regional/country locations and 16 online modules.
- A total of 332 JPs participated in approved Departmental training seminars/workshops/online modules.

The Chief Magistrate issued a Practice Direction on 30 June 2020 indicating that JPs will no longer perform judicial duties. Magistrates Courts will only be constituted by legally-qualified Magistrates. This is in line with recommendations made by the inquest into the tragic death of Aboriginal elder Mr Ward in 2008.

## Court Counselling and Support Services

Court Counselling and Support Services provide a range of services to people involved in the court system. This includes victims of crime, child witnesses, family violence victims and adults and children involved in Family Court of Western Australia's parenting matters.

### Victim Support Service

The Victim Support Service (VSS) offers a range of specialist services to help victims of crime with their contact with the criminal justice system and to help them in their recovery from trauma. The provision of this 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 assistance to prepare victim impact statements. In addition, the VSS provides prosecution agencies with assessment reports to support applications to the court for vulnerable witnesses to provide their evidence via CCTV.

VSS is based in the Perth metropolitan area; support services are available to victims of crime in regional locations through the Victim Support and Child Witness (VSCWS) Service. During the 2019/20 financial year, VSCWS was delivered by contractors until 17 March 2020 and by Departmental staff from 18 March 2020.

#### *Outcomes 2019/20*

The following includes details about victim support services delivered by VSS in the Perth metropolitan area and VSCWS in regional locations.

During 2019/20 VSS and VSCWS received 12,602 referrals for victim support, compared to 12,664 referrals 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 persons assisted was 8,171 people in 2019/20, compared with 7,857 in 2018/19.

## 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 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.

CWS is based in the Perth metropolitan area. In addition, support services are available to child witnesses in regional locations by VSCWS. During the 2019/20 financial year, VSCWS was delivered as a contracted service until 17 March 2020, and by departmental staff from 18 March 2020.

#### *Outcomes 2019/20*

The following includes details about victim support services delivered from both CWS in the Perth metropolitan area and VSCWS in regional locations.

- There were 1,097 new child witness referrals in 2019/20, compared with 1,090 in the previous financial year. Offer of service letters and follow up support were provided to all referrals.
- Sixty percent of child witness clients were aged between 13 and 17 years.

## Family Violence Service

The Family Violence Service 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.

An improved service delivery model became operational from 1 July 2019 which incorporated the use of a new generic telephone 1800 line and email address. This has proven an effective means to increase the number of family violence victims receiving support.

### *Outcomes 2019/20*

- During 2019/20 there were 3,916 new referrals compared with 3,101 in the previous financial year.

## **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 of WA to individually case manage and assess child-related proceedings before the Court. This involves 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 2019/20*

- The FCCCS received 1,465 new referrals compared with 1,622 the previous year.

## **Court Security**

The Court Risk Assessment Directorate operates in consultation with security and custodial service providers. This relationship is enhanced through 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 regional 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 people remains a core feature of the Directorate's workload and remains ongoing.

A key objective during the year was to finalise a new audit of security technologies at 19 regional courthouses. The findings of the audit will inform future security upgrades at court locations.

The Court Risk Assessment Directorate was responsible for leading and coordinating the Court and Tribunal Services response to the COVID-19 virus epidemic. Planning for all business areas was finalised prior to any escalation of the virus in WA. The advanced state of preparedness enabled Court and Tribunal services to respond in a timely and effective manner.

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 statewide 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 for District and Supreme Court matters and through a network of bailiffs appointed by the Sheriff for Magistrates Court matters across the State, with the bulk of that work undertaken by Baycorp (WA) Pty Ltd under contract with the Department.



### Outcomes 2019/20

- The outcomes presented for this reporting period include all civil enforcement actions processes performed by the Sheriff's Office and the bailiff contractor, Baycorp (WA) Pty Ltd. Previous annual reporting has only included statistics for the Sheriff's Office work.
- In 2019/20, 12,705 documents, orders, warrants and summonses were received for service.
- The number of applications for Property Seizure and Delivery Orders (evictions) decreased by 18.1 percent this year as financial institutions chose to delay evicting mortgagees under default and residential tenancy evictions were restricted by the moratorium introduced under the *Residential Tenancies (COVID-19 Response) Act 2020*.
- 2,254 orders and warrants were finalised during the 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 WA.

#### Outcomes 2019/20

- The number of court fines lodged in 2019/20 decreased by 11.9 percent from 82,418 to 72,587.
- The number of infringements lodged decreased by 10 percent from 343,199 to 309,799. Overall the number of lodgments decreased by 10.1 percent in comparison with 2018/19, while completions decreased by 9.5 percent.
- FER collected \$126.2 million, 0.2 percent more than the previous year.

### 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 Community Development Sheriff Officers and Baycorp (WA) Pty Ltd under contract with the department.

Field-based enforcement operations were temporarily suspended from 13 April 2020 to 29 June 2020 due to the COVID-19 pandemic.

#### Outcomes 2019/20

- \$7.27 million in collections for 2019/20 compared with \$6.8 million in 2018/19.

### 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 2019/20

- During the 2019/20 financial year 32,353 people were summoned for possible selection on 504 scheduled trials, of which 14,579 people attended and 4,233 were selected for 334 trials that actually commenced. These figures are considerably lower than previous years due to the temporary suspension of new jury trials from mid-March 2020 in response to the COVID-19 pandemic.

## 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 about Government services;
- advise 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;
- manage the operation of the National Redress Scheme for WA Government agencies; and
- develop, examine and comment on legislation affecting victims of crime.

After six years of operation, the Office has firmly established its role as a dedicated victim advocacy unit for the Western Australian community. This year the Office continued to provide advice, advocacy and practical support directly to vulnerable people in the community, as well as taking the lead on government reforms, such as the *Family Violence Legislation Reform Act 2020*, which aims to better protect the community and serve victims of crime.

### *Key achievements*

- Managed the urgent passage of the *Family Violence Legislation Reform (COVID-19) Act 2020* to protect victims from the increased risk of family violence during the COVID-19 pandemic
- Developed the *Family Violence Legislation Reform Act 2020* which was passed by State Parliament in June 2020, to improve victim safety, perpetrator accountability and the responsiveness of the justice system
- Initiated the first dedicated complaint process for victims who feel that the 'Guidelines for the Treatment of Victims of Crime' have been breached
- Reviewed the practice of issuing arrest warrants to witnesses who fail to attend court, including recommendations to better protect witnesses who are victims of family violence, and recommended changes in a report for the Attorney General
- Co-ordinated WA's participation in the National Redress Scheme for survivors of institutional child sexual abuse, processing more than 1000 requests for information for nearly 600 applicants
- Processed payments worth more than \$200,000 for the funeral expenses of 28 homicide victims through the Homicide Funeral Assistance Scheme
- Continued to represent Western Australia on the National Victims of Crime Working Group and consulted with a broad range of stakeholders from across Government, the non-government sector, victims and their families.

## Developing the Family Violence Legislation Reform Bill 2019

The Office developed the *Family Violence Legislation Reform Act 2020* in consultation with Government and non-Government stakeholders. The Bill was passed by State Parliament on 26 June 2020 and received Royal assent in July 2020.

The Act includes reforms to improve victim safety, the 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 WA. Reforms include the introduction of a new criminal offence for non-fatal strangulation. This is to recognise the risk to victims posed by the act of strangulation, particularly in the context of family violence. The Act also created the new criminal offence of persistent family violence to recognise that physical and psychological violence against a partner often forms a pattern of offending.

## Managing the passage of the Family Violence Legislation Reform (COVID-19 Response) Act 2020

In response to the COVID-19 pandemic, the Office of the Commissioner for Victims of Crime managed the passage of the *Family Violence Legislation Reform (COVID-19 Response) Act 2020*, which came into effect on 7 April 2020. The amendments included urgent measures to enable the justice system to better respond to the pandemic, including enabling online lodgement of restraining orders, increasing the penalties for breaches of restraining orders and enabling the electronic monitoring of high-risk offenders.

## 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, which was established in response to recommendations from the Royal Commission. The aim of the scheme is to provide an opportunity for survivors to seek redress via an easier and more supportive avenue than civil litigation through the courts. 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 Redress Co-ordination Unit within the Office leads WA's participation in the scheme and co-ordinates requests for information from the Commonwealth Government for applications relating to Western Australian Government institutions. In 2019/20 the Unit processed 1194 requests for information for 588 applicants. Redress and counselling payments totalling \$10,425,923 were accepted by 192 applicants\*. The Unit also worked with survivors to facilitate direct personal responses from responsible institutions.

The Office 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 for Victims of Crime representing the state on the National Redress committee.

## Working directly with victims of crime

Having firmly established its role as an advocate for victims in the WA community, the Office continued to work directly with individual victims, their families and other victim stakeholders in 2019/20.

This year the Office worked with a range of victims, many of whom were facing complex circumstances and who felt overwhelmed and voiceless in the criminal justice system. The Office was able to provide these people with advice, advocacy and support to navigate the system. This insight into victim needs and experiences continues to inform the broader work of the Office.

## Implementing the first dedicated victim complaint process in Western Australia

In 2019 the Office implemented an online complaint and feedback system for victims of crime. The first of its kind in the State, the complaint system allows 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 Office liaises with relevant Western Australian Government and government-funded organisations to respond to complaints.

\* Data is sourced from Department of Justice Integrated Courts Management System

The Office dealt with 19 complaints in 2019/20, relating to a range of criminal justice issues including police conduct, court processes and criminal injury compensation claims. As well as providing victims with greater agency in the system, the complaint process has been a valuable tool to gather data on issues of importance to victims of crime, to inform future work by the Office.

### Reviewing witness arrest warrant practices

In June 2019, following the arrest and detention of a victim of family violence for failing to appear to give evidence against the perpetrator in court, the Attorney General requested that the Office carry out a review of witness arrest warrant practices in WA.

The review made a number of recommendations which sought to give greater discretion and guidance to the decision-makers who are involved in the issuing and execution of witness arrest warrants. This includes a court being able to authorise a senior police officer to release a witness on their undertaking to reappear before the court on a set date – as opposed to the current practice of the witness being held in custody until they can be brought before a court.

The Office of the Commissioner for Victims of Crime is now notified where a witness arrest warrant is issued to the complainant in a family violence-related prosecution, and, where appropriate, makes efforts to contact the person to offer information, advocacy and support.

### Securing a victims' representative on the High Risk Serious Offenders Board

The High Risk Offenders Bill 2019 was passed by State Parliament in June 2020. The new Act allows the courts to make orders for the continued detention or supervision of violent offenders who are nearing their release date, and are deemed likely to pose an ongoing risk to the community. The Act establishes a High Risk Serious Offenders Board which will comprise representatives from relevant agencies to ensure there is coordinated oversight and management of high-risk offenders.

In 2019/20, the A/Commissioner secured a position on the High Risk Serious Offenders Board to ensure victims' voices are heard, and their rights considered, in the management of serious violent offenders. A dedicated position was also created within the Office to support victim engagement in this process.

### Publishing a Guide to the Media for Victims of Crime

*A Guide to the Media for Victims of Crime* was developed and published by the Office to assist victims to liaise with the media. After a serious crime occurs, victims and their families are often approached by the news media and asked to tell their story. This can be overwhelming, distressing and confusing for victims, or the family and close friends of victims, in the period immediately after a crime or trial. The guide was developed to give guidance and advice to victims who have consistently reported in the past that they were unsure of their rights when dealing with approaches from the media.

The guide was adapted from the successful New South Wales version, and includes WA-specific advice on victims' rights, the potential impact of the news media on upcoming court cases, what journalists can and cannot report on, the impact of social media on victims and what supports are available.

The guide was published in January 2020 and distributed to a range of agencies which have contact with victims, including the WA Police Force.

### Managing the Homicide Funeral Assistance Scheme

The Homicide Funeral Assistance Scheme was established in 2018 to cover funeral costs for people who have died as the result of homicide in WA. The scheme gives up to \$8,000 towards the cost of a funeral to eligible applicants, where the cause of death of the deceased person was murder, manslaughter or unlawful assault causing death. The scheme is funded through the Department's Criminal Property Confiscation Grants program.

In 2019/2020, the Office made payments totalling \$210,844 for the funeral expenses of 28 homicide victims.

## Managing 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 those who had such criminal offences on their 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 which would not be illegal today. The Office continues to accept applications for expungements and provides recommendations to the Director General regarding those applications.

In 2019/20 the Office received one application for expungement which is currently under consideration.

## Participation in national working groups and conferences

The Office presented at the Australia and New Zealand Society of Criminology conference held in Perth on different models and best practice for Victims of Crime Commissions.

The Acting Commissioner continued to represent Western Australia on the National Victims of Crime Working Group, which has become an important forum for sharing 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 2019/20.

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.

## Future initiatives

In 2020/21 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 2019/20, and will be implemented in 2020/21. These include:

- taking responsibility, from WA Police Force, for the organisation of the biological cleaning of houses in which a homicide occurred.
- developing a service coordination model for secondary victims of homicide and other major crimes;
- finalising a justice strategy for victims of crime in Western Australia; and
- re-convening the Victims of Crime Reference Group to enable victims to have input into policies and services, and to provide the Attorney General with a forum for cross-agency advice on victims' issues.

As of 30 June 2020, the substantive position of the Commissioner for Victims of Crime was being finalised.



## Office of the Commissioner for Victims of Crime

### **CASE STUDY – New criminal offence of suffocation and strangulation (non-fatal strangulation)**

In a landmark reform of family and domestic violence laws, WA has introduced a new criminal offence of suffocation and strangulation to recognise the significant risk it presents to victims.

Developed by the Office of the Commissioner for Victims of Crime, the *Family Violence Legislation Reform Act 2020* is the most comprehensive family violence law reform package ever seen in WA. Passed by State Parliament in June 2020, the Act amends nine separate pieces of legislation to increase protection for victims and ensure perpetrators are held to account. Suffocation and strangulation is one of two new offences added to the Criminal Code by the Act.

According to the Australian Institute of Health and Welfare, one in six, or 1.6 million women across Australia have experienced physical or sexual violence by a current or previous partner. Across the country, one woman dies every nine days as a direct result of family violence. Around 61 percent of assault victims in WA are domestic and family violence victims.

Acting Commissioner for Victims of Crime, Kati Kraszlan who led the development of the legislation, said the serious risks associated with suffocation and strangulation meant that a stand-alone offence was needed. “Research shows that suffocation and strangulation committed against an intimate partner is one of the strongest indicators of an increased risk of further violence and even homicide,” she said. One study estimates that women who experience an episode of non-fatal strangulation are over seven times more likely to be killed than other women. Even a seemingly minor act of strangulation can have severe medical consequences days or even months later, causing internal injuries such as blood clots, stroke and brain damage caused by a lack of oxygen.

“The new offence makes it clear that this is very dangerous behaviour, even if there are no visible signs of injury,” the Commissioner said. The creation of this offence will ensure that first responders understand the seriousness of non-fatal strangulation, ask the right questions, provide victims with the right medical treatment, and make sure that the right evidence is recorded.

Under the new laws a person charged with this offence will face a penalty of up to seven years imprisonment, much higher than previously available under common assault. Perpetrators may also be subject to supervision orders after imprisonment and may be denied bail in some circumstances. It will also be easier for courts to issue Family Violence Restraining Orders against perpetrators.

The Office of the Commissioner for Victims of Crime is now developing a statewide training program for police, judicial officers, medical and legal professionals and family violence workers.

## 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, a mental illness, an acquired brain injury or dementia. 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; and
- 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 2019/20, 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

In 2019/20, the Office:

- carried out 1,983 investigations into the personal or financial welfare of adults with a decision-making disability, representing a 15 percent increase in workload compared with the previous year
- managed 1,542 new referrals from the State Administrative Tribunal for investigations into the personal or financial welfare of adults with a decision-making disability, a 14 percent increase from the previous year
- acted as guardian for a total of 2,463 people at 30 June 2020, a 15 percent increase from 30 June 2019
- was newly appointed as guardian of last resort for 717 people, compared with 591 in 2018/19, an increase of 21 percent
- delivered 20 community education seminars regarding the guardianship and administration system, the legislation and the planning documents available to people under the legislation
- responded to 6,324 enquiries from 4,884 people via its advisory service

Reforms within the disability sector, brought about by the bilateral agreement to roll-out a nationally delivered National Disability Insurance Scheme (NDIS) in Western Australia, continued to have a significant impact on the demand for the Office's guardianship services in 2019/20.

A number of clients who receive disability support, including accommodation and services, and who were 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. However 2019/20 marked the third year in a row that dementia did not account for the largest proportion of appointments; 29 percent of the 2,463 adults for whom the Public Advocate had been appointed as guardian (as at 30 June 2020), had a mental illness, followed closely by 28 percent who had an intellectual disability and 26 percent who had dementia.

### *Orders appointing the Public Advocate as guardian, 2019/20*

Type of decision-making disability	Number	%
Acquired brain injury	383	16
Dementia	634	26
Intellectual disability	696	28
Mental illness	706	29
Other	44	2
Total	2,463	100

The Office continued to target elder abuse in 2019/20, with a range of activities undertaken across advocacy, investigation and guardianship services; through 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 targeted education sessions, publications and the provision of the advisory service. The Office aims 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 2020, the Office had 18 volunteers engaged in the program, 15 of whom were appointed as guardian for their represented person.

# Advocacy, Guardianship and Administration Services

## CASE STUDY – Public Advocate

### *Elder Abuse: a case of opportunistic financial and social exploitation*

Glenda is a 67 year old woman with early onset dementia.

The Office of the Public Advocate received a report from a community member, concerned about a friendship that was developing between Glenda and a woman she had met at her local shopping centre.

Glenda had stopped paying her bills, started refusing services and was isolating herself from a number of close friends. She had also said she was giving money to her new friend.

The community member was concerned that Glenda did not have full capacity and was a victim of financial elder abuse.

The Office's investigator advocate found it difficult to gather information from Glenda as Glenda's friend was always present and when the investigator advocate called Glenda, her friend often answered the phone, or could be heard in the background coaching responses to questions.

The investigator advocate spoke to some of Glenda's other friends who estimated Glenda had approximately \$100,000 in the bank from an inheritance. But they said when Glenda was recently admitted to hospital and they had visited her, Glenda admitted that her new friend had offered to look after her bills while she was in hospital so Glenda had given her friend her key card. Approximately \$70,000 in withdrawals had been made and the friend was now refusing to return the money or the key card.

The investigator advocate felt that Glenda was at risk and in need of an administrator. The Public Advocate therefore made an urgent application to the State Administrative Tribunal for the appointment of an administrator.

The Tribunal appointed the Public Trustee as Glenda's administrator, to manage her finances.

The administrator confirmed that while Glenda previously had significant funds, these had been depleted. Unfortunately, there was no evidence to prove that the funds had gone to Glenda's new friend, as there was simply a series of large cash withdrawals.

It was also uncovered that a loan agreement had been signed for the purchase of a new car in Glenda's name, the repayments of which were in arrears. The Public Trustee's administrator was able to demonstrate that Glenda had not initiated this contract, and should not be responsible for the repayments.

The administrator also established a budget for Glenda to make sure her bills were paid and she received a weekly allowance for food.

### **Would an enduring power of attorney have made a difference?**

If Glenda had made an enduring power of attorney while she had capacity, appointing someone who she knew well and trusted to manage her finances, the outcome could have been a lot better.

While she may have lost some money to this new friend, her attorney may have been able to intervene more quickly in the situation, putting safeguards in place to prevent Glenda from losing all of her savings.

A further benefit of early intervention may have been in stopping the development of a 'friendship' which was based on exploitation, before it progressed.

Not long after the Public Trustee's appointment as Glenda's administrator, her friend stopped visiting. Glenda was unable to understand why she stopped visiting and was distressed to lose contact with the person who she had come to rely on for social contact. Glenda could not understand that because her friend no longer had access to her money, she had no motivation to maintain a friendship with her.

*Note: Names and details have been changed to protect confidentiality.*



## Trustee Services

The Public Trustee offers a range of will, deceased estate administration and trustee services for all Western Australians. The statutory authority manages net assets of around \$1.2 billion and is responsible for managing the legal and financial affairs of many vulnerable people in our community, as well as examining the accounts of private administrators. The Public Trustee is also custodian of the WA Will Bank, Give2Good Foundation and WA Will Week.

### Key achievements

- Achieved self-funding and growth in investment returns
- Managed trusts for 6,452 clients, an increase of 3 percent over the previous year. The State Administrative Tribunal referred 1,084 new trust clients to the Public Trustee, 8 percent more than the previous year
- Submitted 459 probate applications
- Examined 2,203 private administrator accounts
- Stored over 120,000 wills in the WA Will Bank
- Delivered 34 seminars on Wills and Deceased Estate Administration, Planning Ahead, Financial Elder Abuse Prevention and on the role of the Public Trustee across WA (for health and professional service providers) reaching more than 2,890 people
- Put into effect business improvements across the organisation to successfully wind up the 'PT2020' program, which promoted innovation and forward thinking over several years, and included the regular development and deployment of improvements to the 'MATE' trust management software system
- Successfully implemented a COVID-19 business continuity plan with limited disruption to client service.

The last quarter of 2019/20 was like no other in the Public Trustee's history. The COVID-19 pandemic significantly affected vulnerable Western Australians and had the potential to abruptly affect the delivery of critical services. Working closely with the Department of Justice COVID-19 Response Team, the Public Trustee quickly and successfully refined and put into effect its COVID-19-specific business continuity plan. This included uninterrupted delivery for all essential services, postponement of non-critical services

and events, transition to and from staff work from home arrangements, implementation of an effective internal and external communications plan, and flexible strategies to support the wellbeing of clients and staff through the crisis. By the close of the financial year, the Public Trustee had returned to business as usual, with infection control measures in place and a clear understanding of how it will respond to any future potential disruption.

During the 2019/20 financial year, the Public Trustee managed trusts for 6,452 clients, with continued growth in demand for financial administration services being appointed to manage a further 1,084 new trust clients. The majority of new trust clients were referred by the State Administrative Tribunal, with the increase attributed to the rising 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 leave them vulnerable to neglect, abuse or exploitation.

The Public Trustee provided subsidised services at nominal cost for many trust clients as part of its community service obligations, ensuring all clients have access to trustee services, regardless of their ability to pay. The Public Trustee plays an important role in protecting vulnerable Western Australians from financial abuse and has seen an increase in the number of cases of alleged financial elder abuse and anticipates considerably more referrals as a result of COVID-19 financial pressures on families turning to their older relatives for financial support.

The Private Administrator Support team conducted 2,203 account examinations, where total assets exceeded \$3,783 million. As at 30 June 2020, the total of number of clients, where private administrators were appointed by the State Administrative Tribunal and who are required to account to the Public Trustee, increased from 2,501 to 2,667 clients. The Public Trustee worked closely with the Office of the Public Advocate to present four training seminars for newly appointed private administrators.

Despite the sensitive and challenging nature of work carried out by the Public Trustee, independent market research found that it achieved an overall client satisfaction rating of 78 percent with three in four clients feeling that the Public Trustee is meeting their needs. The agency also achieved encouraging staff survey results, with 91 percent of staff rating the Public Trustee positively as a place to work.



In an increasingly difficult fiscal environment, the Public Trustee continued to achieve self-funding for the 2019/20 financial year. However, many factors affected the Public Trustee's overall financial performance, which in turn affected client investments and returns. While the Public Trustee's common account and investment funds performed satisfactorily against comparable benchmarks, COVID-19 restrictions, continuing low interest rates, volatile property and share markets, rising unemployment and mixed fortunes in eligibility for government financial support all affected revenue, costs and client returns in some way.

As well as client service delivery and funds management, significant effort was invested in business transformation projects which delivered benefits and efficiencies for both clients and staff. The Business Support team completed two significant projects which automated client invoice payments and digitised all incoming mail.

Comprehensive business process reviews of the deceased estate administration and private administrator support business areas provided clear insight and recommendations for fundamental redesign and modernisation of these business areas. Substantial progress has been made on delivering the new business model for deceased estates, which removes many manual processes and will significantly speed up the administration of deceased estates.

The Public Trustee's legal directorate continued to improve its highly in demand will-making service by streamlining administrative processes and expediting applications. The Wills team made a significant shift from traditional practices in response to COVID-19 restrictions by continuing to offer will appointments without face-to-face client contact.

Targeted improvements have been delivered for Trust Management, the Public Trustee's largest and most complex business area, and for supporting Investments, Finance, Tax and Audit and Risk areas, which have had to realign services to accommodate legislative, regulatory and key stakeholder changes; stakeholders which included banks, Landgate and the Australian Tax Office. Given the transactional nature of these services, the majority of improvements resulted in change requirements for the Public Trustee's trust management software, MATE. Business development reserve funds were approved to make corresponding upgrades to technology so the changes could be made seamlessly. Improvements were implemented in consultation with critical support services including IT, HR, Training and Development, Contracts, Business Support, Executive Support, Business Development and Marketing and Strategic Projects.



*The Wills team now offer non-contact appointment options*

Efforts to improve the awareness and accessibility of Public Trustee services included public seminars and campaigns such as WA Will Week, Seniors Week, Private Administrator Training, publications and social media. Regional visits were also made to the Pilbara, Goldfields-Esperance, Peel, South West and Wheatbelt regions as well as various metropolitan locations. Thirty four seminars were delivered across WA, attended by 2,890 people. The number of public seminars held decreased by 43 percent from the previous year as a result of COVID-19 restrictions, which resulted in the cancellation of all events from April 2020. The total number of seminar attendees fell 37 percent.

The Public Trustee continued its work to promote and protect the rights of vulnerable people through representation on the Australian Guardianship and Administration Council, the Alliance for the Prevention of Elder Abuse and work with membership organisations.

### Give2Good

The Public Trustee's Give2Good Foundation enables everyday Western Australians to make a lasting contribution to their community 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 2019/20 as it is an easy, secure and cost-effective vehicle for charitable donations. Give2Good made distributions to a number of charities from among the many worthy causes and organisations nominated by donors.

Give2Good Week ran from 3 - 9 May 2020. Due to COVID-19 restrictions, the Public Trustee converted its marketing efforts to an online communication campaign to raise awareness of the Give2Good Foundation and promote the benefits of giving and volunteering.

### WA Will Bank

The Public Trustee's WA Will Bank celebrated its 10 year anniversary on 1 July 2020. WA Will Bank is a free community service that offers active management and safe storage of more than 120,000 wills. The WA Will Bank is available to all Western Australians and continued to attract positive feedback from testators and their loved ones.

### PT2020 and People First 2020-2023 Change Programs

The Public Trustee finalised its 'Public Trustee 2020 and Beyond' project with a number of far-reaching efficiencies for the office. The project was introduced in 2017 to create an office-wide culture of proactive and innovative thinking, continuous improvement and change. 'PT2020' made good progress in developing a culture which embraces change in order to better understand and support our clients' needs and to deliver highly efficient and technologically advanced services.

Building on the PT2020 successes, the Public Trustee set its strategic focus for 2020 to 2023 as 'People First'. Client and staff research conducted during the past year was used to inform the Public Trustee's three-year strategic plan. The key objectives were enhancing the lives of clients by providing services that meet modern day client needs' and supporting 'the success and wellbeing of our staff'.

Commitment to these objectives was demonstrated throughout the COVID-19 crisis, where staff continued to effectively meet the needs of clients under extraordinary circumstances. Navigating COVID-19 restrictions with a 'people first' mindset assisted the Public Trustee to quickly break through barriers to change and fast-track further enhancements to technology, service standards, risk management and policies and procedures.

## Trustee Services

### CASE STUDY – Public Trustee

#### *Offering the WA community a free Will storage facility*

The Public Trustee's WA Will Bank is a valuable and easily accessible service used by Western Australians across the State.

The WA Will Bank is free to the WA community, and provides a purpose-built, fire-proof vault for people to safely store their Wills. The WA Will Bank enables executors and families to quickly locate and access a Will after their loved one passes away.

The Public Trustee presents Wills and Estate Planning Seminars across metropolitan and regional Western Australia and the WA Will Bank is one of the most popular services of interest.

On 1 July 2019, the WA Will Bank celebrated 10 years of service and now holds more than 120,000 Wills, a figure that has steadily increased since its inception.



*Garry Woo addresses a Public Trustee seminar*

## 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

- Registering 4,021 changes of name, at an average of 335 per month
- Registering a total of 32,930 births, which equates to 2,744 per month
- Registering 10,415 marriages, at a rate of 868 per month
- Registering 15,202 deaths for the financial year, equating to 1,267 per month.

### Same sex marriage

One of the most significant changes for the Registry in recent years has been the registration of same-sex marriages. Commonwealth legislation which enabled same-sex marriage came into effect in December 2017. Between 1 July 2019 and 30 June 2020, the Registry registered 452 same-sex marriages, down from 577 last financial year.

### Accessibility of records

The Registry's expanded presence in regional WA meant regional communities have greater direct access to certificate issuing services, rather than requiring regional people to apply at the Perth Registry. In early 2020, four extra regional courthouses were given access to the Registry system to enable them to issue certificates on behalf of the Registry. In 2019/20 this resulted in 30,511 birth, death, marriage and change of name certificates issued on behalf of the Registry from 25 regional 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 350,000 Western Australian birth, death, marriage and change of name certificates during 2019/20. This is a decrease of 21 percent from last year, when 444,000 validations occurred. The primary reason for the decline in DVS validations is attributed to the COVID-19 pandemic and resultant sharp decline in passport applications.

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. These can be authenticated through the Commonwealth Document Verification Service. DVS checks, available to State and Federal Government agencies since 2009, are now available to private sector entities to identify their customers.

### Provision of certificates

The Registry recorded a slight decrease in the total number of certificates of births, deaths, marriages and changes of name issued in WA in 2019/20. The Registry issued 127,366 certificates during 2019/20, two percent down on the overall number of certificates it issued the previous year.

### Births

A total of 80,864 birth certificates were issued in 2019/20, a reduction of four percent from the previous financial year.

### Marriages

In 2019/20 the Registry received 19,331 requests for marriage certificates, almost on par with the previous financial year. The Registry held 836 marriage ceremonies during 2019/20, a decrease of 23 percent from 2018/19. An analysis of the birthplaces of our brides and grooms revealed 100 countries were represented.

The top 16 countries are shown below.

Place of Birth	Total
Australia	489
China	157
India	91
Philippines	76
England	75
Malaysia	74
Vietnam	52
Indonesia	51
New Zealand	48
Myanmar	35
South Africa	35
Taiwan	32
Thailand	27
United States of America	27
Brazil	25
Singapore	21



## Deaths

In 2019/20 the Registry processed 23,654 requests for death certificates, 81 more than the previous financial year.

## Aboriginal Justice Open Day Program

The Registry continued its involvement in the Department's Open Day program during 2019/20. 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 Aboriginal Justice 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. For more information about Open Days, see the Aboriginal Services and Engagement section in Strategic Reform.

Since the Registry's involvement with the Open Days Program in 2011/12, the Registry has issued more than 5,290 birth certificates, registered 1,872 previously unregistered Aboriginal births and issued more than 2,188 confirmation of birth letters. Of the 1,872 previously unregistered births, around 17 percent of births (319) registered through the Open Day program relate to births which had occurred more than 30 years ago.

During the 2019/20 financial year\*, the Registry issued 472 birth certificates, registered 123 previously unregistered births and issued over 57 confirmation of birth letters through the Open Day program.

*\*For the 2019/20 financial year, Open Day events were suspended in March 2020 due to the COVID-19 pandemic and the figures above reflect the situation.*

## Baby names

Most popular girls' names as collated by the Registry in the 2019 calendar year

Position in 2019	Name	Occurrence	Position in 2018	Position in 2017	Position in 2016
1	Olivia	1906	3	4	6
2	Isla	186	5	1	4
3	Charlotte	175	1	3	1
4	Ava	171	1	6	2
5	Amelia	160	4	5	5
6	Grace	146	7	9	9
7	Mia	143	2	2	3
8	Harper	137	6	7	8
9	Ella	124	12	10	7
10	Lucy	118	21	18	19

Most popular boys' names as collated by the Registry in the 2019 calendar year

Position in 2019	Name	Occurrence	Position in 2018	Position in 2017	Position in 2016
1	Jack	228	2	2	2
2	Noah	218	3	4	4
3	Oliver	209	1	1	1
4	Lucas	181	10	6	7
5	Leo	160	5	13	15
6	James	156	6	5	6
7	William	149	4	3	3
8	Thomas	148	7	8	6
9	Mason	143	12	15	12
10	Charlie	137	9	9	8

The State's top regional baby names are available on our website [www.bdm.justice.wa.gov.au](http://www.bdm.justice.wa.gov.au).



## Services to Government

### Strategic Reform

The Department's Strategic Reform Division drives key reforms in the justice system and provides 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 improved outcomes for Aboriginal people;
- carrying out reviews, evaluation and research to recommend improvements to, and future directions for, policy, legislation and services; and
- carrying out research and statistical analysis about current justice issues and trends.



#### *Key achievements*

- Driving forward the State Government's significant legislative agenda. This includes progressing legislation to: disrupt communication among members of organised crime groups; and introducing amendments to legislation that governs the legal profession in WA in order to establish a National Legal Profession Scheme
- Implemented legislation to amend WA's fines enforcement regime which includes removing the ability of the Registrar to issue warrants of commitment, the cancellation of all warrants of commitment, providing for new hardship principles, removing licence suspensions for those living in remote areas and strengthening enforcement measures by introducing garnishee orders
- Progressing important reforms to improve community and victim safety, through reductions in reoffending and increased rehabilitation, including a focus on perpetrators of family and domestic violence, and appropriate treatment and services for offenders with mental health and alcohol and other drug related criminogenic needs
- Working to reduce the contact between Aboriginal people and the criminal justice system through policy and legislative reform and the Aboriginal Justice Program.

### Legislation assented to

The Legislative Services Directorate guided the development of the following new and amending pieces of legislation, which were passed by both houses of State Parliament and assented to by the Governor in 2019/20.

#### ***Bail Amendment (Persons Linked to Terrorism) Act 2019***

The *Bail Amendment (Persons Linked to Terrorism) Act 2019* implements the 2017 Council of Australian Governments agreement for a presumption against bail applying to people with links to terrorism. Amendments to the *Bail Act 1982* require that people with links to terrorism are to be subject to a presumption against bail, regardless of whether these links to terrorism have any connection to the current charge for which bail is being considered.

The amendments ensure that Western Australia's bail legislation, like other States, addresses the risk of terrorism at the stage of bail. These reforms are a preventative measure, adding to the national and Western Australian legislative framework to deal with the risk of terrorism.

#### ***Criminal Code Amendment (Child Marriage) Act 2020***

The *Criminal Code Amendment (Child Marriage) Act 2020* repealed provisions in the Criminal Code which provided marriage as a defence to certain sexual offences committed against a child under the age of 16 years. These marriage defence provisions had no legal application in Australia as it is not possible for a person to be lawfully married to a child under 16 years of age in Australia. The Act therefore deleted these defences from the Code.

#### ***Family Violence Legislation Reform (COVID-19 Response) Act 2020***

The *Family Violence Legislation Reform (COVID-19 Response) Act 2020* received Royal Assent on 6 April 2020. These amendments were led and developed by the Office of the Commissioner for Victims of Crime with input from Legislative Services. This Act brought in urgent amendments to the *Sentencing Act 1995*, the *Sentence Administration Act 2003*, the *Bail Act 1982* and the *Restraining Orders Act 1997* and included the following changes:

- allowing the court to impose a requirement that an offender be subject to electronic monitoring under Conditional Suspended Imprisonment Orders and Intensive Supervision Orders;
- permitting a judicial officer to include, as a home detention bail condition, a direction that an accused person be subject to electronic monitoring;
- improving access to restraining orders, including enabling restraining order applications to be lodged online;
- creating a separate offence for a breach of a family violence restraining order, increasing the penalty from \$6,000 to \$10,000 and extending the limitation period for prosecuting breach of restraining order offences to two years; and
- allowing the Family Court and Children's Court to issue interim restraining orders on an ex-parte basis, in the same way as is permitted by the Magistrates Court.

These important reforms enabled the justice system to better respond to the challenges facing victims of family violence during the COVID-19 crisis.



### ***Guardianship and Administration Amendment (Medical Research) Act 2020***

The *Guardianship and Administration Amendment (Medical Research) Act 2020* received Royal Assent on 6 April 2020.

This urgent legislation was part of the State Government's response to COVID-19 and sought to ensure that people coming under the guardianship laws were not left behind, particularly with respect to new treatments and developments relating to COVID-19.

While the previous legislation enabled an 'enduring guardian', a 'guardian' or 'a person responsible' to make a decision regarding medical treatment, it did not extend to participation in medical research - effectively denying critically ill, or otherwise incapacitated COVID-19 patients, access to cutting edge treatments which may be on trial throughout the world.

The Amending Act is supported by significant safeguards to uphold the rights of the person, contains an avenue for review by the State Administrative Tribunal and requires a comprehensive statutory review of the amendments after two years.

The Public Advocate also made a submission to the Standing Committee on Legislation which has begun an inquiry into the Guardianship and Administration Amendment (Medical Research) Bill 2020.

### ***Prisons Amendment Act 2020***

The *Prisons Amendment Act 2020* amends the *Prisons Act 1981* by introducing mandatory testing of prisoners for certain infectious diseases if there are reasonable grounds to suspect there has been a transfer of bodily fluids from a prisoner to a prison officer.

In addition, the *Prisons Amendment Act 2020* makes several amendments to increase the monetary penalties for offences in the *Prisons Act 1981*. These penalties had not been revised since they were introduced and had not kept pace with changes in the Consumer Price Index and in some cases had lost their deterrent impact.

### ***Fines, Penalties & Infringement Notices Enforcement Amendment Act 2020***

The *Fines, Penalties and Infringement Notices Enforcement Amendment Act 2020* introduced a suite of reforms to significantly overhaul the way fines are enforced in WA. The most significant of these reforms was the introduction of a new process called a 'warrant of commitment inquiry', where the power to issue a warrant of commitment to imprisonment is removed from the Fines Enforcement Registrar and only rests with a magistrate in court. In addition to this, the Act introduces new garnishee orders to compulsorily take payments of fines and infringements from salaries and bank accounts.

The statutory concept of 'hardship' has been introduced, which takes into consideration mental illness and disability, experience of family and domestic violence, homelessness, drug and alcohol problems and financial hardship.

New 'work and development permits' will become an option for those experiencing hardship which will enable them to carry out approved activities as a means of paying off their fine debt. In recognition of the disproportionate impact of suspended licenses on debtors living in remote areas without public transport infrastructure, the new laws prohibit the issuing of licence suspension orders for debtors whose last known address is in a remote area.

The amendments are expected to significantly reduce imprisonment for fine default alone in WA.

### ***Criminal Code Amendment (COVID-19 Response) Act 2020***

This Act amended *The Criminal Code* to introduce higher maximum penalties for the offences of serious assault and threats committed in the context of COVID-19 to protect our essential frontline officers. It received Royal Assent on 3 April 2020.

### Legislative amendments in development:

In 2019/20, the Legislative Services Directorate guided the introduction of the following Bills into State Parliament:

#### *High Risk Serious Offenders Act 2020*

*The High Risk Serious Offenders Act 2020* deals 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.

#### *Family Violence Legislation Reform Bill 2019*

The work on the Family Violence Legislation Reform Bill 2019 was led by the Office of the Commissioner for Victims of Crime with input from Legislative Services. The Bill was passed by the Legislative Assembly on 11 March 2020 and introduced in the Legislative Council on 12 March 2020. The Bill includes reforms to improve victim safety, the 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 WA.

The Bill includes new criminal offences of suffocation and strangulation and persistent family violence.

#### *Criminal Law (Unlawful Consorting) Bill 2020*

The Criminal Law (Unlawful Consorting) Bill 2020 will introduce a scheme to disrupt and restrict the capacity of convicted offenders to organise, plan, support or encourage the carrying out of criminal activity. This Bill proposes to provide the WA Police Force with powers to issue an unlawful consorting notice, which may result in prosecution for the offence of unlawful consorting, if the person who receives the notice consorts with a person with whom they are not to consort on two or more occasions during the three-year period that the notice is in force.

#### *Animal Welfare and Trespass Legislation Amendment Bill 2020*

On 24 June 2020, the Animal Welfare and Trespass Legislation Amendment Bill 2020 was introduced into State Parliament. The Bill is aimed at deterring illegal forms of trespass while protecting the welfare of animals in abattoirs, knackeries, intensive egg and poultry farms and piggeries through increased inspection powers. The proposed reforms amend three separate Acts, namely the *Animal Welfare Act 2002*, *The Criminal Code* and *Restraining Orders Act 1997*.

At present, the *Animal Welfare Act* does not allow for the monitoring of compliance of animal welfare, and only permits inspectors to enter a food production place either by consent or where the inspector reasonably suspects that an offence has been, is being, or is likely to be committed. Under these amendments, designated inspectors will have a general right of inspection at intensive food production facilities.

The amendments to *The Criminal Code* and the *Restraining Orders Act* are aimed at deterring trespass on land used for animal source food production and slaughter. The Bill increases the applicable criminal penalties and improves the availability of misconduct restraining orders in specific circumstances. The proposed maximum penalty for the new offence of aggravated trespass is two years' imprisonment and a fine of \$24,000.

### Legislation under development

In 2019/20, the Legislative Services directorate developed the following key pieces of legislation:

#### **Criminal Law (Mental Impairment) Bill 2020**

Reforming the *Criminal Law (Mentally Impaired Accused) Act 1996* continued to be one of our highest priorities in 2019/20. During the year Strategic Reform 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 people in our society. The reforms will also address more than 50 recommendations from previous reviews into the operation of the Act.

In particular, the new legislation is intended to introduce limiting term custody orders which are aligned to the sentence that a mentally impaired person would have been likely to receive, had they been convicted in a court, and to empower the Mentally Impaired Accused Review Board to make decisions as to release, removing that power from the State 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.

#### **Evidence Bill 2020**

The Directorate continues to work 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* 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.

#### **Directors Liability Reform Bill 2020**

The Bill seeks to implement a Council of Australian Governments' commitment for increased harmonisation regarding the imposition of personal criminal liability on directors for corporate fault. The Bill aims to limit and standardise provisions which impose personal criminal liability on officers of bodies corporate in circumstances where the officer has failed to take all reasonable steps to prevent the body corporate from committing an offence.

#### **Sentencing Legislation Amendment (Early Release of Persons Linked to Terrorism) Bill 2020**

This Bill seeks to implement the WA Government's commitment to the 2017 Council of Attorneys General agreement for a presumption against parole and other forms of early release applying to people who have demonstrated support for, or have links to, terrorist activity.

#### **Statutes (Repeals and Minor Amendments) Bill 2020**

This omnibus Bill seeks to make minor, non-controversial amendments to various Acts across the State's statute book and to repeal Acts that are no longer required.

#### **Royal Commission into Institutional Responses to Child Sexual Abuse response**

The development of legal policy and legislation to respond to the Royal Commission's recommendations continues in the areas of both criminal and civil law.

#### **Legislative and Governance Forum for Corporations**

The Directorate continues to support the Attorney General in his role on the Legislative and Governance Forum for Corporations.



## Strategic Policy

The Strategic Policy directorate oversees the development and delivery of strategic policy, projects and other key reforms. In 2019/20 the following activities were a priority for the directorate.

### Justice Reform Initiatives

The Department is progressing important reforms to improve community and victim safety through reductions in reoffending and increased rehabilitation, (including a focus on perpetrators of family and domestic violence, and appropriate treatment and services for offenders with criminogenic needs related to mental health and alcohol and other drugs issues). Importantly, these reforms will also contribute to a reduction in the overrepresentation of Aboriginal people in the criminal justice system, including prisons.

This is a four year reform journey, with projects commencing operation from 2020.

#### *Key achievements*

- In April 2020, the Department, in partnership with Legal Aid WA and the Aboriginal Legal Service Western Australia, established a three-year metropolitan pilot prison In-reach Legal Service and Bail Support Service. These services will assist the administration of justice by improving access to bail for suitable applicants, and improving community safety through giving practical support to comply with their bail conditions and undertakings. This support will include reminders of appointments and court dates, transport where necessary, and referrals to community services and programs
- Planning work to establish a two-year trial to electronically monitor high risk Family and Domestic Violence offenders. The trial fulfils an election commitment and aims to increase the safety of victims of FDV, as well as provide additional rehabilitation for FDV offenders. The trial is on track to start in early 2020/2021
- Expansion of training room space at Acacia Prison to provide offenders with appropriate access to evidence-based rehabilitation programs in custody, so they have an additional opportunity address their offending behaviour before their parole is considered by the Prisoners Review Board. This is important because it contributes to community safety by reducing the likelihood of released prisoners reoffending.

## Kimberley Juvenile Justice Strategy

In 2019/20 the Department led the development of the Kimberley Juvenile Justice Strategy in partnership with a number of State Government agencies, local governments and communities. The KJJS aims to reduce the number of young people from the Kimberley coming into contact with the justice system through a number of community-led and culturally appropriate initiatives.

#### *Key achievements*

- Providing a number of grants to community organisations to reduce the risk of offending behaviour by engaging young people in safe out-of-hours, structured activities in Kununurra, Halls Creek, Fitzroy Crossing, Derby, and Broome
- Engagement of the Kimberley Aboriginal Law and Cultural Centre to carry out a comprehensive consultation process across the Kimberley which will inform the development of preventative community based solutions
- An increase of service provision at the East Kimberley and West Kimberley bail houses to 365 nights per year.

The Department has now secured funding for the next stage of KJJS, with \$6.2 million announced for continued development and implementation, as part of the Government's Commitment to Aboriginal Youth Wellbeing.

The new \$6.2 million allocation for KJJS includes funding for the continuation of safe-place grants, night patrols, Aboriginal Legal Service WA support for young people in the justice system and an educational industry skills program.

The Department continues to work with Kimberley communities and their representatives on the next phase of the KJJS.

## Youth Engagement Program (YEP)

In 2019/20, the Department, in partnership with the Aboriginal Legal Service of WA and relevant Government agencies led the development of a Youth Engagement Program (YEP) pilot program. The YEP seeks to build on an existing program to improve outcomes for Aboriginal young people involved in the justice system in the Perth metropolitan area. Through the delivery of individualised, culturally appropriate and culturally safe services and support, the program ultimately seeks to address some of the barriers Aboriginal young people face, and to improve community safety and wellbeing.

## Review of *Victims of Crime Act 1994*

The review of the *Victims of Crime Act 1994* was not completed in 2019/20 as anticipated due to the COVID-19 pandemic. It is expected that this review will be completed 2020/21.

## Aboriginal Services and Engagement

The Aboriginal Services and Engagement directorate provides specialist Aboriginal cultural advice and delivers dedicated programs for Aboriginal people to fulfil the Department's objective of providing high quality and accessible justice services in a manner that is equitable, responsible and relevant to Aboriginal people.

## Reconciliation Action Plan

The Department's Reconciliation Action Plan 2018/19 to 2020/21 is focused on initiatives which improve outcomes for Aboriginal and Torres Strait Islander people. The RAP has been guided by a Steering Committee with a number of working groups targeting key RAP actions and deliverables.

The RAP contains 19 actions with 82 deliverables, with responsibility embedded across all areas of the Department. To date the Department has completed 36 deliverables, two more than the 34 deliverables projected for completion at the conclusion of the 2019/20 financial year. With 44 percent of the Department's RAP now in effect, the Department will continue to work to achieve all remaining deliverables in the final 12 months of the RAP, due to end on 30 June 2021, while noting some delays have been unavoidable due to the impact of COVID-19.

The RAP continues to focus on initiatives which improve outcomes for Aboriginal and Torres Strait Islander offenders and clients by working with Aboriginal communities, groups and representatives to develop enhanced ways of addressing the complex factors that contribute to offending among Aboriginal and Torres Strait Islander people.

Several other initiatives were delivered during the year as part of the commitment to reconciliation and the RAP, with highlights listed below.

## Becoming a member of Reconciliation WA

In December 2019 the Department of Justice became an organisational member of Reconciliation WA. The benefits derived from membership with Reconciliation WA include exposure to and collaboration with like-minded organisations from private, public and community sectors and to draw on the expertise of others to advance the Department's RAP. Being a member of Reconciliation WA also enables an alignment of a common vision, purpose and values that strengthens our shared reconciliation journey.

## Symposia Series

In December 2019, a presentation on *The History of Wadjemup and Rottnest Island Prison* by Ezra Jacobs was the first in this symposia series, part of improving employees' understanding and appreciation of different Aboriginal cultural backgrounds.

The second symposium regarding *Fanny Balbuk Yoreel, Perth resistance fighter*, was delivered virtually during National Reconciliation Week in May 2020. The Department is committed to further talks throughout the remainder of 2020 and 2021 as an ongoing feature on its events calendar.

### NAIDOC Week 2019 Aboriginal employee service recognition

In July 2019 more than 100 people attended a morning tea to celebrate long-serving Aboriginal employees as part of the NAIDOC Week celebrations. More than 50 Aboriginal and Torres Strait Islander staff members who had given more than 10 years' service to the Department were recognised and thanked by Attorney General John Quigley, Corrective Services Minister Francis Logan and the Director General.

### Aboriginal Justice Open Days

The Department's Aboriginal Justice Open Days 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 including applying for birth certificates and birth registration letters, setting up time to pay arrangements for outstanding fines, obtaining driver's licence applications, theory and practical driver testing, driving training and education, Centrelink services, accessing community development programs and in some locations, accessing legal and financial assistance.

Of particular significance in 2019/20, the Aboriginal Justice team coordinated 51 Open Days, recording a total of 1581 community members to connect to the Registry of Births, Deaths, and Marriages to register 123 births (some before 1980 and some after), issuing 476 birth certificates, and 57 birth confirmation letters. The Department of Transport facilitated 106 practical driving tests, with 86 clients successfully passing their assessment. During the same period the Department of Transport conducted 159 driving theory tests and issued/re-issued a further 63 log books and they also suspended fines for motor vehicle driver's licences offences for another 48 clients.



*Attorney General John Quigley, Director General Dr Adam Tomison, Corrective Services Minister Francis Logan and Australian Corrections Medal recipient, Prison Support Officer Trevor Demmery with long-serving Aboriginal staff*

During the year the Sheriff's Office (Fines Enforcement) collected through Aboriginal Open Days a total of \$1,083,630.05 in fines, in addition to converting \$860,678.25 worth of fines into Time to Pay, Stay of Execution and Orders to attend arrangements.

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Open days held	39	73	50	50	57	51
People attending open days	1,611	2,751	2,107	2,116	1,936	1,581
Conversion of fines – time to pay arrangements, stay of execution and orders to attend	\$178,290	\$329,096	\$838,930	\$843,664	\$951,116	\$860,678
Fines paid – actual amount	\$464,853	\$662,094	\$900,902	\$1,024,377	\$1,041,478	\$1,083,630
People entering into time to pay arrangements	204	339	310	204	228	12
Stay of warrant executions	93	138	164	140	122	107
Licence suspensions lifted	384	684	345	1089	1,116	976
Birth certificate applications	710	925	657	617	588	476
Confirmation of birth letters issued	233	424	253	155	66	57
Births registered (pre- and post-1980)	516	337	169	155	176	123
Practical driving assessments passed	138	146	130	121	159	86
Theory driving tests conducted	325	232	165	139	211	159
Driving log books issued/re-issued	62	115	74	71	65	63
Suspended fines for motor vehicle driver's licences	123	151	87	105	66	48
Centrelink – applications for Medicare	95	155	105	104	70	86
Centrelink – concession cards issued	80	146	98	123	80	59

### NOTE:

- FER Report is for 12 month period ending 31 March 2020 as at the time of reporting.
- Between 30 March and 28 June 2020 Open Days were suspended due to travel restrictions imposed across Western Australia as a result of COVID-19.

## Aboriginal Mediation Service

The Department's Aboriginal Mediation Service (AMS) offers 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 help people to resolve conflicts before they escalate into violence or result in court action.

Following an internal review of the AMS, a relaunch occurred on 1 July 2019. Changes to the service included the introduction of a culturally-inclusive mediation model and the recruitment of regional mediators. The recruitment process occurred in late 2019 and resulted in the recruitment of 11 regional mediators, employed on a casual basis. The regional mediators attended a week-long intensive training workshop facilitated by the University of Western Australia's Mediation Clinic.

During 2019/20, the AMS managed 176 enquiries, resulting in 63 matters being considered for pre-mediation, mediation or other alternative dispute resolution processes. The AMS also attended several interagency meetings with other key Government stakeholders in the Metropolitan, South West, Great Southern, Midwest Gascoyne and West Kimberley regions, 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 that are:

- 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; and

- 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; and
- WA Council on Addictions Incorporated, trading as Cyrenian House.

The 2019/20 (15th) funding round opened on 5 February 2020 and was originally due to close on 1 April 2020. Due to COVID-19, the closing date was extended to 30 April 2020. An allocation of \$5 million has been made available for distribution in this funding round.



### Driver training and education

Through Royalties for Regions funding, the Department has been able to fund five not-for-profit community organisations to continue the delivery of the enhanced driver training and education for regional and remote communities program. The program assists Aboriginal people in regional and remote communities, who have been 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 2019/20, clients of the program continued to be referred to service providers in Halls Creek, Kununurra, Broome, Lombadina, Kalgoorlie, Derby, Roebourne and South Hedland by a range of justice-related agencies, including the WA Police Force and the Department.

Service delivery across all sites were impacted by COVID-19 restrictions. While access to remote communities such as Lombadina and Mowanjum were prohibited, service providers adapted the delivery of the program, wherever possible, to facilitate on-going access to the program by existing participants. This was achieved through increased usage of telecommunication including videoconferencing software and social media. During this period, COVID-19 safety plans were developed to ensure the safety of staff and clients.

An average of 500\* individuals were recorded as actively participating in driver training and education at the end of each quarter in 2019/20. The program also recorded a total of 646\* clients registered as new enrolments; 308\* participants were successful in obtaining their Learners Permit; 233\* passed the Practical Driving Assessment; and 59\* individuals regained their Motor Drivers Licence.

While the program recorded slightly lower achievement rates in 2019/20 due to the temporary suspension of a range of activities during the COVID-19 shutdown, an unanticipated but nonetheless noteworthy outcome is the dedication and community spirit demonstrated by the providers' driving instructors who conducted welfare checks on participants and who continued the delivery of driving lessons (where all safety precautions were met).

*\*These figures do not include the April – June data from one service provider, who due to unforeseen circumstances, was unable to provide the data.*

### Other functions

#### Business Intelligence and Reporting

The Business Intelligence and Reporting unit is responsible for the Department's Key Performance Indicator reporting and the Department's reporting obligations in relation to Corrective Services. Key achievements this year have included:

- the successful launch of a comprehensive reporting and information portal, delivering key Corrective Services statistics to internal stakeholders;
- contribution to development of a more streamlined Corrective Services operational policy framework, to ensure the Department's internal and external reporting requirements continue to be met; and
- in conjunction with KPI stakeholder business areas, enhanced measurement of agency performance against agency-level government desired outcomes and the efficiency of service delivery.

#### 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) for the photocopying and digital copying of third party copyright works (literary, dramatic, musical and artistic) and survey plans by the State, 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; and
- Audio-Visual Copyright Society Limited for the copying of sound and television broadcasts and works included in an audio-visual item.

## Law Reform Commission of Western Australia

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

The discussion paper for Project 110, Maintenance and Champerty in Western Australia, was released in September 2019. The Commission sought and received submissions from a range of interested stakeholders representing a wide cross-section of views. The Commission's final report was provided to the Attorney General in the reporting period.

The Commission continued to work on Project 109. The reference is to provide advice and make recommendations for consideration by the Government for reform to permit claims for non-economic loss for wrongful death under the *Fatal Accidents Act 1959* (WA). A discussion paper was published in December 2019 and the public call for submissions closed on 31 March 2020. An economic analysis is underway and the Commission expects the final report will be finalised early next financial year.

In addition, the Commission has completed preliminary research into reform of the *Equal Opportunity Act 1984* (WA). In consideration of Australian and international best practices of equality and non-discrimination, the review will canvas relevant legislation in other jurisdictions, previous reviews and relevant Commonwealth reports including those on religious freedoms. The Commission expects a high level of community engagement and a discussion paper in the next financial year.

## 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 2019/20, the Department helped introduce a scheme for the Western Australian Bar Association.

## Western Australian Office of Crime Statistics and Research (WACSAR)

An interim structure for the Western Australian Office of Crime Statistics and Research has been established and an Interim Director appointed.

Throughout the year, drafting continued on the legislation required to support the functions of a crime statistician who will provide independent research and analysis of crime and criminal justice issues in WA.

The Office has focused on the development of evaluation frameworks and projects to ensure outcomes from the Department's contracted services are captured and adequately evaluated. This will inform service reform and subsequent re-contracting of services.

Work has also begun on the development and enhanced access to crime datasets for the WACSAR research team to better inform Government and the Department of trends and analysis in the criminal justice system; a new public website where criminal justice data and analysis will routinely be made available to research professionals and the community; and on the development of a publication series.

## 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](http://www.legislation.wa.gov.au); and
- maintaining and arranging publication of information about the legislation of Western Australia.

### *Key achievements*

- 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. These included the Voluntary Assisted Dying Bill 2019. PCO drafted this Bill and, because members of Parliament were given a conscience vote on it, also made its drafting services available to all members in each House of Parliament for the drafting of amendments to the Bill. A team of five drafters drafted a large number of amendments to the Bill for both the Government and individual members
- The Government's legislative response to the COVID-19 pandemic also placed huge demands on PCO's staff to draft, peer review and prepare for publication a significant amount of legislation within very short time frames. This was achieved in circumstances where most of PCO's staff were working remotely and the IT infrastructure for remote working arrangements had to be put in place very quickly
- Two Bills drafted for private Members of Parliament were introduced
- Drafting and publishing of more than 220 items of subsidiary legislation
- Granting of creative commons licences for the Western Australian legislation website and hard copies of WA legislation to support and encourage use and distribution of WA legislative material
- Introduction of a simplified referencing system for subsidiary legislation as part of the project to modernise the processes for publishing Western Australian legislation.

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

## Significant drafting tasks

- Agricultural Produce Commission Amendment Bill 2019 to implement a number of changes to modernise the *Agricultural Produce Commission Act 1988* as recommended by a 2006 review, enable better governance and responsiveness to, and on behalf of, producers' committees; and remove the exclusion of certain industries from use of the Act.
- Animal Welfare and Trespass Legislation Amendment Bill 2020 to amend the *Animal Welfare Act 2002* to confer powers of entry and inspection for the purposes of investigating animal cruelty, and to amend The *Criminal Code* and the *Restraining Orders Act 1997* to deter trespass on land used for animal-source food production.
- Arts and Culture Trust Bill 2020 to replace the Perth Theatre Trust with a new statutory authority called the 'Arts and Culture Trust'. The new Trust will have greater responsibilities, broader powers and greater flexibility to carry out its duties.
- Children and Community Services Amendment Bill 2019 to implement various recommendations of the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse, including mandatory reporting, by ministers of religion, of child sexual abuse.
- Criminal Law (Unlawful Consorting) Bill 2020 to make it an offence for certain convicted offenders to associate or communicate by any means with other convicted offenders for the purposes of using or building up organised criminal networks.
- Dog Amendment (Stop Puppy Farming) Bill 2020 to implement measures to prevent and stop puppy farming by regulating the breeding and sale of dogs in Western Australia.
- Electoral Amendment Bill 2020 to amend the provisions of the *Electoral Act 1907* relating to the disclosure of political donations and to introduce expenditure caps for election campaigns.
- Electricity Industry Amendment Bill 2019 to implement reforms to the regulation of electricity networks in the Pilbara, implementing a light regulation access regime and an independent system operator, and reforms regarding stand-alone power systems and electricity storage.
- Family Violence Legislation Reform Bill 2019 to implement a range of reforms relating to family violence, including the introduction of a specific offence of suffocation or strangulation and an offence of persistent family violence, the conferral on a court and the Prisoners Review Board, and judicial officers considering bail, of a power to impose a requirement for electronic location monitoring of a serial family violence offender, and provision for persons to make an online application for a restraining order.
- Financial Legislation Amendment Bill 2020 to amend the *Financial Management Act 2006* and *Government Financial Responsibility Act 2000* to implement a number of financial management reforms aimed at enhancing governance and accountability, reducing internal red tape, and improving the effectiveness of the financial management framework.
- Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019 to make various amendments to the *Fines, Penalties and Infringement Notices Enforcement Act 1994* to ensure that imprisonment for failure to pay a fine is an enforcement option of last resort by, among other things, making it easier for offenders to enter into time to pay arrangements or work off or expiate their fine debt, and introducing new garnishee orders to allow the Sheriff of Western Australia to compulsorily garnish funds from a debtor's bank account or earnings.
- Health Services Amendment Bill 2019 to amend the *Health Services Act 2016* to improve its effectiveness and address certain operational and administrative issues that have been encountered since the Act commenced.
- High Risk Offenders Bill 2019 to replace the regime in the *Dangerous Sexual Offenders Act 2006* for the continuing detention or supervision on release of dangerous sexual offenders with a new regime that extends as well to serious violent offenders, including the establishment of a high-risk offenders board.
- Industrial Relations Legislation Amendment Bill 2020 to implement a number of changes to the *Industrial Relations Act 1979* and related legislation in response to the 2018 Ministerial Review of the State Industrial Relations System.

- Legal Profession Uniform Law Application Bill 2020 to replace the regime under the *Legal Profession Act 2008* for the regulation of the legal profession in Western Australia by applying as a law of Western Australia the Legal Profession Uniform Law and to enact provisions to regulate legal practice that have local application in Western Australia.
- Pay-roll Tax Assessment Amendment (Thresholds) Bill 2019 to increase in stages the payroll tax threshold applying under the *Pay-roll Tax Assessment Act 2002*.
- Prisons Amendment Bill 2020 to introduce mandatory testing of prisoners for certain infectious diseases where there are reasonable grounds for suspecting that there has been a transfer of bodily fluids from a prisoner to a prison officer and to increase monetary penalties for certain offences.
- Procurement Bill 2020 to replace the separate regimes applying under the *State Supply Commission Act 1991* and the *Public Works Act 1902* for the procurement, by the public sector, of goods and services and works with a comprehensive regime that covers the State's procurement of goods, services, works and commercial leasing.
- Railway (METRONET) Amendment Bill 2019 to amend the *Railway (METRONET) Act 2018* to authorise the construction of the Morley-Ellenbrook Line.
- Road Traffic Amendment (Impaired Driving and Penalties) Bill 2019 to make various amendments to the *Road Traffic Act 1974*, including allowing a police officer to immediately prohibit a driver who tests positive to the presence of prescribed illicit drugs at roadside from driving for 24 hours, introducing new offences to target people who drive with both an illegal level of alcohol and prescribed illicit drugs, increasing penalties for existing drink and drug driving offences and enhancing and streamlining drink and drug driving enforcement processes.
- Small Business Development Corporation Amendment Bill 2019 to enhance the Small Business Commissioner's general investigative and reporting function.
- Voluntary Assisted Dying Bill 2019 to provide for and regulate access to voluntary assisted dying in Western Australia.
- Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019 to amend the *Western Australian Future Fund Act 2012* to create a Western Australian Future Health Research and Innovation Fund to provide a source of funding to support medical and health research and medical and health innovation and commercialisation in Western Australia.
- Work Health and Safety Bill 2019 to replace the occupational safety and health regime under the *Occupational Safety and Health Act 1984* with a modern regime relating to workplace safety and health based on the national model Work Health and Safety Bill supported by a number of industry-specific regulations to suit the State's unique conditions, and to introduce new offences of industrial manslaughter.



## COVID-19 Response

The following Bills were drafted urgently as part of the Government's response to the COVID-19 pandemic:

- Commercial Tenancies (COVID-19 Response) Bill 2020 to provide relief for commercial tenants in severe financial distress caused by the COVID-19 pandemic, including a 6-month moratorium on termination for certain breaches of a lease, a freeze on rent increases and the introduction of a code of conduct based on the National Cabinet Mandatory Code of Conduct for SME Commercial Leasing Principles.
- Commercial Tenancies (COVID-19 Response (Early Termination)) Bill 2020 to provide a right on tenants in severe financial distress caused by the COVID-19 pandemic to terminate certain commercial leases.
- Criminal Code Amendment (COVID-19 Response) Bill 2020 to introduce higher maximum penalties for the offences of serious assault and threats committed in the context of COVID-19.
- Emergency Management Amendment (COVID-19 Response) Bill 2020 to amend the *Emergency Management Act 2005* to strengthen the State's capacity to respond to the COVID-19 pandemic and similar events in the future, and clarify and amend existing provisions to facilitate the COVID-19 response.
- Family Violence Legislation Reform (COVID-19 Response) Bill 2020 to implement a range of reforms relating to family violence with particular relevance to the circumstances arising from the COVID-19 pandemic, including the conferral on a court and judicial officers considering bail of a power to impose a requirement for electronic location monitoring of a serial family violence offender, and provision for persons to make an online application for a restraining order. A number of the amendments in this Bill were originally included in the Family Violence Legislation Reform Bill 2019.
- Guardianship and Administration Amendment (Medical Research) Bill 2020 to provide the authorisation and appropriate safeguards to enable enduring guardians, guardians and next of kin to consent to medical research for people under legal incapacity.
- Local Government Amendment (COVID-19 Response) Bill 2020 to provide a power to the Minister to modify or suspend the operation of any provision of the Act, or any regulations made under the Act, during a declared state of emergency, and to allow local governments to suspend local laws, in whole or part, for the purpose of responding to the direct or indirect impacts of the COVID-19 pandemic.
- Lotteries Commission Amendment (COVID-19 Response) Bill 2020 to enable the Lotteries Commission (Lotterywest) to respond to the COVID-19 crisis, including extending the prize payout period for lottery prizes, permitting payment of prizes without personal presentation of the winning ticket and permitting Lotterywest to direct approved COVID-19 grants to recipients.
- Mandatory Testing (Infectious Diseases) Amendment (COVID-19 Response) Bill 2020 to broaden the authorised types of samples that can be taken under the *Mandatory Testing (Infectious Diseases) Act 2014* to include samples that would enable testing for COVID-19.
- Pay-roll Tax Relief (COVID-19 Response) Bill 2020 to exempt from pay-roll tax wages paid between 1 March 2020 and 30 June 2020 for employers or groups with Australian taxable wages less than \$7.5 million in 2019/20 and wage subsidies paid by employers to employees under the Australian Government's JobKeeper payment scheme.
- Planning and Development Amendment Bill 2020 to amend the *Planning and Development Act 2005* to implement planning reforms designed to assist in the State's economic recovery from the COVID-19 pandemic, including a more flexible and streamlined approval pathway for certain significant developments and proposals of State or regional importance referred by the Premier.
- Residential Tenancies (COVID-19 Response) Bill 2020 to provide relief for residential tenants (including tenants under long-stay agreements in residential parks and boarders and lodgers) in financial distress caused by the COVID-19 pandemic, including placing a moratorium on evictions and preventing rent increases during the period of the pandemic.
- Supply Bill 2020 to provide supply for the 2020/21 financial year in case the 2020/21 recurrent and capital Appropriation Bills for that year are not passed in time because of disruptions caused by the COVID-19 pandemic.

- Transport (Road Passenger Services) Amendment (COVID-19 Response and Regional Assistance) Bill 2020 to make provision for assistance payments for specified passenger transport industry participants and certain former holders of regional taxi-car licences in response to revenue losses experienced in connection with the COVID-19 pandemic.
- Treasurer's Advance Authorisation Bill 2020 to increase the Treasurer's advance limit for the 2019/20 financial year to provide immediate additional capacity to draw from the Consolidated Account to fund measures to support the COVID-19 response.
- Workers' Compensation and Injury Management Amendment (COVID-19 Response) Bill 2020 to make a small number of amendments to the *Workers' Compensation and Injury Management Act 1981* in response to the COVID-19 pandemic, including the establishment of a presumption of work-related injury for certain diseases and facilitating electronic service and exchange of certain notices and documents.

### Significant items of subsidiary legislation

- Biosecurity and Agriculture Management Regulations Amendment Regulations 2019;
- Bush Fires Amendment Regulations 2019;
- Commercial Tenancies (COVID-19 Response) Regulations 2020;
- Emergency Management Amendment Regulations (No. 2) 2020;
- Fish Resources Management Amendment Regulations 2019;
- Health Services (General) Regulations 2019;
- Lands Regulations Amendment (Geocentric Datum) Regulations 2020;
- Local Government (Administration) Amendment Regulations 2020;
- Local Government Regulations Amendment (Gifts) Regulations 2019;
- Local Government (COVID-19 Response) Order 2020;
- Lotteries Commission Rules Amendment (COVID-19 Response) Rules 2020;
- Magistrates Court Rules Amendment Rules 2020;
- Police (Medical Retirement) Regulations 2019;
- Strata Titles (General) Regulations 2019;
- Transport (Road Passenger Services) Regulations 2020; and
- Waste Avoidance and Resource Recovery (Container Deposit Scheme) Amendment Regulations 2019.

### Drafting resources

The Government's strong legislative program coupled with the drafting tasks required as part of the Government's response to the COVID-19 pandemic is unprecedented. PCO drafters have excelled and delivered results within challenging timeframes. This is particularly impressive given there has been a significant loss of drafting capability since early 2017, largely through the retirement or resignation of a number of senior drafters.

A worldwide shortage of trained legislative drafters has meant that, like other drafting offices in Australia and despite undertaking several recruitment rounds, PCO has been unable to replace its loss of drafting capability through the recruitment of experienced legislative drafters. PCO is therefore in a rebuilding phase which places significant demands on PCO's senior drafters, who also undertake the urgent and complex drafting work. PCO is supplementing its drafting resources through the engagement of experienced contract drafters from the limited pool of retired legislative drafters in WA and interstate. These additional drafters have made a significant contribution to the Government's legislative program.

## State Solicitor's Office

The State Solicitor's Office provides 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.

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

### Key achievements

This financial year, the SSO received a variety of instructions from 52 Government departments and agencies, including:

- responding to 3,863 requests for advice
- assessing or undertaking 593 prosecutions
- representing agencies in 174 coronial inquests
- involvement in 35 prerogative writs
- supporting the State in 145 industrial relations matters
- delivering more than 5,535 other legal activities to support Government policies and programs.

The following section contains a number of cases managed by the SSO where 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

### Legislative reform

The SSO provided legal advice to facilitate the drafting of nearly 60 bills, of which 58 were introduced into Parliament in this financial year.

Some of the more significant legislative reforms which were either introduced or debated during this financial year included Bills relating to:

- high risk offenders;
- voluntary assisted dying;
- comprehensive family violence reform; and
- protection measures arising from the COVID-19 pandemic.

### High Risk Offenders

The *High Risk Serious Offenders Act 2020* was introduced on 26 June 2019 and in this financial year was passed by both Houses of Parliament and was awaiting assent at the time of writing. The Bill seeks to deal with serious violent offenders in the same way as dangerous sexual offenders and introduces a new High Risk (Sexual and Violent) Offenders Board.

### Voluntary Assisted Dying Legislation

The Voluntary Assisted Dying Bill 2019 was introduced on 7 August 2019. The Bill attracted significant media and public attention and required significant legal support, including advice and legislative amendments from the SSO during its passage through State Parliament. The Bill was debated for more than 175 hours in Parliament. Almost 500 amendments were put on 20 supplementary notice papers and 20 additional amendments were moved from the floor. The Bill was given Royal Assent in December 2019 and is anticipated to come into operation after an 18 month implementation period. The *Voluntary Assisted Dying Act 2019* will give eligible Western Australians access to voluntary assisted dying. WA is only the second State after Victoria to enact such legislation.

The SSO also gave legal support to the Department of Health for the Bill.

### *Family Violence Reform*

The Family Violence Legislation Reform Bill 2019 was introduced on 27 November 2019 and in this financial year was passed by both Houses and was awaiting assent at the time of writing.

The Bill was the most comprehensive family violence reform package ever seen in WA. The proposed reforms amend nine separate pieces of legislation across six Ministerial portfolios and included amendments to the *Sentencing Act 1995*, the *Sentence Administration Act 2003*, the *Bail Act 1982* and the *Restraining Orders Act 1997*. The SSO provided legal support from a whole of government perspective to facilitate the comprehensive law reform package being passed.

In addition, on 31 March 2020, the Family Violence Legislation Reform (COVID-19 Response) Bill was introduced and debated (under the Temporary Order relating to COVID-19) to protect victims of family and domestic violence who were at increased risk during the COVID-19 pandemic.

Those amendments were passed within two days and the Bill received Royal Assent on 6 April 2020.

### *COVID-19*

The legislative and related reform in this financial year relating to, or arising from, COVID-19 was significant. In March 2020, a State of Emergency was declared and since then more than 40 State of Emergency Declarations and Directions have been drafted and issued in this financial year. These have included measures focused on travel (intrastate and interstate), business and commercial activity (including closures of certain business types and social distancing requirements), isolation and quarantine requirements, medical testing and related issues and the closure of the State borders for the first time in WA history.

Significant law reform was required to allow the protection measures to come into effect. Some of the Bills included:

- Criminal Code Amendment (COVID-19 Response) Bill 2020;
- Residential Tenancies (COVID-19 Response) Bill 2020;
- Commercial Tenancies (COVID-19 Response) Bill 2020;
- Commercial Tenancies (COVID-19 Response (Early Termination)) Bill 2020;
- Emergency Management Amendment (COVID-19 Response) Bill 2020;
- Family Violence Legislation Reform (COVID-19 Response) Bill 2020;
- Local Government Amendment (COVID-19 Response) Bill 2020;
- Lotteries Commission Amendment (COVID-19 Response) Bill 2020;
- Pay-roll Tax Relief (COVID-19 Response) Bill 2020;
- Transport (Road Passenger Services) Amendment (COVID-19 Response and Regional Assistance) Bill 2020; and
- Mandatory Testing (Infectious Diseases) Amendment (COVID-19 Response) Bill 2020.

The SSO, primarily through its COVID-19 team but also with help and support from nearly every section of the Office, played a pivotal role in advising the State in relation to these issues and in many cases drafted the Declarations, Directions and Bills.

As is discussed in further detail below, the SSO is also acting for the State in a High Court challenge to the constitutional validity of that Direction, which closes Western Australia's border to everyone other than the categories of exempt travellers.

## Royal Commissions

### Violence, Abuse, Neglect and Exploitation against People with a Disability

The Disability Royal Commission was established in April 2019 in response to community concern about widespread reports of violence against, and the neglect, abuse and exploitation of, people with disability.

The SSO has been providing advice and legal assistance to various Departments and agencies to facilitate their participation and assist them to respond to this Royal Commission.

The SSO is acting for 14 agencies including the Department of Education, Department of Justice, Office of the Public Advocate, WA Police Force, Department of Transport and Department of Local Government, Sport and Cultural Industries, the Equal Opportunity Commissioner, the Health and Disability Complaints Office, the Mental Health Commission, Office of the Chief Psychiatrist, Office of Inspector of Custodial Services, Parliamentary Commissioner for Administrative Investigations, Schools Curriculum and Standards Authority, and Office of the Public Trustee.

The SSO is helping these agencies by:

- providing advice on the legal status of Royal Commissions and their power to compel production of documents and to summons witnesses to attend hearings;
- ensuring they are ready to respond to any notices to produce issued by the Royal Commission by identifying records relevant to the Royal Commission;
- providing advice on the preparation of witnesses to appear before the Royal Commission and assisting agencies to identify suitable witnesses;
- encouraging them to address the policy matters raised in the Issues Papers published by the Royal Commission so that agencies can proactively respond to any forthcoming recommendations; and
- considering the legal issues arising out of matters raised by the Royal Commission in hearings and in issues papers so that agencies can articulate their positions leading up to the interim report, due to be released in October 2020.

The Royal Commission's interim report is due to be released on 31 October 2020.

The Royal Commission suspended its hearings due to the COVID-19 pandemic. However, it is anticipated that the SSO's work will increase in the lead up to the release date for the interim report as the Royal Commission issues notice to produce to State Government agencies and holds further hearings, including case studies from WA.

The SSO will provide advice and representation to any witnesses from Western Australian government agencies and also work co-operatively with agencies to ensure they can respond to the interim report.

### Litigation Arising from the Removal of Limitation Period for Historical Child Sexual Abuse Claims (Institutional Abuse)

Following the recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse, the State Government removed the limitation period to enable survivors of child sexual abuse to begin proceedings against the State. This came into effect on 1 July 2018.

The SSO established a Team for Institutional Abuse in Care (TIAC) to respond and manage these claims in accordance with the WA Government's Guiding Principles.

Since the changes came into effect (and up to 30 June 2020):

- the SSO has received notification that more than 490 claims have been made against the State;
- 115 matters have settled; and
- only one matter has proceeded to trial.

TIAC currently have nine full time-equivalent lawyers who are managing more than 418 active claims alleging negligence against the State on behalf of Department of Communities, Department of Education, Department of Justice and Department of Health.

The claims are complex and include issues involving 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 a contribution from the Prince's Trust in the United Kingdom in relation to abuse which occurred at Fairbridge Farm Schools. The proceedings are often begun in and dealt with by courts outside WA.

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



## High profile individual cases

### *High Court 'Hard Border' Challenge – Clive Palmer and Mineralogy Pty Ltd*

In May 2020, proceedings were launched by Mr Clive Palmer and Mineralogy Pty Ltd in the High Court against the State and the WA Commissioner of Police.

The plaintiffs wished to travel to WA for the purposes of management of Mineralogy Pty Ltd and for the work of the Palmer Foundation. They were prohibited from entering the State by virtue of the Quarantine (Closing the Border) Directions (the 'Directions').

The plaintiffs claim that the Directions contravene s.92 of the Commonwealth Constitution by imposing an effective burden on the freedom of intercourse between the States or, alternatively, impose an effective discriminatory burden on the freedom of intercourse of trade and commerce. The plaintiffs further claim the Directions are not a reasonable, proportionate or permissible fetter on the freedom of intercourse of trade and commerce given the public health situation and the Commonwealth measures in place.

Procedural orders were made in this case in late May 2020, which resulted in a part of the proceedings being remitted to the Federal Court for a trial in relation to certain expert evidence. Essentially, this relates to the effect of the Directions in terms of preventing community transmission of COVID-19 in WA. It is anticipated the matter will not make its way back to the High Court for hearing until August or September 2020.

### *Wittenoom resident mesothelioma (asbestos) claim*

The SSO recently settled a long-running mesothelioma claim brought in the NSW Dust Diseases Tribunal. The plaintiff's claim was significant. Initially, the plaintiff and other defendants sought to recover the bulk of damages sought by the plaintiff, from the State.

This matter was significant as it resulted in a settlement which was consistent with outcomes that had been achieved in like claims in Western Australian courts.

### *Peacock – trade official*

The Corruption and Crime Commission (CCC) investigated Craig 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.

The SSO sought and obtained a freezing order in relation to Mr Peacock's assets in Australia and in Japan and continues with recovery proceedings against him both in the WA Supreme Court and in Japan.

### *Litigation – CCC and Privilege*

In September 2019, proceedings were launched in the Supreme Court by the Attorney General Mr John Quigley against the President of the Legislative Council and the Clerk of the Legislative Council to challenge a resolution passed by the Upper House ordering the clerk to not follow a directive issued by the CCC to hand over emails, data and documents relating to travel allowances paid to three former MPs.

The case is significant as it has the potential to establish a precedent and the outcome will directly affect the ability of the CCC to investigate alleged corruption in Parliament.

## Important social and environmental matters

### *James Point Pty Ltd v WA*

The James Point litigation began in 2003 and recently settled in a mediation in February 2020. The SSO, former Solicitors General and Mr Ken Pettit SC represented the State and the Ministers for Transport and Lands in defending two actions brought by James Point Pty Ltd in relation to the development of a private port at James Point in Kwinana, over the 17-year period that the litigation remained on foot.

In summary, JPPL alleged that the State failed to facilitate and sought to frustrate its proposed port development for political reasons, contrary to the terms of an agreement which it had entered into with the Minister for Transport under the *Marine and Harbours Act 1981* (WA) and the State acting through the Minister for Lands under the *Land Administration Act 1997* (WA).

JPPL initially sought declaratory and injunctive relief aimed at compelling performance. It later claimed to terminate the agreement as a result of alleged breach and repudiation by the State and sought damages for an alleged lost opportunity to own, operate and earn profits from its proposed port development. In 2013 JPPL announced in the news media that it was seeking \$1 billion in damages from the State.

The litigation was highly complex, raising a number of contractual and statutory issues, and involving significant interlocutory action. It was anticipated that the trial would require more than 10 weeks, with testimony from several current and former Ministers and heads of Government agencies, and expert evidence covering engineering, planning, environmental, project management, valuation and financing issues.

### *Perth Children's Hospital*

The 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.

There had been discussions between the parties but no settlement had been reached.

On about 26 November 2019, the State was served by John Holland with a writ and statement of claim in claiming in excess of \$180 million for comprising a number of claims that include cost and delay caused by variation, water contamination and variation claims, and conversion of the performance bond provided under the contract, and interest. John Holland has also foreshadowed that additional claims may be made.

The State had also served a demand on John Holland 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, following conversion of the performance bond. On 31 July 2019 the State began proceedings against CIMIC Group for the recovery of the outstanding amount. These proceedings are being defended by CIMIC Group, who joined John Holland as third party.

The State is now considering its defence of the John Holland claims, which include the rights of the State under the contract with respect to the rectification of defects.

Both proceedings were listed for directions in the Supreme Court of Western Australia before her Honour Justice Hill in February 2020. Consent orders made for the filing and serving of the defence and any counterclaim in the John Holland proceedings, and both proceedings have been listed for a Strategic Conference later in 2020.

### *The Bell Group Ltd (in Liquidation)*

SSO originally became involved in advising and acting for Insurance Commission of WA in 2013 in relation to the possible settlement of disputes the subject of proceedings brought by the Bell Group company liquidator against various banks. The proceedings were the subject of a pending High Court appeal. A settlement was achieved which resulted in proceeds of approximately \$1.75 billion being received by the liquidator of the Bell Group companies. SSO continued to advise and act for ICWA for several years in relation to subsequent complex distribution disputes between creditors and other interested parties. More recently SSO has continued to advise the State, and be consulted by ICWA as appropriate, in relation to those matters. Following

finalisation and entry into a deed of settlement in late 2019, steps have been taken to secure a series of Court approvals with a view to distributions being made to key creditors, including ICWA, in the second half of 2020, which will essentially finalise the proceedings.

### Procurement integrity (CCC Matters)

#### *North Metropolitan Health Service*

In addition to advice regarding the recovery of redundancy payments to the three public servants involved in the fraud at the North Metropolitan Health Service, the SSO continued to advise the Department of Finance in relation to the suspension of contractors engaged in fraud and corruption against the North Metropolitan Health Service. Cabinet ultimately decided to suspend each of the contractors. Each of the contractors has recently been sentenced in relation to corruption and fraud charges.

The Government is currently considering the *Procurement Act 2020* (WA) which introduces a debarment regime. The SSO has provided advice on both the Procurement Bill and the debarment regime.

#### *Department of Communities Corruption – Paul Whyte*

Upon the arrest and charging of senior public servant Paul Whyte with corruption, the SSO gave legal advice in relation to the Department of Communities' response to the CCC and police investigations into the corruption. The SSO assisted in establishing an incident response team to conduct an internal investigation, including the appointment of expert auditors. The SSO is providing ongoing advice to the Department in relation to the investigations. Mr Whyte has recently pleaded guilty to 530 counts of corruption.

### Planning and land compensation matters – major matters

#### *Humich Nominees Pty Ltd -v- Commissioner of Main Roads and Anor [2019] WASC 293*

In this case, the local government and Main Roads WA opposed the placement of a crossover from the developer's land to the road pavement, across land falling within the road reserve. The applicant developer sought judicial review of refusals made pursuant to powers set out in the *Local Government (Uniform Local Provisions) Regulations 1996*. The court upheld the lawfulness of the Main Roads

WA and local government refusals on the basis that the development approval issued for the applicant's land by the responsible planning authority contemplating access in the disputed location did not extend to the road reserve land. Accordingly the exercise of powers by road management authorities to refuse crossovers in locations of concern to them was found to be lawful.

The decision is the subject of an appeal by the developer to the Court of Appeal and will be heard later in 2020.

#### *City of Fremantle and Minister for Lands -v- Imago Holdings Pty Ltd and Commissioner of Titles*

This appeal was initiated from the decision of the Supreme Court at first instance which related to a portion of land which appeared to form part of the road reserve of High Street Fremantle, which had not been removed from the operation of the *Transfer of Land Act 1893* (TLA), and which continued to form part of the freehold land title of an abutting lot.

The matter was contentious as the registered proprietor had removed a Transperth bus stop located in the disputed area in central Fremantle, leaving bus service users underserved in a high usage area.

Given that dedicated roads form part of the Crown land estate there was concern that the Minister for Lands responsible for management of crown lands on behalf of the State had not been joined to the proceedings at first instance. The Minister applied to be joined as a party to the appeal. The question to be determined was whether the principle of indefeasibility set out in section 68(1) of the *Transfer of Land Act 1893* prevailed, such that the owner could exclude the public from the disputed area and pursue damages in trespass, or whether the long used road reserve had been vested by operation of law, or was otherwise an exception to indefeasibility as constituting a right of way, one of the matters described as an exception to indefeasibility in section 68(1A) of the TLA.

The appeal was heard in March 2020 and the decision delivered promptly in late April 2020, confirming that the road had indeed vested by statutory operation. However, the landowner has since applied to the High Court for special leave to appeal.

### *Two Rocks Investments Pty Ltd and Western Australian Planning Commission [2019] WASAT 59*

In 2018 and 2019 there were several review proceedings launched in the State Administrative Tribunal which involved a review of structure plans prepared by developers in coastal locations having to address the requirements of *State Planning Policy 2.6 – State Coastal Planning Policy* (SPP2.6). SPP2.6 is a quasi-statutory policy relied upon by the State in the absence of specific legislation, to achieve appropriate (or otherwise to limit) development in areas currently or likely to be vulnerable to coastal inundation or erosion, whilst also maintaining public access to the coast over a specified time horizon. The approval of a structure plan by the WAPC provides a high degree of certainty to assure a potential subdivider that any subsequent subdivision application which is designed consistently with the approved structure plan will be approved with predictable conditions. The *Two Rocks* proceeding involved one of the larger ‘greenfield’ sites left on the periphery of the Perth metropolitan area adjoining the coast, a large proportion of which is intended for urbanisation.

The Tribunal supported the application of SPP 2.6 to the portions of land likely to be subject to erosion or inundation, and dealt with the question of how interim use of land which was not yet vulnerable (but within the time horizon of the policy) should be treated. The developer was required to give certain land up to the State free of cost, on the basis that the State and the local government would determine the scope of interim uses in vulnerable areas, and not the developer (although certain small areas were excepted from that general course). The Tribunal expressed the view that the developer’s proposal that the local planning scheme should be amended to allow for a *Special Use (Coastal) zone* would in effect, ‘privatise’ a substantial portion of what SPP 2.6 clearly contemplates should generally be public land. The Tribunal accepted that the development of the applicant’s landholding at Two Rocks is a long-term exercise, and that structure planning will need to be further modified over time, subject to the rate of development and the rate of environmental change.

The Tribunal determined that it had the power to approve the currency of a structure plan for a period of its choosing (that the 10 years generally contemplated by the WAPC policy was not fixed), and approved the structure plan under consideration for a period of 15 years (although not the 30 years sought by the developer).

### *Goldrange Pty Ltd and Anor – v- Western Australian Planning Commission and Minister for Planning [2018] WASC 350*

The applicants sought judicial review of a recommendation made by the Commission to the Minister for Planning to require the relevant local government to carry out certain modifications to its local planning scheme amendment prior to the amendment taking effect, following a mandated procedure set out in the *Planning and Development Act 2005* and Regulation 55 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The subject matter of the proceedings involved circumstances in which there had been a change of government before the procedure to finalise the scheme amendment was complete, and the new Minister for Planning required a further modification (inconsistent with that required by her predecessor) prior to bringing the amendment into effect by publication in the Government Gazette. The Minister’s actions were also the subject of separate but related proceedings which were amalgamated for the purpose of the hearing. At the heart of the matter was the interpretation of regulation 55 of the LPS regulations and section 87(2) of the *Planning and Development Act 2005*, specifically, the scope of the Minister’s powers to require late modifications as well as the nature and content of the WAPC’s recommendation to the Minister. Quinlan CJ determined that there was no additional implied statutory requirement of consultation (that is, no added procedural step) which arose in relation to the Minister’s power to specify a further modification of a scheme amendment under s 87(2)(b) prior to gazettal. An appeal against the decision was launched, but discontinued in March 2020.

### *Ord Irrigation Cooperative v Department of Water and Environmental Regulation DR340 of 2015*

Following the overturning of a previous determination of the State Administrative Tribunal by the Court of Appeal, the Tribunal recommenced a review of the decision of the Department of Water and Environmental Regulation to reduce the volume of the annual water entitlement (AWE) of the largest water licence holder in the State when the applicant sought renewal of its licence. Ord Irrigation Cooperative (OIC) holds a surface water licence to access water from Lake Argyle to facilitate irrigation in the Ord Irrigation District near Kununurra.

The Department had sought to reduce the AWE from that which had been the subject of the previous licence on the basis that there was no compelling justification for the size of AWE sought by OIC, given that its history of usage did not demonstrate a need for the significant volume which had it previously been licenced to take. The case raised questions of departure from water policy, and the State's agenda to facilitate irrigation on a larger scale within the Ord region.

The matter was heard in Kununurra in late 2019 and March 2020 over a total period of two weeks.

The Tribunal published its reasons for decision on 26 June 2020. The Tribunal decided that the AWE, the subject of the OIC's renewed licence, should not be reduced and that there was a cogent reason for departure from the applicable policy in this case.

### *Edge Holdings v Presiding Member of Metro Central Joint Development Assessment Panel DR 79 of 2018*

The State Administrative Tribunal reviewed a decision of the Metro Central Joint Development Assessment Panel to refuse a development proposal for a 29-storey mixed-use apartment building in South Perth. The locality has been the subject of contentious scheme amendments and structure planning in recent years, and this was one of a number of appeals. The essential issue before the Tribunal was whether the proposed building was consistent with the current and future amenity of the locality by way of bulk, scale and height. A prominent architect, Ms Pegrum, was engaged by the Respondent to provide expert evidence.

The Tribunal reserved its decision.

## Native Title

The 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 of Australia.

The SSO provides legal and legal 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), assistance with the grant of land, mining and petroleum titles, and in negotiating and drafting Indigenous Land Use Agreements (ILUAs).

Significant matters in this financial year include:

### *The Yamatji Nation Native Title Settlement*

Following an intensive mediation between a 12-member Traditional Owner Negotiation Team and the State, which was convened by the Federal Court from November 2017 until in-principle agreement was reached on 30 July 2019, the terms of the proposed Yamatji Nation Indigenous Land Use Agreement (ILUA) and consent determination were authorised by the Yamatji Nation, Southern Yamatji, Hutt River, Mullewa Wadjari and Widi Mob native title claim groups on 9 December 2019. The agreement covers 47,970 square kilometres of land in the mid-west region of Western Australia, including areas within Geraldton.

The Yamatji Nation consent determination was made by the Federal Court of Australia on 7 February 2020, and the ILUA was executed on 24 February 2020. Both the consent determination and the benefits provided under the ILUA will take effect from the date that the ILUA is entered on the Register of ILUAs maintained by the National Native Title Tribunal.

Once the ILUA is registered, it will provide the Yamatji people with a package of benefits that compensates them for acts which have extinguished and impaired their native title, while resolving the State's native title compensation liability in the region. The settlement package is valued at \$442 million and includes cash, land and economic development opportunities. In addition, the determination recognises that the Yamatji people hold native title rights and interests over a number of parcels of land in the agreement area.



The SSO represented the State in the mediation and continues to represent the State in the application to register the ILUA, as well as provide advice on various aspects of implementation of the settlement, which will occur once the ILUA has been registered.

### *The South West Settlement*

The SSO continues to represent the State in legal proceedings relating to the registration on the Register of ILUAs of six ILUAs which comprise the South West Settlement, and to provide advice on the implementation of those agreements.

All six ILUAs were registered by the Native Title Registrar on 17 October 2018. That decision was subject to a number of judicial review applications, which were heard by the Full Court of the Federal Court. The Full Court dismissed those applications on 19 December 2019.

In 2020, there have been seven applications made to the High Court for special leave to appeal against the Full Court's decisions. These special leave applications are likely to be decided in mid-2020. If the applications for special leave are allowed, the hearing of the appeal by the High Court will probably take place in late 2020 with a decision likely to be delivered in 2021.

If the applications for special leave are dismissed, the settlement will come into effect shortly thereafter, which 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.

### *Gibson Desert Nature Reserve native title compensation*

During 2019 and 2020, SSO lawyers formed part of the State negotiation team that engaged with representatives of the Gibson Desert People to seek to reach an agreement to settle native title compensation for the extinguishment of native title in relation to the Gibson Desert Nature Reserve on its creation in 1977. Parties' representatives have reached agreement in principle which is now subject to formal approval processes.

The agreement, if approved, would provide a range of benefits for the Gibson Desert People, with the focus being a commitment to the effective joint management of the Gibson Desert Nature Reserve, creating longer term employment where little currently exists. An important benefit being contemplated is a commitment to seek to restore native title to the Traditional Owners of the Gibson Desert Nature Reserve, hopefully following an amendment to the *Native Title Act 1993* (Cth) to introduce section 47C. That amendment is the subject of a Bill that is currently before Commonwealth Parliament.

These commitments are consistent with a broader commitment by the State to work together with the Gibson Desert People to meet their social, cultural and economic aspirations regarding both the Reserve and Patjarr. If approved, the agreement would also support the making of appropriate orders in the Federal Court.

### *Timber Creek compensation claim*

Since the High Court delivered its decision in *Northern Territory v Griffiths* [2019] HCA 7 in March 2019, the SSO has provided legal and policy advice, as well as professional development training sessions, to Government in relation to the implications of the decision. The SSO is also playing a central role in the State's development of the policy framework in which future compensation claims will be managed.

### *Area 4 compensation claim*

The SSO continues to act on behalf of the State of Western Australia in relation to a 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.

### *Native title claim litigation*

The SSO has represented the State of Western Australia in a number of native title claim litigation hearings, including the Jurruru and Yinhawangka Gobawarra claims in the southern Pilbara, the Nyamal and Palyku claims in the northern Pilbara and the Purnululu claim in the eastern Kimberley.

The State also successfully appealed to the High Court of Australia from a Full Federal Court decision in the Bindunbur claim, with the High Court confirming the ability of the public to access beaches and waterways as part of native title determinations.

### *Consent determinations of native title*

The 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 determinations.

## Commercial matters to support the community

The 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. The SSO either directly provides legal services or supervises the provision of services by outsourced commercial service providers.

The 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. The 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. The SSO continues to act 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. The 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.

The SSO continues to assist the Public Transport Authority with the procurement of the following METRONET initiatives:

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

### *WA Museum*

The new WA 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 2021.

The 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.

### *Melaleuca Remand Centre*

The SSO assisted Corrective Services with complex and time critical negotiations with Sodexo to mutually terminate the Melaleuca Remand and Reintegration Facility Services Agreement and hand back operation of the Melaleuca Prison to the State. A significant part of negotiations related to the transition of Sodexo's employees at Melaleuca Prison to employment with the State.

The termination of the MRRF Agreement and handback of Melaleuca Prison to the State occurred in April 2020.

### *TAB and Landgate*

The 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 the 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 co-ordinating, the full range of legal services to each project.

The contracts effecting the commercialisation of Landgate's automated titling functions were put into effect in September 2019. Land Services WA was appointed to provide the services. The appointment realised \$1.41 billion in upfront proceeds, as well as ongoing revenue for the State.

The TAB privatisation is still in progress.

### *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, the SSO has continued to assist the State with respect to procurement processes, looking for proponents capable of delivering high quality and sustainable adventure activities from both the Matagarup Bridge and Optus Stadium in order to further stimulate activity on 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.

These activities have had to be postponed as a result of COVID-19 but it is anticipated work will resume once the COVID-19 restrictions subside.

The SSO otherwise continues to provide advice to the State during the operation phase of the stadium project including its use as a command centre to manage the response to COVID-19 as part of the State's Pandemic Plan, 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**

The SSO has assisted Main Roads with the procurement of a number of major projects. Projects either awarded or for which procurement began in 2019/20 include:

- the High Street upgrade;
- Hay Street Bridge Vertical Clearance Improvement Project;
- Tonkin Gap Project and Associated Works;
- Bunbury Outer Ring Road;
- Albany Ring Road;
- Mitchell Freeway Extension (Hester Avenue to Romeo Road);
- Mitchell Freeway Southbound Upgrade (Hodges Drive to Hepburn Avenue);
- Coolgardie - Esperance Highway - Emu Rocks Section; and
- Leach Highway Welshpool Road Grade Separated Interchange.

# State Solicitor's Office

## CASE STUDY – Legal Services to Government

### *Responding to COVID-19*

In Western Australia, as in other Australian jurisdictions, responding to COVID-19 gave rise to a range of legal and policy issues. Many of those issues last arose more than a century ago, when Australia faced a global pandemic in the form of Spanish influenza at the end of the First World War.

The SSO has provided a wide range of legal services to assist the State Government in resolving the legal issues associated with formulating and implementing its response to COVID-19.



The legal issues have arisen in a range of contexts, including:

- Government's powers and plans in a state of emergency and their exercise, (including the preparation of appropriate instruments for that purpose);
- legislative reforms and initiatives to address economic and other consequences of the COVID-19 pandemic;
- performance of existing contracts in light of the disruption to supply chains. The potential implications of this are far-reaching and include building and construction contracts, major projects, contracts for services as well as contracts currently being negotiated;
- the impact of the COVID-19 pandemic on insurance policies;
- scope of State and Commonwealth powers in relation to social distancing efforts (i.e. restricting movements of persons, closing premises, mandatory quarantine/isolation and medical testing of individuals and the prohibition of certain kinds of gatherings and activities);
- workplace health and safety obligations of employees and employers in the public sector; and
- leave entitlements or other employment related issues arising from social distancing, quarantine or isolation.

Those issues had to be addressed while maintaining the ordinary operations of the SSO, which like all Government and non-Government organisations had to adapt to deal with the risks posed by COVID-19.

The SSO promptly established a specialist COVID-19 team with experienced lawyers from a range of expertise areas to provide the legal services Government required in responding to the COVID-19 pandemic to ensure that a whole of Government approach was taken.

The SSO also provided significant additional in-house legal counsel services, both to the Department of Health and the Western Australian Police Force, to assist and support the urgent work of those agencies.

From February 2020 until 30 June 2020, the SSO across 84 staff members provided approximately 10,000 hours of legal services to government directly in response to the COVID-19 pandemic (of which approximately 6,000 hours were provided by just 8 individual members of the SSO's COVID-19 team who were often required to work very long hours to provide urgent support as required). This excludes all of the additional legal support provided to government departments and agencies in the course of ordinary business to deal with matters on individual files arising as a result of the COVID-19 pandemic.

## 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 the Department and the wider WA community.

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

The Department has drafted a ten year *Long Term Custodial Infrastructure Plan 2021-2031* to ensure it meets the needs for capacity within its custodial (prison) estate.

Funding of \$199.7 million was approved as part of the 2019/20 budget process and the following projects are included in the first phase:

- regional prison planning, namely the planning for a new larger regional prison in Broome. The Department is engaging extensively with Nyamba Buru Yawuru to manage the Cultural Heritage surveys and Flora and Fauna surveys and to identify a preferred site;
- Bandyup Women's Prison, Mental Health Unit Project;
- Casuarina Prison Expansion Stage two project, which adds 344 more beds, a high security unit, a mental health unit, and support infrastructure to the adult male custodial estate;
- Casuarina Prison security system upgrade; and
- Greenough Regional Prison female unit upgrade.

### State building – major projects

A number of major projects was started or completed during 2019/20, including facility expansions, upgrades or refitting with a total combined project value exceeding \$103.8 million.

### Casuarina Prison Expansion Stage 1 (512 beds)

\$96.3 million was allocated for this project to deliver an extra 512 beds and supporting infrastructure. The project began in early 2018 and is expected to be completed before the end of 2020. The first two units (256 beds) were opened for occupation in June 2020.

### Casuarina Prison Expansion Stage 2 (344 beds)

With a forecast budget of \$182.35 million the Project Definition Plan was approved by Cabinet in February 2020. The project is to deliver an additional 344 beds, an extension of support services and enable Casuarina Prison to accommodate special needs and high risk cohort groups.

### Bunbury Regional Prison Expansion

\$23.7 million was allocated for this project to deliver an additional living unit of 160 beds, upgrade utilities and expand support buildings. The project started during the year and was completed in October 2019. The expansion is now at full occupancy.

### Greenough Regional Prison

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

The sum of \$12.3 million has been approved to address the safety, security and separation concerns for the existing women's precinct at Greenough, specifically enabling:

- increased security for Unit 4 (women's precinct) including improved precinct perimeter fencing; and
- provision of additional support infrastructure to limit the need for women to leave the Unit 4 precinct including (but not limited to) – access to employment/constructive activity, medical consulting space and delivery of education and programs.

The Project is currently scheduled for completion June 2021.



## 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, with site identification currently in progress.

## Armadale Courthouse and Police Complex

The Armadale Courthouse and Police Complex project collocates the Armadale Police Station with a new courthouse. The design and development phase is now completed by both the WA Police Force and the Department of Justice, and has progressed to the tender documentation phase.

Tender documentation was released in June 2019. The contract was awarded to Perkins Builders in September 2019. The community reference group was appointed and ongoing consultative meetings have been held.

A sod turning event with the Minister was held in September of 2019 and works commenced on site in October 2019. The Minister also attended a concrete topping event in March of 2020 with construction currently progressing.

## Karratha Courthouse

During 2019/20, a refit commenced to the Karratha courthouse focused on upgrading the front conference/training room and increasing external seating for Court users.

## 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 WA'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.

In 2019/20 there were 47,057 court appearances by persons in custody, of which 85 percent (40,292 appearances) were undertaken by videolink between courts and prisons. The Department continued to expand and enhance its court AV facilities to meet demand.

## Outcomes 2019/20

- Installation of two new integrated high definition digital video conference-enabled courtrooms at the Joondalup Courthouse and three courtrooms at the Central Law Courts.
- Additional high definition digital video upgrades, including a video conference upgrade, has occurred at the following locations:
  - the Esperance Courthouse, including a remote witness room and jury deliberation room;
  - the Derby Courthouse, including a remote witness room and jury deliberation room;
  - two courtrooms and a remote witness room at the Busselton Justice Complex;
  - six courtrooms and two remote witness rooms at the Perth Children's Court;
  - two courtrooms and a remote witness room at the Joondalup Courthouse; and
  - ten courtrooms and a remote witness room at Perth's Central Law Courts building.

- Establishment of audio visual network capability to the following remote and regional locations:
  - Cue Police Court;
  - Halls Creek Police Court;
  - Meekatharra Mining Registry ;
  - Newman Police Court;
  - Onslow Police Court;
  - Ravensthorpe Police Court;
  - Southern Cross Mining Registry;
  - Tom Price Police Court;
  - Warmun Multi-Functional Police Facility;
  - Wiluna Police Court; and
  - Wyndham Police Court.
- Establishment of remote courtroom galleries where the proceedings for the Bradley Edwards trial was streamed from the District Court Building to the Supreme Court – Stirling Gardens building.
- Installation of new electronic listing display systems at the two Court locations being:
  - Bunbury Courthouse; and
  - Joondalup Courthouse.
- Installation of additional video conference CODECs in the State Administrative Tribunal increasing the concurrent video conference capacity from eight to 10.
- In addition, four additional video conference CODECs have been installed in the David Malcolm Justice Centre provided to the Supreme Court with concurrent video conference capacity increased to 11 parties.

## Integrated Courts Management System

The Integrated Courts Management System (ICMS) provides a consistent approach across all jurisdictions, enables efficient transfer of matters between jurisdictions and locations and facilitates a fully electronic court. The primary focus is the replacement of 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 effectively transfer 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

Jury Management remains to be replaced with ICMS.

This year the Coroner's Court legacy system was successfully replaced with ICMS delivering significant benefits to that court. A further focus has been development to replace the Family Court's case management system and online divorce applications which is currently supported by the federal government; enhancement of the eCourts portal with a range of online functions and the expansion of eBench.

## Outcomes 2019/20

The functionality delivered in 2019/20 included:

- replacement of systems provided by other jurisdictions and organisations with Western Australia's ICMS:
  - Coroner's Court – replaced LCMS (provided by the National Coronial Information System) enabling the transition to a fully electronic file; and
  - Family Court – commenced development for the transition from Casetrack and the Commonwealth Courts Portal (Federal IT systems).
- Enhanced functionality delivered in 2019/20 on the eCourts Portal included:
  - ability to lodge applications for Family Violence and Violence Restraining orders online through registered legal services in the Magistrates Court;
  - ability to lodge all civil documents (originating and non-originating) via eLodgment in the Magistrates Court;
  - electronic file and eDistribution of the majority of court notices and orders in the Magistrates Court;
  - ability to electronically apply for a court hearing in relation to an infringement;
  - ability for all Magistrates Court documents requiring bailiff service to be accessed online along with the ability for bailiffs to lodge service details/documents online through the Sheriff's Office Portal; and
  - ability to lodge strata applications online.

## 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	2
\$5,000 - \$49,999	18
\$50,000 - \$249,999	62
\$250,000 - \$4,999,999	39
\$5 million +	3

### *Purchase orders issued*

25,790 purchase orders against 1,497 suppliers.

Contracts summary	
Value	Number
\$0 - \$4,999	21,910
\$5,000 - \$49,999	3,533
\$50,000 - \$249,999	244
\$250,000 - \$4,999,999	102
\$5 million +	1

## Information and Communications Technology

In 2019/20 the Department transitioned the majority of its computer and storage capability to a cloud-based platform and co-located the remaining physical computing assets into Datacom's GovNext data centre. The Department also refreshed the network infrastructure across the State and modernised its phone services through the adoption of GovNext network and IP telephony services.

The transition from Department-owned IT infrastructure to the GovNext cloud has removed significant risks associated with the Department's aging infrastructure, delivering the following key benefits:

- transformed the Department from an owner-operator of ICT infrastructure to a consumer of services to deliver flexible, responsive ICT services than can quickly scale to meet changing needs;
- delivered capabilities that enable access to a rapidly evolving catalogue of digital services to improve the Department's services across Western Australia (WA) and support continuous innovation;
- reduced the total costs of delivering ICT services across the Department; and
- increased the transparency of ICT Key Performance Indicators (IKPI) and costs to inform better decision making.

The migration of 279 workloads (including databases, storage and servers) was achieved with minimal downtime and business impact, within a very aggressive schedule and is due to the professional and collaborative way staff across business areas worked together and engaged with service providers, Datacom and DXC. To complete the transition to new ICT service delivery, the Department entered into a contract with Kinetic IT for the delivery of managed ICT services. These new services were launched on 23 April 2020.

During 2019/20 the Department put in place a number of controls to strengthen and manage cyber security risks and, in line with Government targets, the Department has an ongoing program of work to increase its Capability Maturity Model and meet the minimum targets for five key controls identified by the Security and Emergency Committee of Cabinet.

In line with the broader ICT transformation occurring across the Department, an integrated Justice Data Warehouse Program was launched which will deliver a central store for data from the Department's operational systems. In 2019/20 stage 1 of this program was delivered, migrating out-of-date systems to new technologies which can extract and convert data with greater speed and reliability. This program will continue in 2020/21.

### Delivering essential services through technology

In response to the declaration of the COVID-19 pandemic, the Department implemented solutions to allow remote working, reduce face to face meetings and to enable new ways of continuing to deliver services.

In April and May 2020, to compensate for temporary visitor restrictions, the Department facilitated increased prisoner contact with their loved ones by rolling out an additional 58 e-visit kiosks at Hakea and Casuarina Prisons, Bandyup Women's Prison and Banksia Hill Detention Centre. Deployment of e-visit kiosks across the state will continue in 2020/21.

### New Website

Justice was one of the first State Government frontline services to develop and have its website hosted on the Office of Digital Government's new platform. Public Affairs and Advisory Services teams developed the new Department of Justice website.

The Department's new website was launched in February 2020. It proved particularly popular with jobseekers interested in working with the Department, with most of the first 700,000 hits landing on the top 10 pages, four of which were for prospective employees. The top 10 pages were as follows:

- Find a Justice of Peace
- Pay Your Fines
- Vocational Support Officer
- Working in Corrections
- Work with us in the Department of Justice
- Fines Enforcement Register
- The Registry of Births, Deaths and Marriages
- Visiting a Prison or Detention Centre

- Prison Officer
- Enduring Power of Attorney.

The new website improves access to the Department's services and highlights the positive contribution the Department makes to a fair, just and safe society. The Department sought customer input to design a site which is both intuitive, easy to use and provides access to the most frequently sought information quickly and easily.

#### What we do



The WA.gov.au website is in line with the State Government's reform of the public sector to increase performance and collaboration and improve outcomes. It provides whole-of-government information to the general public in one place, with an efficient search engine and new features such as the iThink portal, the WA public sector ideas community.

### Social Media

The Department launched its social media channels Facebook, Twitter and LinkedIn to coincide with the week in January when National Corrections Day 2020 was celebrated.

During the launch at Yagan Square in the Perth CBD, the faces of some Corrective Services staff were featured on the electronic Yagan Square tower to provide a snapshot of the more than 4,500 Department staff working in Corrective Services around the State in roles as varied as clinical nurses, teachers, community correction officers and prison officers. The tower feature linked patrons through to the Department's LinkedIn account.

The decision to establish a social media presence was based on the principle of openness and accountability to the general public, and to raise and maintain awareness of the Department's programs and services. Social media also provides an effective way of recruiting to a new generation of jobseekers, particularly women.

The Yagan Square project, and the Department's opening Facebook post, highlighted the benefits of working for the Department as well as raising awareness about Justice's mission of ensuring a fair, just and safe Western Australian community.



In late March, the Special Operations Group launched their 2020 recruitment campaign where social media was the sole advertising channel. The campaign featured an interactive image on Facebook depicting a female Special Operations Officer. The campaign reached an audience of over 92,000 with 61 percent female representation. The campaign was received positively with a higher than industry average rate for engagement.

Facebook in particular has been a primary channel to highlight the diversity across the Department featuring judicial appointments, developments within the Registry of Births Deaths and Marriages and support for victims of crime.

The Department's new social media presence came into its own during the COVID-19 pandemic, keeping the public aware of which Departmental services were open during that time. It has also been valuable in generating reminders about not bringing drugs or contraband on prison visits.

Since launching its social media channels, Justice has reached more than half a million people, with increased brand awareness in key demographic groups, such as women and millennials.

## Library and Information Services

The Library and Information Services Branch (LISB) operates as part of 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 Western Australian Bar Association, the Legal Practice Board and the Department of Justice.

Following a structural review of LISB carried out in 2018/19, minor changes to the existing organisational structure have been implemented and are operating well. 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.

New contracts with the three major suppliers of legal materials (Lexis Nexis, Thomson Reuters and CCH) were negotiated. In addition to the Law Library, these contracts cover all Courts and legal areas including the Office of the Director of Public Prosecutions, the Corruption and Crime Commission and the Public Trustee. The contracts include electronic as well as paper publications and are in place for three years until June 2022.

In July 2019, the project to move the Symphony Library Management System into the cloud was completed. The Enterprise eLibrary provides a new and modern interface for library services. In addition to the Library Catalogue, Enterprise presents legal resource materials by topic as



well as research guides and useful links designed to assist users. Judicial officers and legal officers are able to access current online subscriptions through the new Enterprise eLibrary. Legal practitioners from outside the Department can access the same material at Kiosks in the Law Library.

Looking forward, LISB is set to benefit from a new training room that is now part of the Law Library facilities on Level 2 of the David Malcolm Justice Centre. Providing targeted training to clients so that they can make the best use of the range of online publications and other material available to them, is an increasingly important role for the Law Library.

The COVID-19 pandemic had little impact on library operations. The Law Library remained open throughout this period.

## Professional Standards

The Professional Standards Division was established in January 2019 by the Director General. The Department has taken significant action to address the 51 recommendations resulting from the Corruption and Crime Commission's (CCC's) 2018 investigations into misconduct risks in WA Prisons. On 25 June 2020, the CCC tabled its report on the response by the Department arising from six reports. The CCC announced when releasing the report:

*"The Commission believes the measured and extensive response from the Department of Justice and Corrective Services demonstrates commitment to the broad and sweeping changes needed to address the serious misconduct risks identified by the Commission's investigations."*

This statement is a testament to the Department's commitment to learn from the reports and to deliver tangible change in operations and practice.

The Professional Standards Division works in partnership across the Department and with external integrity agencies to deliver a Department-wide approach to the prevention, education and management of misconduct risks across Justice. The Division reports directly to the Director General and the Executive Director is on the Department's Corporate Executive. It includes the Integrity and Accountability Directorate, Performance Assurance and Risk Directorate and the recently established Corruption Prevention and Education Directorate. The Director General continues to lead a Governance Group to maintain oversight of the Division's operations and to ensure accountability for implementation of the CCC recommendations.

The development and promotion of a risk-based Justice Integrity Framework has been a strong foundational element of the Department's approach to promoting ethical practice and behaviour, and in preventing and responding to misconduct and corruption. Further controls, such as the development of a fraud and corruption plan, revisions to the Code of Conduct and to other integrity policies, have also been undertaken over the year.

### Key achievements

- In June 2020, acknowledgement from the CCC for finalising 37 of the 51 recommendations and the development of a coordinated approach to managing misconduct across Justice
- Reduction in legacy misconduct investigation matters and the development of enhanced case triage and investigations processes
- Proactive targeting of serious misconduct and criminality in conjunction with the WA Police Force
- In June 2020, an updated Code of Conduct was released with further updates scheduled for late 2020
- Developing and conducting education sessions to raise awareness of the ethical standards, policies and procedures required of staff. To date, over 1,500 staff have attended these sessions.
- In December 2019, an updated Public Interest Disclosure Policy and supporting procedures were released
- An updated Gifts and Benefits Policy and Procedure were released in February 2020, together with a newly developed online submission and approval system
- In April 2020, a Fraud and Corruption Control Plan was released for the Department.

## Performance Assurance and Risk

The Performance Assurance and Risk (PAR) Directorate, performs the Department's internal audit function, is responsible for the Enterprise Risk Management Framework and independently reviews the Department's reportable deaths. In September 2019, the Department's Risk Management and Audit Committee endorsed the Enterprise Risk Management Framework. The Framework details the components and requirements that ensures the Department integrates risk management into all significant activities and functions.

As a result of the newly-enhanced Treasurer's Instruction (1201) the Director General has strengthened PAR's independence and objectivity with regard to internal audit. In line with the Treasurer's Instruction, the Director General appointed Mr Colin Murphy, former WA Auditor General, as the independent Chair for the Department's Risk Management and Audit Committee for a term of three years.

PAR continues to report directly to the Director General and to the Department's Risk Management and Audit Committee on its internal audit work program and on the status of recommendations made to the Department by PAR and relevant external oversight bodies (eg Office of the Auditor General, Office of the Inspector of Custodial Services, CCC).

PAR has been instrumental in coordinating and delivering the Department's response to the CCC's recommendations. Together with the other Professional Standards business areas it provides an important review and assessment function.

## Integrity and Accountability

In 2019/20, the Integrity and Accountability Directorate (IAD) developed and implemented an enhanced assessment and triage process for identifying and managing misconduct. This enabled IAD to determine more effectively and efficiently those matters that should be referred for formal investigation, and those which do not meet the threshold for possible misconduct, and which are able to be dealt with through improvement actions and/or other local management action.

The Directorate has re-engineered its information management system to address data integrity, file management, reporting and workflow issues to further enhance its operations and strategic reporting and trend analysis. It has also proactively targeted serious misconduct and criminality in conjunction with the WA Police Force and the CCC.

In 2019/20, six employees were terminated and 11 employees resigned during disciplinary proceedings.

## Corruption, Prevention and Education

The Corruption Prevention and Education (CPE) Directorate is charged with leading a proactive approach to raising awareness about integrity, expected standards of behaviour and misconduct matters, whilst building a culture of integrity across the agency. The work of CPE is broad and includes:

- developing and managing the Department's proactive policies and procedures that have been implemented to reduce the opportunity for fraud, corruption or misconduct, including those being applied to identify and manage staff conflicts of interest and gifts or benefits;
- developing and conducting education sessions to raise awareness of the ethical standards, policies and procedures required of staff. To date, over 1,500 staff have attended these education sessions. CPE also undertakes early intervention with those staff who may be at risk of engaging in fraud or corruption;
- commencing a program of establishing Integrity and Ethics Committees in operational business areas across the Department in order to identify and prevent potential corruption and misconduct before it develops at the business area or site level; and
- managing the robust employment screening process which is applied to all people employed or paid by the Department. Employment screening is an effective means of preventing fraud, corruption and misconduct in the workplace, and enables the Department to make an informed decision about a person's suitability to be employed. The Department released new Employment Screening Policy and Procedures in June 2020 to ensure there is a robust and accountable decision making process that also ensures transparency.

From 1 May 2020, drug and alcohol testing of custodial staff in prisons and Banksia Hill Detention Centre was transitioned from Corrective Services to the Directorate's management to align the staff testing with the Department's integrity function and to ensure the independence and accountability of the process.

# 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

Work has continued from the results of the 2018 Employee Perception Survey where 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; and
- job satisfaction, and capability development.

Work continued this financial year on progressing development of measures to drive positive workplace change across the Department.

These include a whole-of-Department employee recognition scheme, a performance management program, mandatory management training for all employees who supervise other staff members and training on the role and responsibilities of staff members sitting on interview panels.

## Employee relations

Following State Government approval, the Department negotiated several key industrial agreements which have been registered in the Western Australian Industrial Relations Commission, including:

- Department of Justice (Jury Officers) CSA Agreement 2019, registered February 2020;
- Department of Justice (Youth Custodial Officers) CSA Agreement 2019, registered January 2020; and
- Department of Justice – Registered Nurses (ANF) Industrial Agreement 2018, registered November 2019.

The Department continues its work to give effect to the Commissioner's Instruction 23 which provides for the conversion and appointment of fixed term contract and casual employees to permanency. Since its introduction, the Department has considered 675 staff to determine their eligibility and successfully converted 43 employees to permanency, 28 of those in the 2019/20 financial year

## Health and wellness programs

The Department acknowledged and supported various mental health campaigns, such as R U OK? Day and Mental Health Week. During these campaigns the Department set up information stalls, in conjunction with Employee Assistance Program provider PeopleSense, to help disseminate information and reduce the stigma of mental illness.

In addition, a series of 'lunch and learn' sessions were facilitated on the topics of 'Healthy Body, Healthy Mind', 'De-Cluttering', 'Sleep management and fatigue', 'Managing Aggression and Conflict in the Workplace', 'Procrastination', 'Positive People and Positive Psychology', 'Changing your habits' and 'Work-Life Balance'.

Health and wellbeing activities were held across the Department, including seminars and cooking classes.

The Department completed its annual staff influenza vaccination program for 2020. A total of 2256 vaccination vouchers were issued up to 30 June 2020. These allowed staff both in the metropolitan area and the regions to access a flu shot.

## Staff development and performance

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

The development of a new, whole of Department performance development process has begun and is expected to come into effect for 2020/21.

### Graduate program

The graduate program is an initiative run over an 18-month period. Graduate placements include business areas as diverse as Finance, Strategic Reform, Magistrates Court, Supreme Court, Courts and Tribunal Services Executive and Perth's Children's Court. The last intake employed six graduates, all of whom successfully secured full-time employment after completing the program.

### Training and development

The Department ensures that employees have opportunities to take part in training and development sessions.

In 2019/20, staff development programs and information sessions were offered across the Department, including an online corporate induction program.

In addition, online learning programs were offered, including:

- fraud and corruption prevention;
- mental health;
- confidentiality and information privacy; and
- record-keeping.

### School-based trainees

The Department hosted nine school-based trainees in 2019/20. The school-based trainees attend work two days per week while continuing to attending school and work towards attaining a Certificate II in Government. Placements for school-based trainees included the Aboriginal Workforce Development Unit, Advisory Services, Human Resources, Knowledge and Information Technology, Offender Management, the Public Trustee and the Corrective Services Training Academy.

## Aboriginal trainees

The Aboriginal Traineeship Program is a 12-month, Department-funded initiative; there are currently seven trainees employed by the Department. The traineeship provides Aboriginal trainees with on-the-job work experience and a Certificate III in Government. Placements include the Aboriginal Workforce Development Unit, the Registry of Births, Deaths and Marriages, the Corrective Services Training Academy, Court and Tribunal Services, Records Management and the Victim-Offender Mediation Unit.

## Diversity and inclusion

The Department continues to progress a whole of Department Diversity and Inclusion agenda. The Director General has endorsed a diversity and Inclusion Statement of Commitment which will serve as the foundation for an overarching framework for the Department.

In 2019, the Director General announced the creation of a new Director Aboriginal Justice Transformation (50d) SES position, to lead the Aboriginal Policy and Services directorate within Strategic Reform. This position will provide cultural advice and insight directly to the Director General and the Department's Corporate Executive Committee. Ms Gina Hill was appointed to this role in May 2020 in an acting capacity until a merit selection is undertaken in the next financial year.

Departmental leaders have sponsored the formation of a diversity and inclusion champion focus group. The champions, who are nominated employees representing different parts of the Department's business, have helped create awareness and change within the Department. The champions have taken part in a change management workshop to equip them with the skills to enable change in the workforce through driving forward the diversity and inclusion agenda across the Department.

In addition, an audit of diversity and inclusion initiatives across the Department has been completed. It is envisaged that the completion of the 'stocktake' will guide and inform the long-term direction of workforce issues relating to the diversity and inclusion agenda and help shape the Department's overall workforce planning modelling.

Further developments have included high-level endorsement by the Department's Corporate Executive Committee of the adoption of specific diversity reports, to be presented on a quarterly basis.



## Equal employment opportunity management plan

The objectives of the Department's equal employment opportunity management plan aim 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.

## Equal opportunity training

In 2019/20, the Department worked with the Equal Opportunity Commission to develop and deliver an equal opportunity training program focussing on identifying discrimination and sexual harassment in the workplace. Raising awareness of these issues and creating a work environment which is free of these behaviours is an underpinning objective of the program.

## Aboriginal workforce development strategy

The Department aims to build a diverse workforce which promotes Aboriginal employment, to better reflect the Western Australian community and service needs. Currently, Aboriginal staff represent 6 percent of employees, almost double the Public Sector Commission benchmark target of 3.2 percent. The Department has set a goal to increase this to 7.5 percent by 2021.

The Department has also introduced innovative practices and targeted recruitment approaches to recruit more Aboriginal people. Initiatives have included the application of relevant provisions under the *Equal Opportunity Act 1984* (WA). In addition, sourcing strategies have featured Aboriginal staff to promote the Department as an employer of choice. As a result, the Department has seen a significant increase in the number of Aboriginal people applying for positions.

The Department is committed to developing and supporting its Aboriginal staff and in November 2019, hosted its inaugural Aboriginal Employee Conference. The conference was attended by more than 170 Aboriginal staff from regional and metropolitan locations across the State. Conference workshops focused on career pathways, employee support, networking and relationships and the foundations of Aboriginal employment.

In 2019, the Department introduced the 'Commissioner for a Day' initiative. This initiative provides Aboriginal staff with leadership insights and opportunities, through a one day experience shadowing the Commissioner of the Corrective Services Division. To date eight Aboriginal staff have taken part, and have gained new skills and a broader understanding of the Department as a result.

To strengthen the workforce's cultural capacity, the Moorditj Boordier 'Strong Boss' workshops were introduced in 2019. This initiative provides cultural support to managers and staff working with Aboriginal employees. Workshops have been delivered to 86 employees from across the Department.

## Managing our people

### CASE STUDY – Aboriginal Employee Conference

There were high expectations for the Department's very first Aboriginal Employee Conference organised by the Aboriginal Workforce Development Unit – but perhaps nobody expected the two-day event to be such a resounding success.

Director General Dr Adam Tomison said when he opened the conference he was "blown away" by the numbers in attendance – more than 170 Aboriginal staff members – and by the positive, excited atmosphere. "It was a powerful gathering and one I was very pleased to see happen," Dr Tomison said.

"From what I saw and have been told by participants, the conference was a wonderful opportunity for Aboriginal staff to come together and network, plus it provided an opportunity to learn how to do things better – to provide Aboriginal staff with knowledge and approaches they could use for their career journeys, and in identifying issues and some options from our Aboriginal staff that the Department could look at as ways of encouraging Aboriginal people to come and work in Justice and to thrive in Justice.

"Currently, we have close to 300 people within the Department who identify as Aboriginal or Torres Strait Islander – about 6-6.5% of the workforce – and we want more.

"We want more Indigenous people because the public service is a good employer, it offers great career options and we want the opportunities it offers to be shared with our Indigenous brothers and sisters. We want more Indigenous staff because of the knowledge, skills and experiences they can bring to help the Department to improve its services for Aboriginal people."

Around half the delegates came from outside Perth. Broome Regional Prison Officer Cameron said he enjoyed meeting Aboriginal staff from different facilities around the State.

"Coming together and talking has been very productive," Cameron said. "It's a future-focussed forum that seeks to maximise Aboriginal people's involvement in the Department." "I hope that eventually we'll be able to get rid of rigid structures – for example in recruiting – and maximise talent so we can have Aboriginal people at every level and a strong Aboriginal voice."

Family Court Officer Melisa said it was a "very vocal" conference. "The networking has been sensational and it's been interesting to meet people with different careers. It was great to be with my mob," Melisa said.

Australian Corrections Medal recipient Senior Officer Rodney Rahman, also from Broome, said the conference was an opportunity for Aboriginal staff to make steps towards collaborating with management in finding a balance between "white man's rule" and Aboriginal ways of doing things. "We know the outside and inside of issues experienced by Aboriginal prisoners – we live it," Rodney said.



## Recruitment

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 recruits and a pipeline of 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.

Bulk recruitment activities have resulted in 887 prison officers, six special operations group officers and 34 youth custodial officers being appointed across various regional and metropolitan locations from 1 July 2019 to 30 June 2020. In addition, 75 community corrections officers and 14 youth justice officers were also recruited for various locations around the State.



## Volunteers

Volunteers play an important role in supporting the delivery of justice services across Western Australia. They include approximately 2,500 Justices of the Peace.

The Office of the Public Advocate's community guardianship program also 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.

## Employee assistance program

The Department of Justice's Employee Assistance Program provider is PeopleSense.

The program provided 2,131 sessions throughout the year, with an overall usage rate of 8 percent. Twenty three percent of the sessions were provided to family members of staff.

	2019/20	2018/19	2017/18	2016/17	2015/16	2014/15
Clients	960	786	504	453	416	314

## Significant issues impacting the agency

### COVID-19 impact

The Department's operations continue to be affected by the COVID-19 pandemic.

The social impacts of the COVID-19 pandemic on the general population are resulting in increasing demand for legal services to support employment law, mortgage hardship problems, family and domestic violence, partner visa issues, and credit and debt inquiries.

An increase in the number of court listings is expected in regional and metropolitan courts in WA following the suspension of jury trials during the COVID-19 pandemic lockdown phase. This follows changes to courtroom operations to better utilise remote audio visual technology and modifications to allow adequate social distancing between those physically attending the court to participate in jury trials.

The Department will continue to monitor and support victims of crime who are impacted by the increase in time to trial due to unavoidable delays resulting from the COVID-19 pandemic.

Legal advice continues to be provided by the State Solicitor's Office and drafting services by the Parliamentary Counsel's Office in relation to the emergency measures taken by Government in response to the COVID-19 pandemic.

In addition, the State Solicitor's Office will assist the Solicitor General in representing the State in proceedings commenced by Mr Clive Palmer and Mineralogy Pty Ltd, in the High Court, against the State and the Commissioner of Police alleging the *Quarantine (Closing the Borders) Directions* impose an effective burden on the freedom of movement between the States, or alternatively impose an effective discriminatory burden on trade and commerce between States and Territories.

The Department's Corrective Service COVID-19 Taskforce continues to send teams from the Monitoring and Compliance branch to all custodial facilities in order to ensure compliance is maintained in relation to COVID-19 specific policies and procedures created to minimise the transmission and impact of the pandemic across the custodial estate.

The Department continues with the ongoing expansion of audio-visual technology across the custodial estate to enable non-contact e-visits for those in custody. The planned expansion of e-visits commenced rapidly during the COVID-19 pandemic in order to offer alternative communication solutions for both social and official visits. The Department will continue to contribute to the State Government's COVID-19 recovery plan to keep our community safe, support people who have been most affected and protect our most vulnerable.

### 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 2019/20 included the *Bail Amendment (Persons Linked to Terrorism) Act 2019*, *Criminal Code Amendment (Child Marriage) Act 2020*, *Family Violence Legislation Reform (COVID-19 Response) Act 2020*, *Guardianship and Administration Amendment (Medical Research) Act 2020*, *Prisons Amendment Act 2020*, *Fines, Penalties & Infringement Notices Enforcement Amendment Act 2020*, *Criminal Code Amendment (Covid-19 Response) Act 2020*.

### Addressing drug and alcohol misuse

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 percent by 2022 to deliver safer communities across Western Australia.

The Department continues to strengthen its efforts to break the cycle of alcohol and drug-related crime by delivering the State's first Alcohol and Other Drug rehabilitation facility for men at Casuarina Prison.

The Department continues to strengthen its new mobile and stationary Electronic Drug Trace Detection Technology throughout the custodial estate to complement existing detection assets.

## Increased demand for services

The future growth in the adult prisoner population is projected to place significant pressure on the custodial estate's existing assets and infrastructure. The Department continues to work on a significant construction program, with the completion of a new unit at Bunbury Regional Prison and two of four new planned units at Casuarina Prison. These have provided an additional 416 beds, with the remaining 256 beds also close to completion.

The Department commenced documentation for a further 344 bed expansion at Casuarina Prison with a focus on providing infrastructure to manage male prisoners with complex needs and the refurbishment of a unit at Bandyup Women's Prison as a mental health facility. Planning has also commenced for the future replacement of Broome Regional Prison, including consultation with the Traditional Owners to identify a preferred site.

The persistent increase in demand on the Office of the Public Advocate for its statutory services has continued, with increasing numbers of referrals by the State Administrative Tribunal as a result of the aging population and increasing numbers of people with intellectual disabilities or mental illness who require a guardian.

The Public Trustee has also continued to experience increasing demand for its services, as well as an increase in the number of people referred by the State Administrative Tribunal to have their financial affairs managed.

The State Solicitor's Office continues to respond to civil claims against the State of Western Australia currently being received in relation to the Government's reform to remove statutory limitation periods for historical child sexual abuse.

## Leveraging technology

The Registry of Births Deaths and Marriages is implementing changes to strengthen identification and application processes for Change of Name, maximising Western Australia's contribution to the national identity and security agenda. In addition the Registry has commenced development of an online certificate application system.

Legal Aid Western Australia is working to remove barriers to accessing justice in regional and remote areas by using video technology to set up virtual offices in areas without Legal Aid offices, and by establishing Health Justice Partnerships with major hospitals and medical services to assist in connecting clients with wraparound services.

## Reducing the over-representation of Aboriginal people in the justice system

The Department continues to work to address the over-representation of Aboriginal people in the justice system. The Department is implementing a number of initiatives with the Aboriginal Legal Service including a Youth Engagement Program, a focus on increased bail support and access to legal representation and appropriate access to parole where appropriate.

The Department's Kimberley Juvenile Justice Strategy is a targeted approach to addressing the significant over-representation of Aboriginal young people in the justice system and implementation initiatives is underway for establishment of night patrols, safe place activities, a vocational industry skills program and Aboriginal Legal Services support for young people.

Implementation of the *Fines, Penalties and Infringement Notices Enforcement Amendment Act 2020* (WA) by the Department, in partnership with Legal Aid Western Australia and the Aboriginal Legal Service will introduce a new Work and Development Permit Scheme which allows people with unpaid court fines experiencing financial hardship to undertake approved activities and reduce and clear their outstanding court fines.



## Addressing family and domestic violence

The *Family Violence Legislation Reform Act 2020* introduces two new Criminal Code offences, the introduction of a new criminal offence for non-fatal strangulation and a new criminal offence of persistent family violence. This is to recognise the risk to victims posed by the act of strangulation, particularly in the context of family violence and to recognise that physical and psychological violence against a partner often forms a pattern of offending. The reforms also include a sentencing declaration for serial family violence offenders and a new conferencing process for disputed family violence restraining orders.

The Department has commenced the family and domestic violence (FDV) GPS Tracking Trial which is a two-year trial to electronically monitor high-risk FDV offenders in the community, designed to increase the safety for victims of FDV and the community.

The implementation of the *High Risk Serious Offenders Act 2020* expands the cohort of eligible offenders from dangerous sex offenders to include serious violent offenders. This enables eligible offenders to be detained in jail, or placed on a restriction order if there is an unacceptable risk to the community and reoffending is likely. The State Solicitor's Office will assume responsibility for the consideration of applications to the Supreme Court pursuant to the *High Risk Serious Offenders Act 2020*.

Legal Aid Western Australia is working to address demand for legal representation in the protection and care jurisdiction of the Children's Court by increasing grants of aid, with an emphasis on early referrals to independently mediated Signs of Safety conferences, which promotes child safety and enable parents and the Department of Communities to resolve disputes and achieve care arrangements that are in the best interests of the children.

# 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 2020, the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, and Summary of Consolidated Account Appropriations for the year then ended, and Notes comprising a summary of significant accounting policies and other explanatory information, including 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 2020 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 entity'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.

A further description of my responsibilities for the audit of the financial statements is located on the Auditing and Assurance Standards Board website at [https://www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](https://www.auasb.gov.au/auditors_responsibilities/ar4.pdf). This description forms part of my auditor's report.

#### **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 2020.

##### **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 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 2020. The key performance indicators are the Under Treasurer-approved key effectiveness indicators and 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 2020.

**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 entity'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 2020 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 contact the entity to confirm the information contained in the website version of the financial statements and key performance indicators.



CAROLINE SPENCER  
AUDITOR GENERAL  
FOR WESTERN AUSTRALIA  
Perth, Western Australia  
/7 September 2020



## Certification of Financial Statements

*For the reporting period ended 30 June 2020*

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 2020 and the financial position as at 30 June 2020.

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.



John Deery  
Chief Finance Officer

10 September 2020



Dr Adam Tomison  
Accountable Authority

10 September 2020

# Statement of comprehensive income

For the year ended 30 June 2020

	Notes	2020 \$'000	2019 \$'000
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits expenses	2.1.1	815,647	848,392
Supplies and services	2.2	396,552	386,974
Depreciation and amortisation expense	4.1.1, 4.2, 4.3	78,245	56,486
Finance costs	6.4	37,184	34,622
Accommodation expenses	2.3	57,301	57,792
Grants and subsidies	2.4	115,521	86,038
Prisoner gratuities	2.5	12,276	11,605
Cost of sales	3.3	14,501	12,653
Loss on disposal of non-current assets	3.5	183	129
Loss on revaluation	2.6	—	47,768
Other expenditure	2.7	93,665	93,198
<b>Total cost of services</b>		<b>1,621,075</b>	<b>1,635,657</b>
<b>Revenue and Income</b>			
<i>Revenue</i>			
User charges and fees	3.2	112,921	113,109
Sales	3.3	14,976	13,344
Commonwealth grants	3.4	22,689	19,637
Other revenue	3.6	21,804	22,218
<b>Total Revenue</b>		<b>172,390</b>	<b>168,308</b>
Gain on revaluation	2.6	101,944	—
<b>Total gains</b>		<b>101,944</b>	<b>—</b>
<b>Total income other than income from State Government</b>		<b>274,334</b>	<b>168,308</b>
<b>NET COST OF SERVICES</b>		<b>1,346,741</b>	<b>1,467,349</b>
<b>Income from State Government</b>			
Service appropriation	3.1	1,391,071	1,272,944
Liabilities assumed		—	99,623
Services received free of charge		4,256	4,554
Royalties for Regions Fund		9,416	9,122
Other revenue		9,901	1,236
<b>Total income from State Government</b>		<b>1,414,644</b>	<b>1,387,479</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>		<b>67,903</b>	<b>(79,870)</b>
<b>OTHER COMPREHENSIVE INCOME</b>			
<b>Items not reclassified subsequently to profit or loss</b>			
Changes in asset revaluation surplus	8.10	7,795	—
<b>Total other comprehensive income</b>		<b>7,795</b>	<b>—</b>
<b>TOTAL COMPREHENSIVE INCOME/(LOSS) FOR THE PERIOD</b>		<b>75,698</b>	<b>(79,870)</b>

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

# Statement of financial position

As at 30 June 2020

	Notes	2020 \$'000	2019 \$'000
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and cash equivalents	6.5	25,362	38,460
Restricted cash and cash equivalents	6.5 6.6	4,736	6,800
Inventories	3.3	4,745	3,989
Receivables	5.1	19,042	19,061
Amounts receivable for services	5.2	11,625	11,625
Other current assets	5.3	3,376	3,118
Biological assets	5.4	2,414	2,047
<b>Total Current Assets</b>		<b>71,300</b>	<b>85,100</b>
<b>Non-Current Assets</b>			
Restricted cash and cash equivalents	6.5 6.6	10,200	7,820
Amounts receivable for services	5.2	517,602	457,080
Property, plant and equipment	4.1	1,955,631	2,193,383
Right-of-use assets	4.2	423,869	—
Intangible assets	4.3	7,798	9,417
<b>Total Non-Current Assets</b>		<b>2,915,100</b>	<b>2,667,700</b>
<b>TOTAL ASSETS</b>		<b>2,986,400</b>	<b>2,752,800</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	5.5	96,289	108,502
Borrowings	6.1	—	9,216
Lease liabilities	6.2	25,696	—
Employee related provisions	2.1.2	156,260	144,523
<b>Total Current Liabilities</b>		<b>278,245</b>	<b>262,241</b>
<b>Non-Current Liabilities</b>			
Borrowings	6.1	—	391,180
Lease liabilities	6.2	395,587	—
Employee related provisions	2.1.2	34,209	29,928
<b>Total Non-Current Liabilities</b>		<b>429,796</b>	<b>421,108</b>
<b>TOTAL LIABILITIES</b>		<b>708,041</b>	<b>683,349</b>
<b>NET ASSETS</b>		<b>2,278,359</b>	<b>2,069,451</b>
<b>EQUITY</b>			
Contributed equity	8.10	2,340,760	2,207,550
Reserves	4.1 (c)	7,795	—
Accumulated deficit		(70,196)	(138,099)
<b>TOTAL EQUITY</b>		<b>2,278,359</b>	<b>2,069,451</b>

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 2020

	Note	Contributed equity \$'000	Reserves \$'000	Accumulated deficit \$'000	Total equity \$'000
Balance at 1 July 2018	8.10	2,146,159	—	(64,421)	2,081,738
Changes in accounting policy or correction of prior period errors		—	—	6,192	6,192
<b>Restated balance at 1 July 2018</b>		<b>2,146,159</b>	<b>—</b>	<b>(58,229)</b>	<b>2,087,930</b>
Deficit for the period		—	—	(79,870)	(79,870)
Total comprehensive income for the period		—	—	(79,870)	(79,870)
Transactions with owners in their capacity as owners:					
Capital appropriations		48,255	—	—	48,255
Equity contribution		—	—	—	—
Other contributions by owners		13,136	—	—	13,136
Total		<b>61,391</b>	<b>—</b>	<b>—</b>	<b>61,391</b>
<b>Balance at 30 June 2019</b>		<b>2,207,550</b>	<b>—</b>	<b>(138,099)</b>	<b>2,069,451</b>

	Note	Contributed equity \$'000	Reserves \$'000	Accumulated deficit \$'000	Total equity \$'000
Balance at 1 July 2019	8.10	2,207,550	—	(138,099)	2,069,451
Surplus for the period		—	—	67,903	67,903
Other comprehensive income		—	7,795	—	7,795
Total comprehensive income for the period		—	<b>7,795</b>	<b>67,903</b>	<b>75,698</b>
Transactions with owners in their capacity as owners:					
Capital appropriations		49,491	—	—	49,491
Equity contribution		72,261	—	—	72,261
Other contributions by owners		11,458	—	—	11,458
Total		<b>133,210</b>	<b>—</b>	<b>—</b>	<b>133,210</b>
<b>Balance at 30 June 2020</b>		<b>2,340,760</b>	<b>7,795</b>	<b>(70,196)</b>	<b>2,278,359</b>

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 2020

	Note	2020 \$'000	2019 \$'000
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Service appropriation		1,328,825	1,209,210
Capital appropriations		49,491	19,039
Equity contributions		72,261	29,216
Holding account drawdown		11,625	11,047
Royalties for Regions Fund		20,874	22,258
<b>Net cash provided by State Government</b>		<b>1,483,076</b>	<b>1,290,770</b>
Utilised as follows:			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(793,181)	(741,914)
Supplies and services		(424,624)	(375,328)
Finance costs		(37,184)	(34,622)
Accommodation		(52,606)	(53,215)
Grants and Subsidies		(115,521)	(86,038)
GST payments on purchases		(68,348)	(64,496)
GST payments to taxation authority		(4,790)	(4,713)
Other payments		(89,934)	(92,877)
<b>Receipts</b>			
Sale of goods and services		2,433	2,194
User charges and fees		112,958	113,098
Commonwealth grants		17,994	15,060
GST receipts on sales		4,557	4,606
GST receipts from taxation authority		67,111	63,075
Other receipts		17,946	16,333
<b>Net cash used in operating activities</b>		<b>(1,363,189)</b>	<b>(1,238,837)</b>



	Note	2020 \$'000	2019 \$'000
<b>CASH FLOW FROM INVESTING ACTIVITIES</b>			
Payments			
Purchase of non-current physical assets		(105,536)	(74,372)
Receipts			
Proceeds from sale of non-current physical assets		13	54
Net cash used in investing activities		(105,523)	(74,318)
<b>CASH FLOW FROM FINANCING ACTIVITIES</b>			
Payments			
Principal elements of lease payments (2019 - finance lease)		(33,270)	(11,059)
Receipts			
Proceeds from borrowings		6,124	5,153
Net cash used in financing activities		(27,146)	(5,906)
Net decrease in cash and cash equivalents		(12,782)	(28,291)
Cash and cash equivalents at the beginning of the period		53,080	81,371
<b>CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD</b>	6.5	<b>40,298</b>	<b>53,080</b>

The Statement of Cash Flows should be read in conjunction with the accompanying notes.

# Summary of consolidated account appropriations

For the year ended 30 June 2020

	2020 Budget Estimate \$'000	2020 Supplementary Funding \$'000	2020 Revised Budget \$'000	2020 Actual \$'000	2020 Variance \$'000
<b><u>Delivery of Services</u></b>					
Item 61 Net amount appropriated to deliver services	1,255,602	24,105	1,279,707	1,279,707	—
<i>Children's Court of Western Australia Act 1988</i>	405	26	431	431	—
<i>Criminal Injuries Compensation Act 2003</i>	31,817	14,074	45,891	45,891	—
<i>District Court of Western Australia Act 1969</i>	13,098	367	13,465	13,465	—
<i>Judges' Salaries and Pensions Act 1950</i>	10,836	648	11,484	11,484	—
<i>Salaries and Allowances Act 1975</i>	34,153	37	34,190	34,190	—
<i>Solicitor General Act 1969</i>	594	42	636	636	—
<i>State Administrative Tribunal Act 2004</i>	5,878	(634)	5,244	5,244	—
<i>Suitor's Fund Act 1964</i>	31	(8)	23	23	—
<b>Total appropriations provided to deliver services</b>	<b>1,352,414</b>	<b>38,657</b>	<b>1,391,071</b>	<b>1,391,071</b>	<b>—</b>
<b><u>Capital</u></b>					
Item 130 Capital appropriations	59,398	(9,907)	49,491	49,491	—
Equity contribution	—	—	—	72,261	(72,261)
<b>GRAND TOTAL</b>	<b>1,411,812</b>	<b>28,750</b>	<b>1,440,562</b>	<b>1,512,823</b>	<b>(72,261)</b>

Note 9.1 'Disclosure of administered income and expenses by service' and Note 9.2 'Explanatory statement for Administered Items' provide details of any significant variations between estimates and actual results for 2020 and between the actual results for 2020 and 2019.

# 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 are 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 10 September 2020.

## 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 TIs)
- 3) Australian Accounting Standards (AASs) – Reduced Disclosure Requirements
- 4) Where appropriate, those AASs paragraphs applicable for not for profit entities have been applied.

The FMA and the TIs take precedence over AASs. Several AASs 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.

## 2. 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	2020 \$'000	2019 \$'000
Employee benefits expenses	2.1.1	815,647	848,392
Employee related provisions	2.1.2	190,469	174,451
Supplies and services	2.2	396,552	386,974
Accommodation expenses	2.3	57,301	57,792
Grants and subsidies	2.4	115,521	86,038
Prisoner gratuities	2.5	12,276	11,605
Cost of sales	3.3	14,501	12,653
(Gain)/Loss on revaluation	2.6	(101,944)	47,768
Other expenditure	2.7	93,665	93,198

#### 2.1.1 Employee benefits expenses

	2020 \$'000	2019 \$'000
Employee benefits	749,821	688,684
Termination benefits	421	199
Superannuation - defined contribution plans <sup>(a)</sup>	65,405	59,886
Judges' pension-liability assumed by the Treasurer <sup>(b)</sup>	—	99,623
<b>Total employee benefits</b>	<b>815,647</b>	<b>848,392</b>
Add: AASB 16 Non-monetary benefits	16,116	—
Less: Employee Contributions	(2,641)	—
<b>Net employee benefits</b>	<b>829,122</b>	<b>848,392</b>

<sup>(a)</sup> Defined contribution plans include West State Superannuation Scheme (WSS), Gold State Superannuation Scheme (GSS), Government Employee Superannuation Scheme (GESB) and other eligible funds.

<sup>(b)</sup> The Under Treasurer approved an exemption from reporting the Judge's unfunded pension as a liability assumed by the Treasurer for periods beginning 1 July 2019 onwards.

If restated, Cost of Services, Revenue and Net Cost of Services would have been as disclosed below. It should be noted that there is no impact on the Deficit reported in prior periods:

	2020 \$'000	2019 \$'000
Cost of Services	1,621,075	1,536,034
Total Revenue	274,334	168,308
Net Cost of Services	1,346,741	1,367,726
Total Income from State Government	1,414,644	1,287,856
Surplus / (Deficit) for the period	<b>67,903</b>	<b>(79,870)</b>

### 2.1.1 Employee benefits expenses (continued)

**Employee Benefits:** Includes wages and salaries, accrued and paid leave entitlements and paid sick leave, and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for employees.

**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 Government Employees Superannuation Board (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.

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:** Refer to note 2.1.1 (b).

**AASB 16 Non-monetary benefits:** Non-monetary employee benefits, that are employee benefits expenses, predominantly relate to the provision of Vehicle and Housing benefits are measured at the cost incurred by the Department.



## 2.1.2 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.

	2020 \$'000	2019 \$'000
<b>Current</b>		
<u>Employee benefits provisions</u>		
Annual leave <sup>(a)</sup>	52,623	47,135
Long service leave <sup>(b)</sup>	85,247	80,431
Superannuation	11,494	10,578
	<b>149,364</b>	<b>138,144</b>
<u>Other provisions</u>		
Employment on-costs <sup>(c)</sup>	6,896	6,379
	<b>6,896</b>	<b>6,379</b>
<b>Total current employee-related provision</b>	<b>156,260</b>	<b>144,523</b>
<b>Non-current</b>		
<u>Employee benefits provision</u>		
Long service leave <sup>(b)</sup>	29,752	26,033
Superannuation	2,969	2,593
	<b>32,721</b>	<b>28,626</b>
<u>Other provisions</u>		
Employment on-costs <sup>(c)</sup>	1,488	1,302
	<b>1,488</b>	<b>1,302</b>
<b>Total non-current employee related provision</b>	<b>34,209</b>	<b>29,928</b>
<b>Total employee related provision</b>	<b>190,469</b>	<b>174,451</b>

<sup>(a)</sup> **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. 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.

<sup>(b)</sup> **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.

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.

## 2.1.2 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 2.7 'Other expenditure', (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'.

	2020 \$'000	2019 \$'000
<b>Employment on-cost provision</b>		
Carrying amount at start of period	7,681	7,315
Additional provisions recognised	703	366
<b>Carrying amount at end of period</b>	<b>8,384</b>	<b>7,681</b>

### 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.

## 2.2 Supplies and services

	2020 \$'000	2019 \$'000
<b>Supplies and services</b>		
Communication	7,539	9,984
Electricity, gas and water	19,312	19,000
Municipal rates and charges	4,513	4,649
Goods and services purchased	49,461	41,245
Livestock purchases	5,308	5,454
Plant, equipment and vehicle operating expenses <sup>(a)</sup>	280	4,961
Computer services and licences	37,980	30,540
Private prison service & maintenance	96,335	97,751
Court security and custodial service	64,994	64,799
Service purchased from Not-For-Profits	34,400	33,272
Other services and contracts	76,430	75,319
<b>Total supplies and services expenses</b>	<b>396,552</b>	<b>386,974</b>

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.

<sup>(a)</sup> Decrease in the Plant, equipment and vehicle expenses is the result of implementation of the AASB 16 – Right-of-use assets. Please see Note 4.2 'Right-of-use assets'.

## 2.3 Accommodation expenses

	2020 \$'000	2019 \$'000
<b>Accommodation expenses</b>		
Rental <sup>(a)</sup>	57,301	57,792
<b>Total Accommodation expenses</b>	<b>57,301</b>	<b>57,792</b>

<sup>(a)</sup> Rental expenses include:

- i) Short-term leases with a lease term of 12 months or less;
- ii) Low-value leases with an underlying value of \$5,000 or less;
- iii) Variable lease payments, recognised in the period in which the event or condition that triggers those payments occurs; and
- iv) Government Office Accommodation under a Memorandum of Understanding (MOU) Agreement with the Department of Finance for the leasing of office accommodation.

Included within the rental costs are variable lease payments and low value leases of up to \$5,000. Refer to note 4.2 'Right of use assets' for short-term and low value leases expense.

## 2.4 Grants and subsidies

	2020 \$'000	2019 \$'000
<b>Recurrent</b>		
Legal Aid Assistance Grant	53,581	48,566
Criminal Injuries Compensation Payments <sup>(a)</sup>	43,814	31,569
National Redress Scheme <sup>(b)</sup>	8,354	—
Accused Costs Payments <sup>(c)</sup>	4,636	4,267
Ex-Gratia Payments	—	4
Act of Grace Payments <sup>(d)</sup>	1,217	—
Other grants and subsidies	3,919	1,632
<b>Total grants and subsidies</b>	<b>115,521</b>	<b>86,038</b>

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.

<sup>(a)</sup> 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.

<sup>(b)</sup> The National Redress Scheme is in response to the Royal Commission into Institutional Responses to Child Sexual Abuse. See note 3.1(d) 'Income from State Government'.

<sup>(c)</sup> Accused Costs Payments represent payments of costs ordered under the *Official Prosecutions (Accused's Costs) Act 1973*.

<sup>(d)</sup> The Department from time to time processes act of grace payments on behalf of Government. Five Act of grace payments were made that totalled \$1,217,000.

## 2.5 Prisoner gratuities

	2020 \$'000	2019 \$'000
Payment to prisoners	12,276	11,605
<b>Total payment to prisoners</b>	<b>12,276</b>	<b>11,605</b>

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.

## 2.6 (Gain)/Loss on revaluation

	2020 \$'000	2019 \$'000
Buildings	(101,213)	44,234
Land	(731)	3,534
<b>Total (gain)/loss on revaluation</b>	<b>(101,944)</b>	<b>47,768</b>

Please see note 4.1(c) 'Property, plant and equipment' for current year gain on revaluation.

## 2.7 Other expenditure

	2020 \$'000	2019 \$'000
Building repairs and maintenance	28,712	26,702
Plant, equipment and vehicle repairs and maintenance	3,897	3,939
Vehicle hire, fuel, registration and management fees	2,640	2,798
Insurance	33,276	24,176
Staff clothing and uniforms	1,920	1,443
Staff training	1,178	1,225
Staff accommodation	4,821	15,587
Travel and accommodation	7,537	8,210
Miscellaneous staff costs	723	770
Jurors' expense	1,442	1,905
Freight and couriers	2,906	2,586
Expected credit losses expense	154	18
Employee on-costs	703	366
Other expenses	3,756	3,473
<b>Total Other expenditure</b>	<b>93,665</b>	<b>93,198</b>

### 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.

### Staff accommodation

Decrease in the Staff accommodation expenses is the result of implementation of the AASB16 – Right-of-Use assets. Please see Note 4.2 'Right-of-use assets'.

### Expected credit losses expense

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 5.1 'Receivables'.

### Employee on-costs

Employee on-costs include 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 2.1.2(c) 'Employee related provisions'. Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.

### Other expenses

Other operating expenses generally represent the day-to-day running costs incurred in normal operations.



### 3. 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	2020 \$'000	2019 \$'000
Income from State Government	3.1	1,414,644	1,387,479
User charges and fees	3.2	112,921	113,109
Sale of Goods	3.3	14,976	13,344
Commonwealth grants	3.4	22,689	19,637
Loss on disposal of non-current assets	3.5	(183)	(129)
Other revenue	3.6	21,804	22,218

#### 3.1 Income from State Government

	2020 \$'000	2019 \$'000
Appropriation received during the period:		
Service appropriation <sup>(a)</sup>	1,391,071	1,272,944
	<b>1,391,071</b>	<b>1,272,944</b>
Liabilities assumed by the Treasurer during the period:		
Judges' pensions <sup>(b)</sup>	—	99,623
<b>Total liabilities assumed</b>	<b>—</b>	<b>99,623</b>
Services received free of charge from other state government agencies during the period:		
Western Australian Land Information Authority (Landgate)	335	367
Department of Finance	2,368	2,236
Department of Education	1	2
North Metropolitan Health Services	1,552	1,949
<b>Total services received</b>	<b>4,256</b>	<b>4,554</b>
Royalties for Regions Fund:		
Regional infrastructure and headworks account <sup>(c)</sup>	9,416	9,122
<b>Total Royalties for Regions Fund</b>	<b>9,416</b>	<b>9,122</b>
Other revenue:		
National Redress Scheme <sup>(d)</sup>	9,901	1,236
<b>Total Other revenue</b>	<b>9,901</b>	<b>1,236</b>
<b>Total Income from State Government</b>	<b>1,414,644</b>	<b>1,387,479</b>

### 3.1 Income from State Government (continued)

(a) **Service Appropriations** are recognised as income at the fair value of consideration received 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 in 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. Appropriation revenue comprises the following:

- Cash component; and
- A receivable (asset).

(b) Department of Justice is exempt to report the movement in the Judges Pension Scheme liability. Please see note 2.1.1(b) 'Employee benefit expenses'.

(c) **The Regional Infrastructure and Headworks Account** are sub-funds 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 income when the Department receives the funds. The Department has assessed Royalties for Regions agreements and concludes that they are not within the scope of AASB 15 as they do not meet the 'sufficiently specific' criterion.

(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.

The application of AASB 15 and AASB 1058 from 1 July 2019 has had no impact on the treatment of income from State Government. The recurrent funds are committed to projects and programs in WA regional areas.

### 3.2 User charges and fees

	2020 \$'000	2019 \$'000
Court fees <sup>(a)</sup>	78,280	79,210
Public Trustee fees <sup>(b)</sup>	21,604	19,900
Births, deaths and marriages fees	7,291	7,501
Legal services – State Solicitor's Office	5,543	6,162
Licences	71	109
Miscellaneous fees and charges	132	227
<b>Total user charges and fees</b>	<b>112,921</b>	<b>113,109</b>

Until 30 June 2019, revenue was recognised and measured at the fair value of consideration received or receivable.

From 1 July 2019, revenue is recognised at the transaction price when the Department transfers control of the services to customers. Revenue is recognised for the major activities as follows:

- (a) Revenue is recognised at a point-in-time. The majority of the Department Court fees comprise of; Civil fees \$33,740,220 and Fines Enforcement fees \$44,540,453. The performance obligations for these fees and charges are satisfied when the application is submitted to court or when the fine is paid.
- (b) The Public Trustee offers substantial trust services. The revenue is recognised at a point in time for Public Trustee fees when the revenue has been earned and can be reliably measured. The Department typically satisfies its performance obligations in relation to trust services when the services have been provided and debited to the clients' account at the end of each month.

#### 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.

### 3.3 Sale of Goods

	2020 \$'000	2019 \$'000
Sale of goods	14,976	13,344
Cost of Sales:		
Opening Inventory	(1,181)	(943)
Purchases	(14,670)	(12,891)
	(15,851)	(13,834)
<b>Closing Inventory</b>	<b>1,350</b>	<b>1,181</b>
Cost of Goods Sold	(14,501)	(12,653)
	<b>475</b>	<b>691</b>

Closing Inventory comprises:

#### Current Inventories

Finished goods

Held for trading	1,350	1,181
Held for consumption	3,395	2,808
<b>Total current inventories</b>	<b>4,745</b>	<b>3,989</b>
<b>Total Inventories</b>	<b>4,745</b>	<b>3,989</b>

#### Sales of goods

Up to 30 June 2019, revenue was recognised from the sale of goods when the significant risks and rewards of ownership transfer to the purchaser and can be measured reliably.

From 1 July 2019, revenue is recognised at the transaction price when the Department transfers control of the goods to customers.

#### 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.

### 3.4 Commonwealth grants

	2020 \$'000	2019 \$'000
<b>Recurrent</b>		
Commonwealth grant for Family Court	14,502	14,304
Commonwealth grant for Family Court (non-cash contribution)	4,695	4,577
Commonwealth grant for Christmas and Cocos Island	337	273
Other Commonwealth grants	3,155	483
<b>Total Commonwealth grants</b>	<b>22,689</b>	<b>19,637</b>

#### Until 30 June 2019

Income from Commonwealth grants is recognised at fair value when the grant is receivable.

#### From 1 July 2019

Recurrent grants are recognised as income when the grants are receivable.

#### Christmas and Cocos Island Acquittal (cash basis)

	2020 \$'000	2019 \$'000
<b>Opening Balance at start of period</b>	<b>118</b>	<b>88</b>
<b>Receipts</b>		
Commonwealth reimbursements	252	273
<b>Total receipts</b>	<b>252</b>	<b>273</b>
<b>Payments</b>		
Operating costs	284	243
<b>Total payments</b>	<b>284</b>	<b>243</b>
<b>Closing balance at end of period</b>	<b>86</b>	<b>118</b>

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.

### 3.5 Gain / (Loss) on disposal

	2020 \$'000	2019 \$'000
<u>Net proceeds from disposal of non-current assets</u>		
Plant, equipment and motor vehicles	13	54
<u>Carrying amount of non-current assets disposed</u>		
Plant, equipment and motor vehicles	(196)	(183)
<b>Total other income</b>	<b>(183)</b>	<b>(129)</b>

**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 the surplus or (deficit) in the Statement of comprehensive Income (from the proceeds of sale).

### 3.6 Other revenue

	2020 \$'000	2019 \$'000
Public Trustee - common fund surplus	3,559	3,300
Recoup of costs - Building Disputes Tribunal	1,902	1,391
Residential tenancies reimbursements	1,869	1,950
Criminal injuries payment recoveries	1,667	1,625
Recoup of salaries	194	603
Recoup of prisoner telephone expenditure	2,747	3,729
Sale of goods and services	2,432	2,194
Insurance claim for damage caused by Greenough incident	1,225	–
ACT Law Courts & Tribunal ICMS Project	1,088	1,599
Recoup legal costs	963	1,812
Net asset transferred from Melaleuca handover	650	–
Recoup law library costs	600	600
Recoup mental health costs	50	449
Other miscellaneous revenue	2,858	2,966
<b>Total Other revenue</b>	<b>21,804</b>	<b>22,218</b>

**Recoup of costs – Building Disputes Tribunal revenue** is in relation to the funding received for the provision of the tribunal services for complaints referred under section 11 of the *Building Services (Complaint Resolution and Administration) Act 2011*. The building disputes are referrals to the State Administrative Tribunal from the Building Commission. Invoices are issued quarterly to the Department of Mines, Industry Regulation and Safety.

**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.



## 4. 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	2020 \$'000	2019 \$'000
Property, plant and equipment	4.1	1,955,631	2,193,383
Right-of-use assets	4.2	423,869	-
Intangibles	4.3	7,798	9,417
<b>Total key assets</b>		<b>2,387,298</b>	<b>2,202,800</b>

### 4.1 Property, plant and equipment

Year ended 30 June 2020	Land \$'000	Buildings \$'000	Leased buildings \$'000	Leased vehicles \$'000	Leasehold improve- ments \$'000	Plant, equipment and vehicles \$'000	Work in Progress \$'000	Total \$'000
<b>At 30 June 2019</b>								
Open net book amount	164,976	1,504,128	397,443	68	23,541	44,811	58,416	2,193,383
Adjustment for change in accounting policy – AASB 16 (a)	–	–	(397,443)	(68)	–	–	–	(397,511)
<b>Restated opening net book amount</b>	<b>164,976</b>	<b>1,504,128</b>	<b>–</b>	<b>–</b>	<b>23,541</b>	<b>44,811</b>	<b>58,416</b>	<b>1,795,872</b>
<b>1 July 2019</b>								
Gross carrying amount	164,976	1,504,128	–	–	60,279	99,631	58,416	1,840,175
Accumulated depreciation	–	–	–	–	(36,738)	(54,820)	–	(91,558)
<b>Carrying amount at start of period</b>	<b>164,976</b>	<b>1,504,128</b>	<b>–</b>	<b>–</b>	<b>23,541</b>	<b>44,811</b>	<b>58,416</b>	<b>1,795,872</b>
Additions	–	443	–	–	681	3,683	93,718	98,525
Transfers (b)	–	93,860	–	–	1,315	5,527	(100,702)	–
Other disposals	–	–	–	–	(56)	(655)	–	(711)
Revaluation increment (c)	730	109,007	–	–	–	–	–	109,737
Depreciation	–	(32,734)	–	–	(6,509)	(8,549)	–	(47,792)
<b>Carrying amount at 30 June 2020</b>	<b>165,706</b>	<b>1,674,704</b>	<b>–</b>	<b>–</b>	<b>18,972</b>	<b>44,817</b>	<b>51,432</b>	<b>1,955,631</b>
Gross carrying amount	165,706	1,674,704	–	–	60,877	99,729	51,432	2,052,448
Accumulated depreciation	–	–	–	–	(41,905)	(54,909)	–	(96,814)

(a) The application of AASB 16 has resulted in the reclassification of finance leased assets to right-of-use assets.

(b) 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.

(c) Total revaluation increment during the 2019-20 was \$109,737,939 of which \$101,943,343 was recognised in profit or loss to the extent that it reverses a previous revaluation decrement of the same asset class previously recognised in profit or loss.

The remaining \$7,794,596 was recognised in the revaluation reserves (2019: \$Nil).

## 4.1 Property, plant and equipment (continued)

### 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.

### 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 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 2019 by the Western Australian Land Information Authority (Valuations and Property Analytics). The valuations were performed during the year ended 30 June 2020 and recognised at 30 June 2020. In undertaking the revaluation, fair value was determined by reference to market values for land: \$165,706,050 (2019: \$164,975,550) and buildings: \$1,674,704,651 (2019: \$1,504,127,667). 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.

### 4.1.1 Depreciation and impairment

	2020 \$'000	2019 \$'000
<u>Depreciation</u>		
Buildings	32,734	32,502
Plant equipment and motor vehicles	8,549	7,402
Leased buildings	—	8,484
Leased vehicles	—	279
Leasehold improvements	6,509	4,399
<b>Total depreciation charge for the period</b>	<b>47,792</b>	<b>53,066</b>

As at 30 June 2020 there were no indications of impairment to property, plant and equipment.

All surplus assets at 30 June 2020 have either been classified as assets held for sale or have been written-off.

#### 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 <sup>(a)</sup>	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

<sup>(a)</sup> *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.

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.

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.

### 4.1.1 Depreciation and impairment (continued)

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.

## 4.2 Right-of-use assets

	2020 \$'000	2019 \$'000
<b>Right-of-use assets</b>		
Buildings	400,748	—
Employee housing	10,042	—
Plant and equipment	4,909	—
Vehicles	8,170	—
<b>Net carrying amount at 30 June 2020</b>	<b>423,869</b>	<b>—</b>

Additions to Right-of-Use (ROU) assets during the 2020 financial year were \$50,281,000.

### Initial recognition

ROU assets are measured at cost including the following:

- the amount of the initial measurement of lease liability
- any lease payments made at or before the commencement date less any lease incentives received
- any initial direct costs, and
- restoration costs, including dismantling and removing the underlying asset

This includes all leased assets other than investment property ROU assets, which are measured in accordance with AASB 140 'Investment Property'.

The Department has elected not to recognise ROU assets and lease liabilities for short-term leases (with a lease term of 12 months or less) and low value leases (with an underlying value of \$5,000 or less). Lease payments associated with these leases are expensed over a straight-line basis over the lease term.

### Subsequent measurement

The cost model is applied for subsequent measurement of ROU assets, requiring the asset to be carried at cost less any accumulated depreciation and accumulated impairment losses and adjusted for any re-measurement of lease liability.

#### Depreciation and impairment of right-of-use assets

Right of use assets are depreciated on a straight-line basis over the shorter of the lease term and the estimated useful lives of the underlying assets.

If ownership of the leased asset transfers to the Department at the end of the lease term or the cost reflects the exercise of a purchase option, depreciation is calculated using the estimated useful life of the asset.

Right of use assets are tested for impairment when an indication of impairment is identified. The policy in connection with testing for impairment is outlined in note 4.1.1 'Depreciation and impairment'.

The following amounts relating to leases have been recognised in the Statement of comprehensive income:

## 4.2 Right-of-use assets (continued)

	2020 \$'000	2019 \$'000
Buildings	11,080	—
Employee housing	11,054	—
Plant and equipment	996	—
Vehicles	4,669	—
<b>Total right-of-use depreciation</b>	<b>27,799</b>	<b>—</b>
Lease interest expense	37,184	
Short-term leases	11	
Low-value leases	251	

The total cash outflow for leases in 2019-20 was \$65,291,761.

*The Department's leasing activities and how these are accounted for:*

The Department has leases for plant and equipment, vehicles, office and residential accommodations.

The Department has also entered into a Memorandum of Understanding Agreements (MOU) with the Department of Finance for the leasing of office accommodation. These are not recognised under AASB 16 because of substitution rights held by the Department of Finance and are accounted for as an expense as incurred.

Up to 30 June 2019, the Department classified leases as either finance leases or operating leases. From 1 July 2019 the Department recognises leases as right-of-use assets and associated lease liabilities in the Statement of Financial Position. The corresponding lease liabilities in relation to these right-of-use assets have been disclosed in note 6.2 'Lease Liabilities'.

## 4.3 Intangible assets

	Intangible assets \$'000	Work in progress \$'000	Total \$'000
<b>Year ended 30 June 2018</b>			
<b>1 July 2019</b>			
Gross carrying amount	82,343	3,627	85,970
Accumulated amortisation	(76,553)	—	(76,553)
<b>Carrying amount at start of period</b>	<b>5,790</b>	<b>3,627</b>	<b>9,417</b>
Additions	—	1,143	1,143
Transfers	4,538	(4,538)	—
Expensed work in progress	—	(108)	(108)
Amortisation expense	(2,654)	—	(2,654)
<b>Carrying amount at 30 June 2020</b>	<b>7,674</b>	<b>124</b>	<b>7,798</b>



## 4.3 Intangible assets (continued)

### Initial recognition

Acquisitions of intangible assets costing \$5,000 or more and internally generated intangible assets costing \$5,000 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; and
- (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.

#### 4.3.1 Amortisation and impairment

	2020 \$'000	2019 \$'000
<b>Charge for the period</b>		
Computer software	2,654	3,420
<b>Total amortisation for the period</b>	<b>2,654</b>	<b>3,420</b>

As at 30 June 2020 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 <sup>(a)</sup>	5 years
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<sup>(a)</sup> 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 4.1.1 'Depreciation and impairment'.

## 5. 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	2020 \$'000	2019 \$'000
Receivables	5.1	19,042	19,061
Amounts receivable for services (Holding Account)	5.2	529,227	468,705
Other current assets	5.3	3,376	3,118
Inventories	3.3	4,745	3,989
Biological assets	5.4	2,414	2,047
Payables	5.5	96,289	108,502

### 5.1 Receivables

	2020 \$'000	2019 \$'000
<u>Current</u>		
Trade receivables	4,289	6,992
Allowance for impairment of trade receivables	(30)	(29)
GST receivable	11,581	10,258
Other receivables	2,670	1,035
Accrued revenue	532	805
<b>Total current</b>	<b>19,042</b>	<b>19,061</b>

#### 5.1.1 Movements in the allowance for impairment of receivables:

	2020 \$'000	2019 \$'000
<b>Reconciliation of changes in the allowance for impairment of trade receivables:</b>		
Balance at start of period	29	165
Remeasured under AASB 9	—	(102)
Restated balance at start of period	29	63
Expected credit losses expense	154	18
Amounts written off during the period	(158)	(52)
Impairment losses reversed during the period	5	—
<b>Balance at end of period</b>	<b>30</b>	<b>29</b>

Trade receivables are recognised at original invoice amount less allowances for uncollectible amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

## 5.2 Amounts receivable for services (Holding Account)

	2020 \$'000	2019 \$'000
Current	11,625	11,625
Non-current	517,602	457,080
<b>Balance at end of period</b>	<b>529,227</b>	<b>468,705</b>

**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).

## 5.3 Other current assets

	2020 \$'000	2019 \$'000
Prepayments	3,376	3,118
<b>Total other current assets</b>	<b>3,376</b>	<b>3,118</b>

Other non-financial assets consist of 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.

## 5.4 Biological assets

	2020 \$'000	2019 \$'000
Biological assets	2,414	2,047
<b>Total current</b>	<b>2,414</b>	<b>2,047</b>

Reconciliation of the fair value of biological assets at the beginning and end of the reporting period are set out below.

	2020 \$'000	2019 \$'000
<u>Biological assets</u>		
Carrying amount at start of period	2,047	1,963
Change in valuation of livestock, orchards and plantations	367	84
<b>Carrying amount at end of period</b>	<b>2,414</b>	<b>2,047</b>

### 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.

## 5.4 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.

## 5.5 Payables

	2020 \$'000	2019 \$'000
<b>Current</b>		
Trade payables	24,255	56,939
Gratuities	1,613	1,288
Accrued salaries	9,992	2,836
Accrued expenses	60,429	47,439
<b>Total current</b>	<b>96,289</b>	<b>108,502</b>

**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 accrued salaries suspense account (see Note 6.6 'Restricted cash and cash equivalents') consists of amounts paid annually into a Treasury suspense account to meet the additional cash outflow of employee salary payments in reporting periods 27 pays occur instead of the normal 26. No interest is received on this account.

## 6. Financing

This section sets out the material balances and disclosures associated with the financing and cash flows of the Department:

	Notes
Borrowings	6.1
Lease liabilities	6.2
Assets pledged as security	6.3
Finance costs	6.4
Cash and cash equivalents	6.5
Restricted cash and cash equivalents	6.6
Commitments	6.7

### 6.1 Borrowings

	2020 \$'000	2019 \$'000
<u>Current</u>		
Finance lease liabilities <sup>(a)</sup>	—	9,216
<b>Total current</b>	<b>—</b>	<b>9,216</b>
<u>Non-current</u>		
Finance lease liabilities <sup>(a)</sup>	—	391,180
<b>Total non-current</b>	<b>—</b>	<b>391,180</b>
<b>Balance at end of period</b>	<b>—</b>	<b>400,396</b>

<sup>(a)</sup> Lease liabilities are effectively secured as the rights to the leased assets revert to the lessor in the event of default.

### 6.2 Lease liabilities

	2020 \$'000	2019 \$'000
Current	25,696	—
Non-current	395,587	—
<b>Total lease liabilities</b>	<b>421,283</b>	<b>—</b>



## 6.2 Lease liabilities (continued)

The Department measures a lease liability, at the commencement date, at the present value of the lease payments that are not paid at that date. The lease payments are discounted using the interest rate implicit in the lease. If that rate cannot be readily determined, the Department uses the incremental borrowing rate provided by Western Australia Treasury Corporation.

Lease payments included by the Department as part of the present value calculation of lease liability include:

- Fixed payments (including in-substance fixed payments), less any lease incentives receivable;
- Variable lease payments that depend on an index or a rate initially measured using the index or rate as at the commencement date;
- Amounts expected to be payable by the lessee under residual value guarantees;
- The exercise price of purchase options (where these are reasonably certain to be exercised);
- Payments for penalties for terminating a lease, where the lease term reflects the Department exercising an option to terminate the lease.

The interest on the lease liability is recognised in profit or loss over the lease term so as to produce a constant periodic rate of interest on the remaining balance of the liability for each period. Lease liabilities do not include any future changes in variable lease payments (that depend on an index or rate) until they take effect, in which case the lease liability is reassessed and adjusted against the right-of-use asset.

Periods covered by extension or termination options are only included in the lease term by the Department if the lease is reasonably certain to be extended (or not terminated). Variable lease payments, not included in the measurement of lease liability, that are dependent on sales are recognised by the Department in profit or loss in the period in which the condition that triggers those payments occurs.

This section should be read in conjunction with note 4.2 'Right-of-use assets'.

### Subsequent Measurement

Lease liabilities are measured by increasing the carrying amount to reflect interest on the lease liabilities; reducing the carrying amount to reflect the lease payments made; and remeasuring the carrying amount at amortised cost, subject to adjustments to reflect any reassessment or lease modifications.

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 leased assets have a contingent rental obligation; however these are not material when compared to the total lease payments made.

### 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.

### Fremantle Justice Complex

In March 2001, the Department entered into a 25 year lease agreement for the procurement of the Fremantle Justice Centre. Under this arrangement, ownership of the facility will transfer to the Department at the conclusion of the lease term.

### Eastern Goldfields Regional Prison Facility

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 lease liability over time. The other components of the QSP are expensed as they are incurred.

The Department has accounted for these arrangements as leases as the economic substance of the arrangements are one of a lease. The leased asset/liabilities have been recognised at the present value of the lease payments.

### 6.3 Assets pledged as security

	2020 \$'000	2019 \$'000
<b>Assets pledged as security</b>		
The carrying amounts of non-current assets pledged as security are:		
Right-of-use assets	399,470	397,443
	<b>399,470</b>	<b>397,443</b>

The Department has secured the right-of-use assets against the related lease liabilities. In the event of default, the rights to the leased assets will revert to the lessor.

### 6.4 Finance costs

	2020 \$'000	2019 \$'000
Lease interest expense	37,184	34,622
<b>Finance costs expensed</b>	<b>37,184</b>	<b>34,622</b>

'Finance costs' includes the interest component of lease liability repayments.

### 6.5 Cash and cash equivalents

#### Reconciliation of cash

	2020 \$'000	2019 \$'000
Cash and cash equivalents	25,362	38,460
	<b>25,362</b>	<b>38,460</b>
Restricted cash and cash equivalents		
Unclaimed monies	2,931	3,545
Royalties for regions	1,805	2,648
National Redress Scheme	—	607
Accrued salaries suspense account <sup>(a)</sup>	10,200	7,820
<b>Total Restricted cash and cash equivalents</b>	<b>14,936</b>	<b>14,620</b>
<b>Balance at the end of period</b>	<b>40,298</b>	<b>53,080</b>

<sup>(a)</sup> 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 equivalents (and restricted cash and cash equivalents) 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.

## 6.6 Restricted cash and cash equivalents

	2020 \$'000	2019 \$'000
<b>Current</b>		
Unclaimed Monies <sup>(a)</sup>	2,931	3,545
Royalties for Regions Fund <sup>(b)</sup>	1,805	2,648
National Redress Scheme <sup>(c)</sup>	—	607
	<b>4,736</b>	<b>6,800</b>
<b>Non-current</b>		
Restricted cash and cash equivalents <sup>(d)</sup>	10,200	7,820
	<b>10,200</b>	<b>7,820</b>

<sup>(a)</sup> Represents stale and unpresented cheques; rejected EFT payments and monies held in suspense as the owners cannot be found.

<sup>(b)</sup> Refer note 3.1(d) 'Income from State Government'.

<sup>(c)</sup> National Redress Scheme is outlined in note 3.1(d) 'Income from State Government'.

<sup>(d)</sup> Funds held in the suspense account for the purpose of meeting the 27th pay in the financial year that occurs every 11th year.

## 6.7 Commitments

### Capital commitments

Capital expenditure commitments, being contracted capital expenditure additional to the amounts reported in the financial statements, are payable as follows:

	2020 \$'000	2019 \$'000
Within 1 year	14,959	87,036
Later than 1 year and not later than 5 years	130	10,230
Later than 5 years	—	49,355
	<b>15,089</b>	<b>146,621</b>

The totals presented for capital commitments are all inclusive of GST.

## 7. Financial instruments and contingencies

	Notes
Financial instruments	7.1
Contingent assets and liabilities	7.2

### 7.1 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:

	2020 \$'000	2019 \$'000
<b>Financial assets</b>		
Cash and cash equivalents	25,362	38,460
Restricted cash and cash equivalents	14,936	14,620
Financial assets at amortised cost <sup>(a)</sup>	536,688	477,508
<b>Total financial assets</b>	<b>576,986</b>	<b>530,588</b>
<b>Financial liabilities</b>		
Financial liabilities at amortised cost	517,572	508,898
<b>Total financial liabilities</b>	<b>517,572</b>	<b>508,898</b>

<sup>(a)</sup> The amount of Financial assets at amortised cost excludes GST recoverable from the Australian Taxation Office (statutory receivable).

### 7.2 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.

#### 7.2.1 Contingent assets

The following contingent assets are excluded from the assets included in the financial statements:

	2020 \$'000	2019 \$'000
Recovery of court costs	—	536
Claims against the general public and offenders by the Department of Justice	100	76
	<b>100</b>	<b>612</b>

#### 7.2.2 Contingent liabilities

The following contingent liabilities are excluded from the liabilities included in the financial statements:

	2020 \$'000	2019 \$'000
<b>Litigation in progress</b>		
Claims against the Department of Justice by the general public and offenders	200	933
Criminal injuries compensation court appeals	375	1,680
	575	2,613

### 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 2020 is 5,911 (2019: 4,213). 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 is 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 to have the land vested appropriately with the Department. The remediation of the old tip site was undertaken, a subsequent inspection and site assessment was undertaken by Environmental Site Services (ESS), arranged by the Department, identified visible fragments of bonded asbestos containing material (ACM). The ACM was subsequently removed from the surface, site access controls instigated and a site management plan was put in place. An annual inspection is incorporated for emergent ACM.
- Dam Tip Site – ACM has been identified and remediated. A site management plan (SMP) is being developed and the ESS is carrying out a site assessment. No visual ACM has been identified across the surface while asbestos in the form of a bonded ACM pipe was identified within the concrete burial area. Measured concentrations in soil are below the applicable human health risk criteria. Site access controls are in place while an SMP is being developed.
- Old Oval Site – ACM identified and remediated. The ESS has conducted an assessment and minor quantities of bonded ACM fragments have been identified and removed. The site is now asbestos free.
- Water Tank Track – The ESS identified bonded ACM fragments. Upon further investigation, the track is outside of the Department leased area. The ACM has been introduced by use of contaminated pea gravel used to maintain the track (a track used and maintained by either Forest Products Commission (FPC) or DBCA). The Department is not responsible for the rectification works.

#### Riverbank Detention Centre

The site was identified as a potential contaminated site in 2003. There have been two investigations undertaken, one in 2006 and 2010. The 2010 tests undertaken by Property Fire Maintenance were tested by the ChemCentre. SGC Australia indicated no contamination was detected. The only known confirmed contamination is ACM within the vinyl adhesive inside a former visits area as a result of the old vinyl being removed.

#### Acacia Prison Wastewater

Reported as a possibly contaminated site. This has yet to be classified. The Department will assess the likely outcome of the classification.

#### Albany Regional Prison

Reported as a possibly contaminated site. This has yet to be classified. The Department will assess the likely outcome of the classification.



## 8. Other disclosures

This section includes additional material disclosures required by accounting standards or other pronouncements, for the understanding of these financial statements.

	Notes
Events occurring after the end of the reporting period	8.1
Initial application of Australian Accounting Standards	8.2
Key management personnel	8.3
Related party transactions	8.4
Related bodies	8.5
Affiliated bodies	8.6
Special purpose accounts	8.7
Remuneration of auditors	8.8
Resources provided free of charge	8.9
Equity	8.10
Supplementary financial information	8.11
Explanatory statement (controlled operations)	8.12

### 8.1 Events occurring after the end of the reporting period

There were no events occurring after the end of the reporting period.

### 8.2 Initial application of Australian Accounting Standards

#### (a) AASB 15 Revenue from contracts with Customers and AASB 1058 Income of Not-for-Profit Entities

AASB 15 *Revenue from Contracts with Customers* replaces AASB 118 Revenue and AASB 111 Construction Contracts for annual reporting periods on or after 1 January 2019. Under the new model, an entity shall recognise revenue when

(or as) the entity satisfies a performance obligation by transferring a promised good or service to a customer and is based upon the transfer of control rather than transfer of risks and rewards.

AASB 15 focuses on providing sufficient information to the users of financial statements about the nature, amount, timing and uncertainty of revenue and cash flows arising from the contracts with customers. Revenue is recognised by applying the following five steps:

- Identifying contracts with customers
- Identifying separate performance obligations
- Determining the transaction price of the contract
- Allocating the transaction price to each of the performance obligations
- Recognising revenue when or as each performance obligation is satisfied.

Revenue is recognised either over time or at a point in time. Any distinct goods or services are separately identified and any discounts or rebates in the contract price are allocated to the separate elements.

In addition, income other than from contracts with customers are subject to AASB 1058 Income of *Not-for-Profit Entities*. Income recognition under AASB 1058 depends on whether such a transaction gives rise to liabilities or a contribution by owners related to an asset (such as cash or another asset) recognised by the Department.

The Department adopts the modified retrospective approach on transition to AASB 15 and AASB 1058. No comparative information is restated under this approach, and the Department recognises the cumulative effect of initially applying the Standards as an adjustment to the opening balance of accumulated surplus/(deficit) at the date of initial application (1 July 2019).

## 8.2 Initial application of Australian Accounting Standards (continued)

Under this transition method, the Department elects not to apply the Standards retrospectively to non-completed contracts at the date of initial application.

Refer to Note 3.1, 3.2 and 3.3 for the revenue and income accounting policies adopted from 1 July 2019.

The effect of adopting AASB 15 and AASB 1058 are as follows:

	30 June 2020 \$'000	Adjustments \$'000	30 June 2020 under AASB 118 and 1004 \$'000
User charges and fees	112,921	—	112,921
Sale of Goods	14,976	—	14,976
Commonwealth grants	22,689	—	22,689
Net Result	150,586	—	150,586

### (b) AASB 16 Leases

AASB 16 Leases supersedes AASB 117 Leases and related Interpretations. AASB 16 primarily affects lessee accounting and provides a comprehensive model for the identification of lease arrangements and their treatment in the financial statements of both lessees and lessors.

The Department has applied AASB 16 Leases from 1 July 2019 using the modified retrospective approach. As permitted under the specific transition provisions, comparatives are not restated. The cumulative effect of initially applying this Standard is recognised as an adjustment to the opening balance of accumulated surplus/ (deficit).

The main changes introduced by this Standard include the identification of leases within a contract and a new lease accounting model for lessees that require lessees to recognise all leases (operating and finance leases) on the Statement of Financial Position as right-of-use assets and lease liabilities, except for short term leases (lease terms of 12 months or less at commencement date) and low-value assets (where the underlying asset is valued less than \$5,000). The operating lease and finance lease distinction for lessees no longer exists.

Under AASB 16, the Department takes into consideration all operating leases that were off balance sheet under AASB 117 and recognises:

- (a) right of use assets and lease liabilities in the Statement of Financial Position, initially measured at the present value of future lease payments, discounted using the incremental borrowing rate (2.5%) on 1 July 2019;
- (b) depreciation of right-of-use assets and interest on lease liabilities in the Statement of Comprehensive Income; and
- (c) the total amount of cash paid as principal amount, which is presented in the cash flows from financing activities, and interest paid, which is presented in the cash flows from operating activities, in the Statement of Cash Flows.

In relation to leased vehicles that were previously classified as finance leases, their carrying amount before transition is used as the carrying amount of the right-of-use assets and the lease liabilities as of 1 July 2019.

The Department measures concessionary leases that are of low value terms and conditions at cost at inception. There is no financial impact as the Department is not in possession of any concessionary leases at the date of transition.

The right-of-use assets are assessed for impairment at the date of transition. The Department has not identified any impairment to its right-of-use assets.

On transition, the Department has elected to apply the following practical expedients in the assessment of their leases that were previously classified as operating leases under AASB 117:

- (a) A single discount rate has been applied to a portfolio of leases with reasonably similar characteristics;
- (b) The Department has relied on its assessment of whether existing leases were onerous in applying AASB 137 *Provisions, Contingent Liabilities and Contingent Assets* immediately before the date of initial application as an alternative to performing an impairment review. The Department has adjusted the Right of use asset at 1 July 2019 by the amount of any provisions included for onerous leases recognised in the Statement of financial position at 30 June 2019;

## 8.2 Initial application of Australian Accounting Standards (continued)

- (c) Where the lease term at initial application ended within 12 months, the Department has accounted for these as short-term leases;
- (d) Initial direct costs have been excluded from the measurement of the Right of use asset;
- (e) Hindsight has been used to determine if the contracts contained options to extend or terminate the lease.

The Department has not reassessed whether existing contracts are, or contained a lease at 1 July 2019. The requirements of paragraphs 9-11 of AASB 16 are applied to contracts that came into existence post 1 July 2019.

### a. Measurement of lease liabilities

	\$'000
Operating lease commitments disclosed as at 30 June 2019 (excl. GST)	605,112
(Less): GOA lease not recognised as liability in AASB 16	(579,419)
	25,693
Discounted using incremental borrowing rate at date of initial application <sup>(1)</sup>	23,424
Finance lease liabilities recognised as at 30 June 2019	400,396
(Less): Short-term leases not recognised as liability	(381)
(Less): Low-value leases not recognised as liability	(32)
<b>Lease liability recognised at 1 July 2019</b>	<b>423,407</b>
Current lease liabilities	21,951
Non-current lease liabilities	401,456

<sup>1</sup> The WATC incremental borrowing rate was used for the purposes of calculating the lease transition opening balance.

### 8.3 Key management personnel

The Department has determined key management personnel to include cabinet ministers and senior officers. 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:

	2020	2019
<b>Compensation band (\$)</b>		
620,001 – 630,000	–	2
570,001 – 580,000	1	1
530,001 – 540,000	1	–
480,001 – 490,000	1	–
440,001 – 450,000	–	1
360,001 – 370,000	1	–
330,001 – 340,000	–	1
310,001 – 320,000	–	1
280,001 – 290,000	1	–
270,001 – 280,000	1	–
250,001 – 260,000	1	–
240,001 – 250,000	–	1
230,001 – 240,000	1	–
220,001 – 230,000	1	–
210,001 – 220,000	1	1
200,001 – 210,000	–	1
160,001 – 170,000	1	–
120,001 – 130,000	–	1
100,001 – 110,000	–	1
70,001 - 80,000	–	1
50,001 - 60,000	1	–
	<b>2020</b>	<b>2019</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Total compensation of senior officers</b>	<b>3,663</b>	<b>3,894</b>

Total compensation includes the superannuation expense incurred by the Department in respect of senior officers.

## 8.4 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.

### 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.

## 8.5 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.

## 8.6 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 bodies 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 an affiliated body under the *Financial Management Act 2006*:

	2020 \$'000	2019 \$'000
The Legal Aid Commission of Western Australia (Note 2.4)	53,581	48,566
The Legal Costs Committee	53	52
The Law Reform Commission of Western Australia	172	179

## 8.7 Special purpose accounts

During the reporting period the Department maintained the following special purpose accounts:

Account name	2019-2020			Closing Balance \$'000
	Opening Balance \$'000	Receipts \$'000	Payments \$'000	
1 Courts Trust Account	22,037	34,417	(46,110)	10,344
2 Sheriff's and District Court Bailiff's Trust Account	147	589	(571)	165
3 Prisoners Private Cash Trust Account	270	37,563	(37,438)	395
4 Juveniles' Private Cash Trust Account	2	43	(44)	1

Account name	2018-2019			Closing Balance \$'000
	Opening Balance \$'000	Receipts \$'000	Payments \$'000	
1 Courts Trust Account	11,964	44,180	(34,107)	22,037
2 Sheriff's and District Court Bailiff's Trust Account	148	422	(423)	147
3 Prisoners Private Cash Trust Account	231	9,291	(9,252)	270
4 Juveniles' Private Cash Trust Account	24	15	(37)	2

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 monies paid into the Supreme, District, Family, Children's and Magistrates Courts in civil and criminal actions, as ordered by those Courts; to hold monies 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*

## 8.8 Remuneration of auditors

Remuneration paid or payable to the Auditor General in respect of the audit for the current financial year is as follows:

	2020 \$'000	2019 \$'000
Auditing the accounts, financial statements, controls and key performance indicators	402	436



## 8.9 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:

	2020 \$'000	2019 \$'000
Provision of State Solicitor services:		
Department of Communities	3,933	2,565
Western Australia Police Force	2,518	2,001
Department of Mines, Industry Regulation and Safety	2,516	1,895
Department of Premier and Cabinet	2,200	3,221
Department of Planning, Lands and Heritage	2,183	2,556
Department of Health	2,045	2,040
Main Roads	1,801	1,394
Department of Water and Environmental Regulation	1,795	1,177
Department of Primary Industries and Regional Development	1,540	1,584
Department of Education	1,471	1,144
Native Title Unit	1,449	1,753
Department of Jobs, Tourism, Science and Innovation	1,172	1,013
Department of Treasury	1,009	1,099
State Revenue	1,001	1,081
Department of Transport	813	500
Department of Biodiversity, Conservation and Attractions	919	778
Public Transport Authority	639	480
Department of Local Government, Sport and Cultural Industries	518	347
Department of Finance	384	1,791
Insurance Commission of Western Australia	240	294
Western Australian Land Information Authority	166	333
Department of Agriculture and food	149	123
WA Country Health Service	145	222
Building Management and Works	116	181
Other	2,561	399
Provision of Corporate Services:		
Office of the Director of Public Prosecutions	627	889
Law Reform Commission	172	179
Parliamentary Inspector of the Corruption and Crime Commission	128	135
Commissioner for Children and Young People	89	99
Professional Standards Council	54	52
Legal Costs Committee	53	52
	<b>34,406</b>	<b>31,377</b>

## 8.10 Equity

	2020 \$'000	2019 \$'000
<b><u>Contributed equity</u></b>		
Balance at start of period	2,207,550	2,146,159
<i>Contributions by owners</i>		
Capital appropriation	49,491	48,255
Equity contribution	72,261	–
<i>Other contributions by owners</i>		
Royalties for Regions Fund – Regional Infrastructure and Headworks Account	11,458	13,136
<b>Total contributions by owners</b>	<b>133,210</b>	<b>61,391</b>
<b><u>Asset revaluation surplus</u></b>		
Balance at start of period	–	–
<i>Net revaluation increment</i>		
Buildings	7,795	–
<b>Balance at end of period</b>	<b>7,795</b>	<b>–</b>
<b><u>Accumulated deficit</u></b>		
Balance at start of period	(138,099)	(64,421)
Changes in accounting policy or correction of prior period errors	–	102
Recognition of property, plant and equipment not previously recognised	–	6,090
Result for the period	67,903	(79,870)
<b>Balance at end of period</b>	<b>(70,196)</b>	<b>(138,099)</b>
<b>Total Equity at end of period</b>	<b>2,278,359</b>	<b>2,069,451</b>

## 8.11 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:

	2020 \$'000	2019 \$'000
The Accountable Authority	203	78
	<b>203</b>	<b>78</b>
<b>Administered (Fines Enforcement Registry-FER)</b>		
The Accountable Authority	15,267	18,084
The Minister	—	150
The Governor	—	250
	<b>15,267</b>	<b>18,484</b>
<b>Administered (Criminal Injuries Compensation Act)</b>		
The Accountable Authority	186	587
	<b>186</b>	<b>587</b>
<b>(b) Losses through theft, defaults and other causes</b>		
Losses of public money and public and other property through theft or default	—	—
Amounts recovered	—	—
	<b>—</b>	<b>—</b>

### (c) Gifts of public property

Thirty three (33) gifts are recorded as having been given, comprising items of pens, notepads and cheeseboards. The gifts given by the Department do not have a standard commercial value, noting that they have been made as part of prison industry initiatives.

## 8.12 Explanatory statement (Controlled operations)

All variances between estimates (original budget) and actual results for 2020 are shown below. Narratives are provided for selected major variances, which are generally greater than:

- 10% and \$ 1 million for the Statements of Comprehensive Income and Cash Flows; and
- 10% and \$ 1 million for the Statement of Financial Position.

## 8.12 Explanatory statement (Controlled operations) (continued)

## Statement of Comprehensive Income Variances

	Variance note	Estimate 2020 \$'000	Actual 2020 \$'000	Actual 2019 \$'000	Variance between estimate and actual \$'000	Variance between actual results for 2020 and 2019 \$'000
<b>Expenses</b>						
Employee benefits expenses		798,504	815,647	848,392	17,143	(32,745)
Supplies and services		371,759	396,552	386,974	24,793	9,578
Depreciation and amortisation expense	1 A	115,437	78,245	56,486	(37,192)	21,759
Finance costs	2	69,066	37,184	34,622	(31,882)	2,562
Accommodation expenses	3	14,452	57,301	57,792	42,849	(491)
Grants and subsidies	4 B	159,018	115,521	86,038	(43,497)	29,483
Prisoner gratuities		13,101	12,276	11,605	(825)	671
Cost of sales	5 C	12,795	14,501	12,653	1,706	1,848
Loss on disposal on non-current asset		—	183	129	183	54
Loss on revaluation	6 D	—	—	47,768	—	(47,768)
Other expenses	7	84,134	93,665	93,198	9,531	467
<b>Total cost of services</b>		<b>1,638,266</b>	<b>1,621,075</b>	<b>1,635,657</b>	<b>(17,191)</b>	<b>(14,582)</b>
<b>Revenue and Income</b>						
<b>Revenue</b>						
User charges and fees	8	123,063	112,921	113,109	(10,142)	(188)
Sales	9 E	12,564	14,976	13,344	2,412	1,632
Commonwealth grants	10 F	19,524	22,689	19,637	3,165	3,052
Other revenue	11	19,994	21,804	22,218	1,810	(414)
<b>Total Revenue</b>		<b>175,145</b>	<b>172,390</b>	<b>168,308</b>	<b>(2,755)</b>	<b>4,082</b>
<b>Gains</b>						
Gain on revaluation	12 G	—	101,944	—	101,944	101,944
<b>Total Gains</b>		<b>—</b>	<b>101,944</b>	<b>—</b>	<b>101,944</b>	<b>101,944</b>
<b>Total income other than income from State Government</b>		<b>175,145</b>	<b>274,334</b>	<b>168,308</b>	<b>99,189</b>	<b>106,026</b>
<b>NET COST OF SERVICES</b>		<b>1,463,121</b>	<b>1,346,741</b>	<b>1,467,349</b>	<b>(116,380)</b>	<b>(120,608)</b>
<b>Income from State Government</b>						
Service appropriation		1,352,414	1,391,071	1,272,944	38,657	118,127
Liabilities assumed	13 H	16,450	—	99,623	(16,450)	(99,623)
Services received free of charge		3,825	4,256	4,554	431	(298)
Royalties for Regions Fund		9,541	9,416	9,122	(125)	294
Other revenue	14 I	81,337	9,901	1,236	(71,436)	8,665
<b>Total income from State Government</b>		<b>1,463,567</b>	<b>1,414,644</b>	<b>1,387,479</b>	<b>(48,923)</b>	<b>27,165</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>		<b>446</b>	<b>67,903</b>	<b>(79,870)</b>	<b>67,457</b>	<b>147,773</b>
<b>Total other comprehensive income</b>		<b>—</b>	<b>7,795</b>	<b>—</b>	<b>7,795</b>	<b>7,795</b>
<b>TOTAL COMPREHENSIVE INCOME/(LOSS) FOR THE PERIOD</b>		<b>446</b>	<b>75,698</b>	<b>(79,870)</b>	<b>75,252</b>	<b>155,568</b>

## 8.12 Explanatory statement (Controlled operations) (continued)

## Statement of Financial Position Variances

	Variance note	Estimate 2020 \$'000	Actual 2020 \$'000	Actual 2019 \$'000	Variance between estimate and actual \$'000	Variance between actual results for 2020 and 2019 \$'000
<b>ASSETS</b>						
<u>Current Assets</u>						
Cash and cash equivalents	15 J	72,543	25,362	38,460	(47,181)	(13,098)
Restricted cash and cash equivalents	16 K	2,790	4,736	6,800	1,946	(2,064)
Inventories	5	3,138	4,745	3,989	1,607	756
Receivables	17	16,284	19,042	19,061	2,758	(19)
Amounts receivable for services		11,625	11,625	11,625	—	—
Other current assets	18 L	4,944	3,376	3,118	(1,568)	258
Biological assets		1,963	2,414	2,047	451	367
<b>Total Current Assets</b>		<b>113,287</b>	<b>71,300</b>	<b>85,100</b>	<b>(41,987)</b>	<b>(13,800)</b>
<u>Non-Current Assets</u>						
Restricted cash and cash equivalents	19 K	5,992	10,200	7,820	4,208	2,380
Amounts receivable for services	20 M	561,054	517,602	457,080	(43,452)	60,522
Property, plant and equipment	21 N	2,290,736	1,955,631	2,193,383	(335,105)	(237,752)
Right-of-use assets	22	693,181	423,869	—	(269,312)	423,869
Intangible assets	0	6,870	7,798	9,417	928	(1,619)
<b>Total Non-Current Assets</b>		<b>3,557,833</b>	<b>2,915,100</b>	<b>2,667,700</b>	<b>(642,733)</b>	<b>247,400</b>
<b>TOTAL ASSETS</b>		<b>3,671,120</b>	<b>2,986,400</b>	<b>2,752,800</b>	<b>(684,720)</b>	<b>233,600</b>
<b>LIABILITIES</b>						
<u>Current Liabilities</u>						
Payables		103,440	96,289	108,502	(7,151)	(12,213)
Borrowings	P	—	—	9,216	—	(9,216)
Lease liabilities	P	27,249	25,696	—	(1,553)	25,696
Employee related provisions		144,244	156,260	144,523	12,016	11,737
<b>Total Current Liabilities</b>		<b>274,933</b>	<b>278,245</b>	<b>262,241</b>	<b>3,312</b>	<b>16,004</b>
<u>Non-Current Liabilities</u>						
Borrowings	P	—	—	391,180	—	(391,180)
Lease liabilities	22 P	1,070,716	395,587	—	(675,129)	395,587
Employee related provisions	23 Q	27,922	34,209	29,928	6,287	4,281
<b>Total Non-Current Liabilities</b>		<b>1,098,638</b>	<b>429,796</b>	<b>421,108</b>	<b>(668,842)</b>	<b>8,688</b>
<b>TOTAL LIABILITIES</b>		<b>1,373,571</b>	<b>708,041</b>	<b>683,349</b>	<b>(665,530)</b>	<b>24,692</b>
<b>NET ASSETS</b>		<b>2,297,549</b>	<b>2,278,359</b>	<b>2,069,451</b>	<b>(19,190)</b>	<b>208,908</b>
<b>EQUITY</b>						
Contributed equity		2,360,543	2,340,760	2,207,550	(19,783)	133,210
Reserves			7,795	—	7,795	7,795
Accumulated deficit		(62,994)	(70,196)	(138,099)	(7,202)	67,903
<b>TOTAL EQUITY</b>		<b>2,297,549</b>	<b>2,278,359</b>	<b>2,069,451</b>	<b>(19,190)</b>	<b>208,908</b>

## 8.12 Explanatory statement (Controlled operations) (continued)

## Statement of Cash Flows Variances

	Variance note	Estimate 2020 \$'000	Actual 2020 \$'000	Actual 2019 \$'000	Variance between estimate and actual \$'000	Variance between actual results for 2020 and 2019 \$'000
<b>CASH FLOWS FROM STATE GOVERNMENT</b>						
Service appropriation	R	1,318,152	1,328,825	1,209,210	10,673	119,615
Capital appropriation	24 S	59,398	49,491	19,039	(9,907)	30,452
Equity contribution	25 T	65,030	72,261	29,216	7,231	43,045
Holding account drawdown		11,625	11,625	11,047	–	578
Royalties for Regions Fund		20,799	20,874	22,258	75	(1,384)
<b>Net cash provided by State Government</b>		<b>1,475,004</b>	<b>1,483,076</b>	<b>1,290,770</b>	<b>8,072</b>	<b>192,306</b>
Utilised as follows:						
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>						
<u>Payments</u>						
Employees benefits		(744,135)	(793,181)	(741,914)	(49,046)	(51,267)
Grants and subsidies	26	(161,740)	(115,521)	(86,038)	46,219	(29,483)
Supplies and services	27 U	(354,681)	(424,624)	(375,328)	(69,943)	(49,296)
Accommodation		(53,653)	(52,606)	(53,215)	1,047	609
Finance costs	28	(67,325)	(37,184)	(34,622)	30,141	(2,562)
GST payments on purchases	29	(56,800)	(68,348)	(64,496)	(11,548)	(3,852)
GST payments to taxation authority	29	(4,500)	(4,790)	(4,713)	(290)	(77)
Other payments		(97,659)	(89,934)	(92,877)	7,725	2,943
<u>Receipts</u>						
Sales of goods and services		2,500	2,433	2,194	(67)	239
User charges and fees	30	123,852	112,958	113,098	(10,894)	(140)
Commonwealth grants	31	15,426	17,994	15,060	2,568	2,934
GST receipts on sales	29	4,500	4,557	4,606	57	(49)
GST receipts from taxation authority	29	56,800	67,111	63,075	10,311	4,036
Other receipts	32	15,646	17,946	16,333	2,300	1,613
<b>Net cash used in operating activities</b>		<b>(1,321,769)</b>	<b>(1,363,189)</b>	<b>(1,238,837)</b>	<b>(41,420)</b>	<b>(124,352)</b>
<b>CASH FLOW FROM INVESTING ACTIVITIES</b>						
<u>Payments</u>						
Purchase of non-current physical assets	T	(110,266)	(105,536)	(74,372)	4,730	(31,164)
<u>Receipts</u>						
Proceeds from sale of non-current physical assets		–	13	54	13	(41)
<b>Net cash used in investing activities</b>		<b>(110,266)</b>	<b>(105,523)</b>	<b>(74,318)</b>	<b>4,743</b>	<b>(31,205)</b>
<b>CASH FLOW FROM FINANCING ACTIVITIES</b>						
<u>Payments</u>						
Principal elements of lease payments	33 V	(40,750)	(33,270)	(11,059)	7,480	(22,211)
<u>Receipts</u>						
Proceeds from borrowings	34	–	6,124	5,153	6,124	971
<b>Net cash used in financing activities</b>		<b>(40,750)</b>	<b>(27,146)</b>	<b>(5,906)</b>	<b>13,604</b>	<b>(21,240)</b>
Net increase in cash and cash equivalents		2,219	(12,782)	(28,291)	(15,001)	15,509
Cash and cash equivalents at the beginning of the period		79,106	53,080	81,371	(26,026)	(28,291)
<b>CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD</b>		<b>81,325</b>	<b>40,298</b>	<b>53,080</b>	<b>(41,027)</b>	<b>(12,782)</b>



## 8.12 Explanatory statement (Controlled operations) (continued)

### Major Variance Narratives

#### Variances between estimate and actual for 2020

1. Depreciation and amortisation expense were \$37.2 million lower than the estimate mainly due to a change in the accounting treatment for Government Office Accommodation (GOA) lease rentals. GOA lease rentals have been exempted from adoption of Australian accounting standard AASB 16 *Leases*.
2. Finance Costs were \$31.9 million lower than the estimate, mostly due to a change in the accounting treatment for GOA lease rentals. GOA leases have been exempted from adoption of Australian accounting standard AASB 16 *Leases*.
3. Accommodation expenses were \$42.8 million higher than the estimate, largely due to a change in the accounting treatment for GOA leases. GOA lease rentals have been exempted from adoption of Australian accounting standard AASB 16 *Leases*. The budget estimate excludes accommodation expenses.
4. Grants and subsidies were \$43.5 million lower than the estimate, primarily due to lower than anticipated payments of Grants for the National Redress Scheme for Survivors of Institutional Child Sexual Abuse. This was partially offset by higher payments to Legal Aid Assistance, Criminal Injuries Compensation payments and Accused cost payments.
5. Cost of sales comprises mainly of canteen purchases. The increase of \$1.7 million is associated with higher sales to offenders.
6. The Department's budget estimates do not disclose changes in the valuation of land and buildings. The loss on revaluation of land and buildings during 2018-19 has been disclosed in the Statement of Comprehensive Income as an expense as there was no revaluation reserve.
7. Other expenses were \$9.5 million higher than the estimate, mainly due to a change in the accounting treatment for GROH housing lease rentals. GROH housing lease rentals held with government for under a year have been exempted from adoption of Australian accounting standard AASB 16 *Leases*. Furthermore the Department incurred higher than estimate expenses associated with building maintenance costs in addition to COVID-19 expenditure.
8. User Charges and fees were \$10.1 million lower than the estimate. This is largely due to lower than expected fees from Fines and Enforcement collections (Sherriff's Office), lower civil court fees and a decrease in demand for certified copies and commemorative certificates of Births, Deaths and Marriages.
9. Refer to point 5 above.
10. The increase of \$3.1 million of Commonwealth Grants is mainly attribute to additional funds provided by the Commonwealth for the National Legal Assistance Partnership agreement which provides increased funding for Legal Aid Assistance.
11. Other Revenue was \$1.8 million higher than the estimate, mainly due to the insurance recoups for property damage (Greenough Prison) and higher than estimated residential tenancy recoups.
12. Please see explanation of loss on revaluation of land and buildings (see comments under 6 above).
13. Effective 1 July 2019, the notional Judges Pension liability assumed by the Treasurer is no longer recognised in the financial statements of the Department. An exemption has been granted by the Treasurer.
14. Other Revenue is \$71.4 million lower than the estimate due to lower than expected grants for the National Redress Scheme for Survivors of Institutional Child Sexual Abuse.
15. Cash and cash equivalents were \$47.2 million lower than the estimate, largely due to cumulative deficits carried from previous years in addition to higher operating costs and increases in prepayments.
16. Restricted cash and cash equivalents were \$1.9 million higher than the estimate, primarily due to unclaimed monies and Royalties for Regions unspent funds in excess of estimates. Non-current portion represents the 27th pay.
17. Receivables was \$2.8 million higher than the estimate, mainly due to delays in collection of outstanding recoups from other Government agencies.
18. Other current assets was \$1.6 million lower than the estimate mostly due to the year-end prepayment adjustments.
19. The increase of \$4.2 million in the Restricted cash and cash equivalents (non-current) is mainly due to increase in the contribution to the 27th pay account.

## 8.12 Explanatory statement (Controlled operations) (continued)

### Major Variance Narratives

20. The decrease of \$43.4 million in Amounts receivable for services is mainly attributable to the exclusion of Government Office Accommodation (GOA) from the implementation of AASB 16 Right of use assets.
21. The reduction of \$335.1 million in Property, plant and equipment is mainly due to revaluation gains resulting from the annual revaluation exercise, offset by transfer of leased buildings to Right of use assets to comply with AASB 16. Revaluation gains are not included in the estimate for property, plant and equipment.
22. The main reason for the reduction of \$269.3 million in Right of use assets and \$675.1 million in non-current Lease liabilities is due to the exclusion of Government Office Accommodation (GOA) from implementing AASB 16 *Leases*.
23. The main reason for the increase of \$6.3 million in Employee related provision is largely attributable to the adjustments made according to the assessment of leave liability actuary report prepared by PricewaterhouseCoopers in accordance with AASB 119 *Employee Benefits*.
24. Capital appropriations fund capital projects contained in the Asset Investment Program and the repayment of leases under Accounting Standard AASB 16 *Leases*. The lower than budget appropriation is mainly due to the exclusion of GOA leases.
25. The higher than estimate for Equity contribution of \$7.2 million represent the approval of capital reflows during 2019/20 for projects in the Asset Investment Program.
26. Grants and subsidies were lower by \$46.2 million than the estimate mainly due to lower than anticipated payments of Grants for the National Redress Scheme for Survivors of Institutional Child Sexual Abuse, partially offset by higher payments to Legal Aid Assistance, Criminal Injuries compensation payments and Accused cost payments.
27. Payments for Supplies and services were higher than the estimate by \$70 million mainly due to a reduction in trade payables and an increase in prepayments.
28. Finance costs were lower than the estimate by \$30.1 million mainly due to a change in the accounting treatment for GOA lease rentals.
29. Actual GST payments on purchases for 2019/20 were higher than the estimate mainly due to increased payment to Supplies and services. Further, receipts from the Australian Taxation Office is also not reflected in the Department budget estimates.
30. User Charges and fees were \$10.9 million lower than the estimate. This is mainly due to lower than expected fees from Fines and Enforcement collections (Sheriff's Office) and civil court fees, offset with a decrease in demand for certified copies and commemorative certificates of Births, Deaths and Marriages.
31. The increase of \$2.6 million in Commonwealth grants revenue is mainly due to additional funds provided by the Commonwealth for the National Legal Assistance Partnership agreement which provides increased funding for Legal Aid Assistance.
32. Other receipts were higher than the estimate by \$2.3 million mainly due to insurance and residential tenancy recoups.
33. Lease payments were lower by \$7.5 million than the estimate mainly due to a change in the accounting treatment for GOA lease rentals.
34. The Department's budget estimates do not disclose changes to this line item for leases.

## 8.12 Explanatory statement (Controlled operations) (continued)

### Variances between actual results for 2020 and 2019

- A. Depreciation and amortisation expense increased by \$21.8 million, largely due to the implementation of Australian accounting standard AASB 16 *Leases*. AASB 16 required capitalisation of non-cancellable operating lease commitments in relation to GROH and vehicle fleet.
- B. Grants and subsidies increased by \$29.5 million, largely due to increased payment of Legal Aid Assistance, Criminal Injuries Compensation and Grants for the National Redress Scheme for Survivors of Institutional Child Sexual Abuse.
- C. Cost of sales comprises mainly of canteen purchases. The increase of \$1.8 million is associated with higher sales to offenders. Corresponding increase is reflected in sales, in comparison to that of previous year.
- D. The loss on revaluation of \$47.8 million in relation to land and buildings represents the revaluation decrement from the revaluation exercise conducted by Landgate.
- E. Refer to note C above.
- F. Commonwealth Grants increased by \$3.1 million mainly due to additional funds provided by the Commonwealth for the National Legal Assistance Partnership agreement which provides increased funding for Legal Aid Assistance.
- G. The Department realised a revaluation gain of \$101.9 million which reverses the prior year's revaluation decrement.
- H. Effective 1 July 2019, the notional Judges Pension liability assumed by the Treasurer is no longer recognised in the financial statements of the Department of Justice. An exemption has been granted by the Treasurer.
- I. Other revenue was \$8.7 million higher due to an increase in Grants for the National Redress Scheme for Survivors of Institutional Child Sexual Abuse.
- J. The Cash and cash equivalents reduced by \$13.1 million mainly due to higher operating costs.
- K. Restricted cash and cash equivalents were \$2.1 million lower mostly due to reductions in unclaimed moneys and Royalties for Regions unspent funds. The non-current portion represents the 27th pay.
- L. The increase of \$0.26 million in Other current assets is mainly due to an increase in prepayments.
- M. The increase of \$60.5 million in Amounts receivable for services is mainly due to non-cash appropriations to offset higher depreciation and amortisation costs as a result of the implementation of AASB 16 – Right of use assets.
- N. The decrease of \$237.8 million in Property, plant and equipment is mainly due to revaluation gains as a result of the annual revaluation exercise, offset by transfer of leased buildings to Right of use assets to comply with AASB 16.
- O. The main reason for the reduction in Intangible assets of \$1.6 million is due to the disposal of obsolete software.
- P. The Current Borrowings reduced by \$9.2 million, Current Lease liabilities increased by \$25.7 million, Non-current Borrowings decreased by \$391.2 million and Non-current Lease liabilities increased by 395.6 million due to reclassification of previous finance leased buildings to Right of use assets to comply with AASB 16.
- Q. The primary reason for the increase of \$4.3 million in Employee related provisions is attributable to the adjustments required as per the Assessment of leave liability actuary report prepared by PricewaterhouseCoopers in accordance with AASB 119 *Employee Benefits*.
- R. The increase of \$119.6 million in Service appropriation represents the extra funding for additional Grants and cost and demand pressures.
- S. The increase of \$30.5 million in Capital appropriation mainly represents the additional funding required for the repayment of leases under AASB 16 *Leases*.
- T. The increase of \$43 million in Equity contribution is mainly due to additional equity contributions for the completion of the Casuarina Prison expansion project and the Bunbury Regional Prison expansion during 2019/20. These investments are reflected in the payments for non-current physical assets.
- U. Payments to Supplies and services were higher by \$49.2 million largely due to an increase in cost and demand pressures.
- V. Principal elements of lease payments increased by \$22.2 million primarily due to the implementation of Australian Accounting Standard AASB 16 *Leases*.

## 9. 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	9.1
Explanatory statement for Administered Items	9.2
Administered assets and liabilities	9.3

### 9.1 Disclosure of administered income and expenses by service

	2020 \$'000	2019 \$'000
<b>INCOME FROM ADMINISTERED ITEMS</b>		
<u>Income</u>		
Judicial fines and penalties	30,714	31,098
Infringement penalties	11,367	11,546
Revenue for transfer – other Government agencies	18,054	18,618
Criminal property confiscations	15,423	10,706
Law Library Fund	600	600
Land acquisition	161,827	111,473
Other	1,359	1,096
<b>Total administered Income</b>	<b>239,344</b>	<b>185,137</b>
<u>Expenses</u>		
Payments to the Consolidated Account	42,046	42,738
Criminal property confiscations - grants	1,743	1,498
Criminal property confiscations - supplies and services	8,756	8,228
Law Library Fund payments	600	600
Payment to Road Trauma Trust Account	18,034	18,618
Land acquisition payments	157,632	119,904
Allowance for impairment of receivables – FER	20,745	2,303
Other	703	645
<b>Total administered expenses</b>	<b>250,259</b>	<b>194,534</b>

## 9.2 Explanatory statements for administered items

All variances between estimates (original budget) and actual results for 2020, and between the actual results for 2020 and 2019 are shown below. Narratives are provided for key major variances, which are generally greater than 10% and \$ 1 million.

	Variance note	Estimate 2020 \$'000	Actual 2020 \$'000	Actual 2019 \$'000	Variance between estimate and actual \$'000	Variance between actual results for 2020 and 2019 \$'000
<b>INCOME FROM ADMINISTERED ITEMS</b>						
<u>Income</u>						
Judicial fines and penalties		33,646	30,714	31,098	(2,932)	(384)
Infringement penalties	1	9,551	11,367	11,546	1,816	(179)
Copyright income received on behalf of the State	7	—	—	—	(7)	—
Revenue for transfer - other Government agencies	2	21,010	18,054	18,618	(2,956)	(564)
Criminal property confiscations	3, A	11,000	15,423	10,706	4,423	4,717
Law Library Fund		600	600	600	—	—
Land acquisition	4, B	—	161,827	111,473	161,827	50,354
Other		650	1,359	1,096	709	263
<b>Total administered Income</b>		<b>76,464</b>	<b>239,344</b>	<b>185,137</b>	<b>162,880</b>	<b>54,207</b>
<u>Expenses</u>						
Payments to the Consolidated Account		43,554	42,046	42,738	(1,508)	(692)
Criminal property confiscations - grants		2,000	1,743	1,498	(257)	245
Criminal property confiscations - supplies and services		9,000	8,756	8,228	(244)	528
Law Library Fund payments		600	600	600	—	—
Payment to Road Trauma Trust Account	5	21,010	18,034	18,618	(2,976)	(584)
Land acquisition payments	6, C	—	157,632	119,904	157,632	37,728
Allowance for impairment of receivables - Fines Enforcement Registry	7, D	—	20,745	2,303	20,745	18,442
Other		300	703	645	403	58
<b>Total administered expenses</b>		<b>76,464</b>	<b>250,259</b>	<b>194,534</b>	<b>173,795</b>	<b>55,725</b>

## 9.2 Explanatory statements for administered items (continued)

### Major Variance Narratives (Administered Items)

#### Variances between estimate and actual for 2020

- 1) The increase in Infringement penalties of \$1.8 million or 19% compared to estimates was mainly attributed to higher traffic infringement fines issued by Police officers and collected on behalf of the Department of Transport than compared to what was budgeted.
- 2) Speed and Red Light Infringement Revenue is collected on behalf of the Road Safety Commission. Collection of revenue was \$3 million (14%) lower than estimates, partially due to a fall in infringement registrations of multi-nova infringements.
- 3) Criminal property confiscations were \$4.4 million or 40% higher than estimates. This is due to more criminal monies confiscated by the WA Police and the Office of the Director of Public Prosecutions during the period and an increase in the value of assets seized. This included securing a number of unique high value confiscations.
- 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) See variance explanation in note 2.
- 6) See variance explanation in note 4.
- 7) 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 2020 and 2019

- A) Criminal property confiscations were \$4.7 million (44%) 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 and an increase in the value of assets seized. This included securing a number of unique high value confiscations.
- B) Land acquisition account increased by \$50 million (45%) which is used to hold monies on behalf of Government departments and authorities pending finalisation of property acquisitions and disposals.
- C) Land Acquisition payments increased by \$38 million (31%). The Land Acquisition account is used to hold monies on behalf of Government departments and authorities pending finalisation of property acquisitions and disposals.
- D) The allowance for impairment of receivables – FER increased by \$18.4 million due to the Department's assessment of the collectability of the debts.



## 9.3 Administered assets and liabilities

	2020 \$'000	2019 \$'000
<b>Assets</b>		
<b>Cash and cash equivalents</b>		
Departmental receipts in suspense	1,074	360
<b>Restricted cash and cash equivalents</b>		
Suitors fund	511	501
Law Library	2	2
Land Acquisitions	8,230	4,034
Confiscation Proceeds Account	28,616	23,696
<b>Receivables</b>		
Fines Enforcement Registry	202,327	199,932
Less: Allowance for impairment of receivables	(72,194)	(49,055)
<b>Total administered current assets</b>	<b>168,566</b>	<b>179,470</b>
<b>Total administered assets</b>	<b>168,566</b>	<b>179,470</b>
<b>Liabilities</b>		
Amounts due to the Treasurer (Appeals Cost Board)	2,500	2,500
<b>Total administered current liabilities</b>	<b>2,500</b>	<b>2,500</b>
<b>Total administered liabilities</b>	<b>2,500</b>	<b>2,500</b>

**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.

	2020 \$'000	2019 \$'000
Balance at start of the period	501	479
Receipts	29	46
Payments	(19)	(24)
<b>Balance at the end of the period</b>	<b>511</b>	<b>501</b>

### 9.3 Administered assets and liabilities (continued)

Expenditure advance approved by the State Treasurer to provide a temporary advance for funding of the Act. The funds advanced by the State Treasurer are subject to reimbursement.

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 2020; and
- Magistrates Courts criminal fines which are outstanding in each Court and have not been referred to the FER as at 30 June 2020.

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 a 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.

## Key Performance Indicators

### Certification of Key Performance Indicators for the Year Ended 30 June 2020

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 2020.



Dr Adam Tomison  
Director General  
Department of Justice  
10 September 2020

# 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 4. National Redress Scheme for Institutional Child Sexual Abuse
	3. Western Australian birth, death and marriage certificates are accurate and accessible	5. Births, Deaths and Marriages
	4. Government receives quality and timely legal, legislative drafting and publication services	6. Services to Government
	5. Equitable access to legal services and information*	7. Legal Aid Assistance*
	6. A safe, secure and decent corrective services which contributes to community safety and reduces offenders' involvement in the justice system	8. Adult Corrective Services 9. Youth Justice Services

\* This outcome and service is delivered by Legal Aid Western Australia. Legal Aid WA 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) framework for 2019/20 was amended to reflect the establishment of a new 'National Redress Scheme for Institutional Child Sexual Abuse' service, including creation of one key effectiveness indicator and one key efficiency indicator for this service. The National Redress Scheme provides support to people who experienced institutional child sexual abuse. Additionally, a key efficiency indicator of the 'Services to Government' delivered by the Parliamentary Counsel's Office was abolished and replaced with a new key effectiveness indicator. The agency level desired outcome for this service was updated to reflect the two core functions of the Parliamentary Counsel's Office of drafting and publishing Western Australian legislation.

## Key Performance Indicators

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 2019/20 Actual results varied significantly from the 2019/20 Target and 2018/19 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?

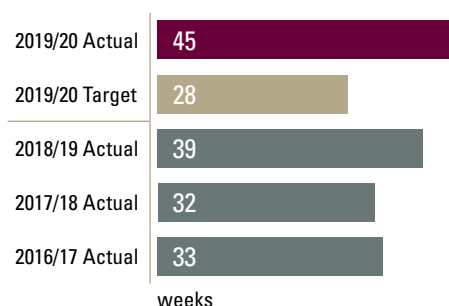
This indicator measures the median time taken from a specified initial date (i.e. committal date, which is the date the matter is sent to the Supreme Court from a lower court) to the first listed trial date. The proportion of matters needing a trial, and the time required for the court and associated 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 2019/20 actual result is 61% higher than target and increased by 15% from the 2018/19 actual result of 39 weeks. The increase is due to the Supreme Court primarily hearing homicide and related offences since 1 January 2019, which are complex in nature and require lengthy trials, and the suspension of jury trials from 16 March 2020 due to COVID-19.



### Supreme Court – Civil – Time to finalise non-trial matters

#### What does this indicator measure?

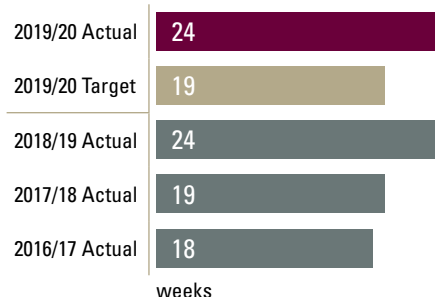
This indicator measures the median time to finalise cases that are heard by a Registrar or Judge at conferences or hearings, before proceeding to trial, and is an indicator of the capacity of the court to resolve matters by methods other than formal trial.

#### 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 2019/20 actual result is higher than target by 26% due to the high proportion of possession of property actions finalised by discontinuance notice and default judgment.



### District Court – Criminal – Time to trial

#### What does this indicator measure?

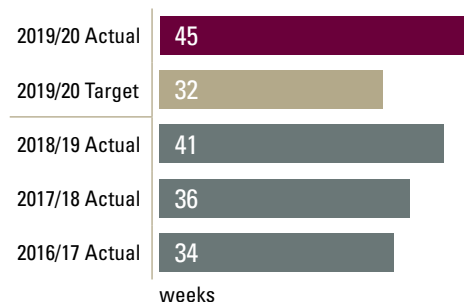
This indicator measures the median time taken from a specified initial date (i.e. committal date, which is the date the matter is sent to the District Court from a lower court) to the first listed trial date. The proportion of matters needing a trial, and the time required for the court and associated 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 2019/20 actual result is 41% higher than target and increased by 10% from the 2018/19 actual result of 41 weeks. This is primarily due to a continual increase in criminal workload, which has impacted on trial availability, and the suspension of jury trials from 16 March 2020 due to COVID-19.



### State Administrative Tribunal – Time to finalise

#### What does this indicator measure?

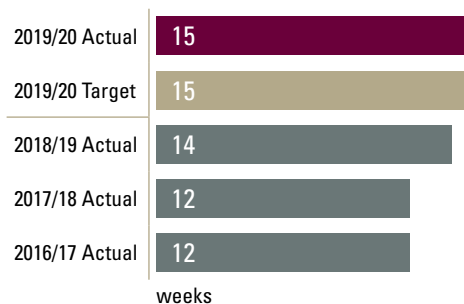
This indicator measures the median time to finalise a matter from the date of lodgment to when a judgement is made.

#### 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 *Commercial Tenancy (Retail Shops) Agreements Act 1985* s13(7), 13(7b) and 14A(3) benchmark category and *Guardianship and Administration Act 1990* matters and matters finalised administratively). Information for this indicator is derived from the Integrated Courts Management System (ICMS).

#### What does this indicator show?

No significant variation.





### Family Court of Western Australia – Time to finalise non-trial matters

#### What does this indicator measure?

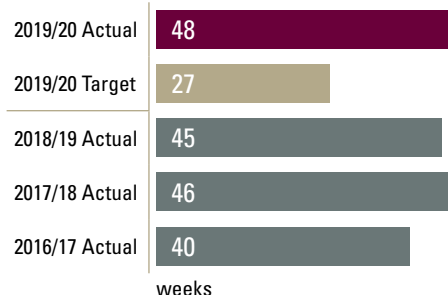
This indicator measures the median time to finalise final order applications by court order, before proceeding to trial. This is an indicator of the capacity of the court to resolve matters by methods other than formal trial.

#### 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 2019/20 actual result is higher than target by 78% primarily due to the long-term growth in the complexity and volume of final order parenting applications lodged, and the growth in the finalisation of these applications by court order or direction. Further impacting the court's capacity to hear non-trial matters is the allocation of trial workload to magistrates to help address the delay to trial.



### Magistrates Court – Criminal and Civil – Time to trial

#### What does this indicator measure?

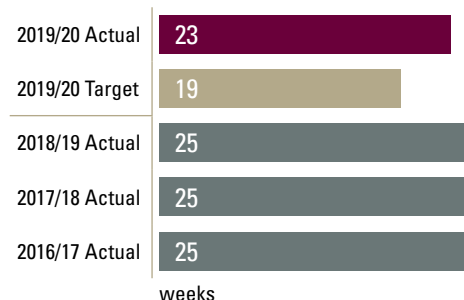
This indicator measures the median time taken from a specified initial date (i.e. lodgment for civil matters, first actual hearing date for criminal matters) to the first listed trial date. The proportion of matters needing a trial, and the time required for the court and associated services to satisfy 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 2019/20 actual result is higher than target by 21% due to continued growth in the overall number of matters proceeding to trial.



### Coroner's Court – Time to trial

#### What does this indicator measure?

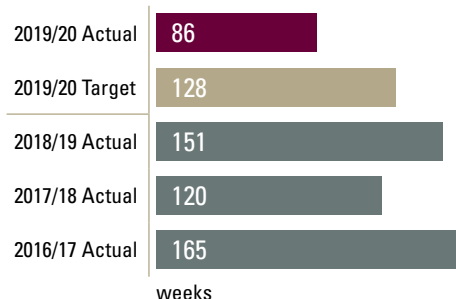
This indicator measures the median time taken from the date of death to the first inquest hearing. The proportion of matters needing a trial, and the time required for the court and associated services to satisfy complex pre-trial issues, increases with the seriousness and complexity of the matter.

#### How is this indicator calculated?

This indicator is calculated by taking the median time from the date of lodgment of 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 and the Integrated Courts Management System (ICMS).

#### What does this indicator show?

The 2019/20 actual result is 33% lower than target and decreased by 43% from the 2018/19 actual result of 151 weeks. The reduction is primarily due to the additional judicial resource allocated to assist the Court in the finalisation of 44 Long Term Missing Person cases within the financial year.



### Fines Enforcement Registry – Percentage of fines satisfied within 12 months:

#### What do these indicators 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.

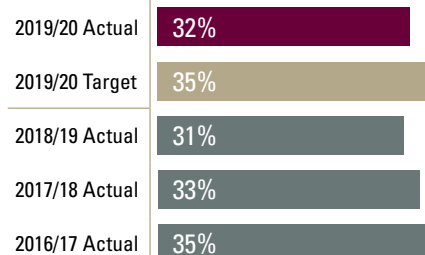
#### Fines and Costs

#### 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?

No significant variation.



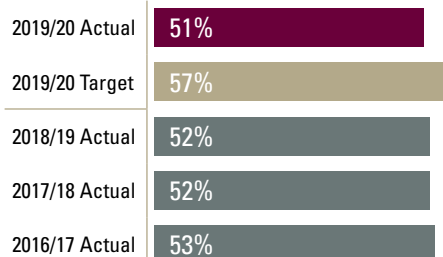
### Infringements

#### 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?

The 2019/20 actual result is 11% lower than target primarily due to the increasing average debt load per case, resulting in the inability of offenders to finalise infringements within 12 months. The increasing percentage of infringements being included in formal payment arrangements has further impacted the result.



## 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 2019/20 actual result is 43% higher than target and 217% higher than the 2018/19 actual result of \$58,050. The result reflects the removal of various offences from the jurisdiction of the Supreme Court and the suspension of jury trials due to COVID-19.

2019/20 Actual	\$184,259
2019/20 Target	\$128,744
2018/19 Actual	\$58,050
2017/18 Actual	\$40,347
2016/17 Actual	\$46,302

#### Supreme Court – Civil – Cost per case

##### What does this indicator show?

No significant variation.

2019/20 Actual	\$12,613
2019/20 Target	\$12,957
2018/19 Actual	\$12,333
2017/18 Actual	\$11,068
2016/17 Actual	\$11,158

#### Court of Appeal – Cost per case

##### What does this indicator show?

No significant variation.

2019/20 Actual	\$22,656
2019/20 Target	\$23,185
2018/19 Actual	\$24,401
2017/18 Actual	\$21,856
2016/17 Actual	\$22,232

### District Court – Criminal – Cost per case

What does this indicator show?

No significant variation.

2019/20 Actual	\$18,171
2019/20 Target	\$16,945
2018/19 Actual	\$17,226
2017/18 Actual	\$16,627
2016/17 Actual	\$18,351

### District Court – Civil – Cost per case

What does this indicator show?

No significant variation.

2019/20 Actual	\$4,257
2019/20 Target	\$4,296
2018/19 Actual	\$4,142
2017/18 Actual	\$4,250
2016/17 Actual	\$4,289

### State Administrative Tribunal – Cost per case

What does this indicator show?

No significant variation.

2019/20 Actual	\$4,257
2019/20 Target	\$4,432
2018/19 Actual	\$4,104
2017/18 Actual	\$3,766
2016/17 Actual	\$3,956

### Family Court – Cost per case

What does this indicator show?

No significant variation.

2019/20 Actual	\$2,013
2019/20 Target	\$1,916
2018/19 Actual	\$2,078
2017/18 Actual	\$2,057
2016/17 Actual	\$2,177

### Magistrates Court – Criminal – Cost per case

What does this indicator show?

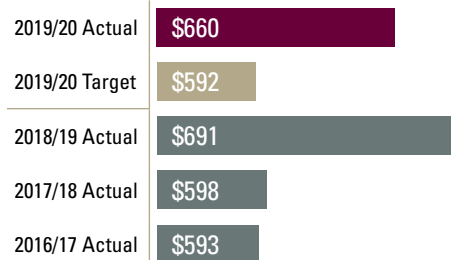
The 2019/20 actual result is 17% higher than target and 10% higher than the 2018/19 actual result of \$736. The increase is due to a continuing decline in criminal lodgments across major offence categories including: prohibited and regulated weapons and explosives offences; fraud, deception and related offences; traffic and vehicle regulatory offences resulting in less finalisations. COVID-19 has further impacted the result.

2019/20 Actual	\$808
2019/20 Target	\$689
2018/19 Actual	\$736
2017/18 Actual	\$673
2016/17 Actual	\$666

### Magistrates Court – Civil – Cost per case

#### What does this indicator show?

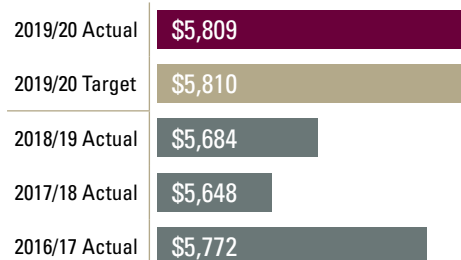
The 2019/20 actual result is 11% higher than target due to a continuing decline in civil lodgments over the past five years, resulting in less finalisations. A 20% reduction in Residential Tenancy lodgments due to the introduction of the *Residential Tenancies (COVID-19 Response) Act 2020*, requiring mandatory conciliation for residential tenancy disputes has further impacted the result.



### Coroner's Court – Cost per case

#### What does this indicator show?

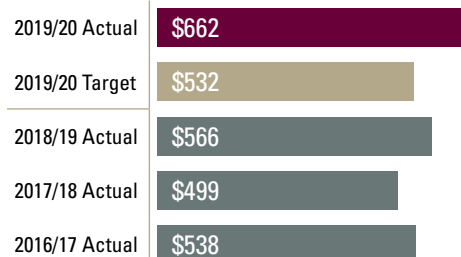
No significant variation.



### Children's Court – Criminal – Cost per case

#### What does this indicator show?

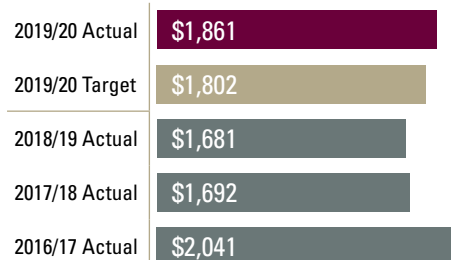
The 2019/20 actual result is 24% higher than target and 17% higher than the 2018/19 actual result of \$566. The increase is due to less finalisations from a continuing decline in criminal lodgments, primarily in traffic, illicit drug and public order offences, and a reduction in finalisations as a result of COVID-19.



### Children's Court – Civil – Cost per case

#### What does this indicator show?

There is no significant variation between the 2019/20 actual result and target. The 2019/20 actual result is 11% higher than the 2018/19 actual result of \$1,681 due to fewer Protection and Care matters being finalised as a result of COVID-19.



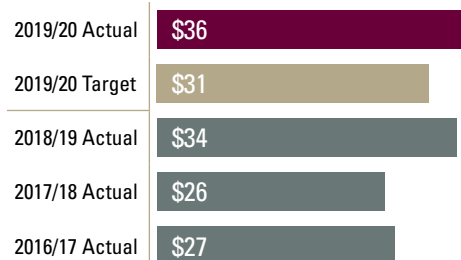
### Fines Enforcement Registry – Cost per enforcement

#### 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 2019/20 actual result is 16% higher than target due to a reduction in lodgments by the WA Police Force and less Court Fine Registrations.



## Outcome 2: Trustee, Guardianship and Administration services are accessible to all Western Australians

The Department, through the operations of the Office 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. Through the Office of the Commissioner for Victims of Crime and the Redress Coordination Unit, 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. 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?

There is no significant variation between the 2019/20 actual result and the target. The 2019/20 actual result increased by 17% from the 2018/19 actual result of 82% due to the provision of additional resources to the Office of the Public Advocate from July 2019.

2019/20 Actual	96%
2019/20 Target	95%
2018/19 Actual	82%
2017/18 Actual	94%
2016/17 Actual	95%



### 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.

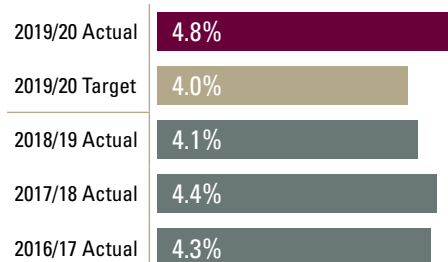
#### How is this indicator calculated?

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?

The 2019/20 actual result is higher than target by 20% and increased by 17% from the 2018/19 actual result of 4.1%. These variances are due to an increased number of deceased files administered by the Public Trustee during the 2019/20 financial year.



### 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.

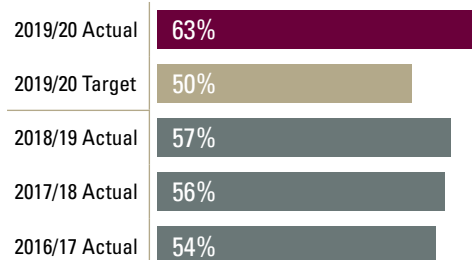
The indicator represents the proportion of services provided free of charge or at a reduced cost under the Public Trustee's community service.

#### 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 2019/20 actual result is higher than target by 26% and increased by 11% from the 2018/19 actual result of 57%. These variances are due to an increased number of trustee services delivered to vulnerable persons under an operating subsidy.



### Percentage of requests for information under the National Redress Scheme responded to within eight weeks

#### What does this indicator measure?

This indicator measures the extent to which Requests for Information (RFIs) received from the National Redress Scheme for Institutional Child Sexual Abuse are responded to by the Redress Coordination Unit (RCU) within the eight week timeframe set by the Scheme Operator (Commonwealth).

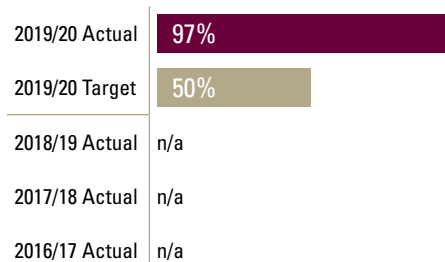
#### How is this indicator calculated?

The indicator is calculated by dividing the total number of RFIs responded to within eight weeks by the total number of RFIs responded to in the reporting period, with the result expressed as a percentage.

#### What does this indicator show?

The 2019/20 actual result is 94% higher than target. A target of 50% was set as a conservative estimate, based on an estimate of a large number of applications being received in the first year. Numbers have not been as high as anticipated and agencies, through the coordination of the Redress Coordination Unit, have generally been able to respond in the prescribed timeframes.

*Note: This key effectiveness indicator is new for 2019/20. Prior year results are unavailable.*



## 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?

No significant variation.

2019/20 Actual	\$1,560
2019/20 Target	\$1,514
2018/19 Actual	\$1,445
2017/18 Actual	\$1,789
2016/17 Actual	\$1,735

## 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?**

No significant variation.

2019/20 Actual	\$2,372
2019/20 Target	\$2,574
2018/19 Actual	\$2,478
2017/18 Actual	\$2,815
2016/17 Actual	\$2,639

#### 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.

2019/20 Actual	\$1,995
2019/20 Target	\$1,928
2018/19 Actual	\$1,822
2017/18 Actual	\$1,808
2016/17 Actual	\$1,812

### 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?

The 2019/20 actual result is higher than target by 35% and increased by 25% from the 2018/19 actual result of \$662. These variances are mainly due to COVID-19 and the withdrawal of face to face will appointments resulting in a lower number of wills prepared and the reallocation of legal staff to work on matters other than wills.

2019/20 Actual	\$829
2019/20 Target	\$616
2018/19 Actual	\$662
2017/18 Actual	\$653
2016/17 Actual	\$655

## Service 4: National Redress Scheme for Institutional Child Sexual Abuse

This service is delivered by the Office of the Commissioner for Victims of Crime.

The National Redress Scheme for Institutional Child Sexual Abuse (the Scheme) provides support to people who experienced institutional child sexual abuse. The Scheme:

- acknowledges that many children were sexually abused in Australian institutions;
- holds institutions accountable for this abuse; and
- helps people who have experienced institutional child sexual abuse gain access to counselling and psychological services, a direct personal response, and a monetary payment.

This service relates to the administration of Western Australia's participation in the Scheme through the Redress Response Coordination Unit. The Redress Unit is responsible for the coordination of requests for information between the Commonwealth Redress Scheme Operator and the responsible State Government agency, the facilitation of direct personal responses for all State Government agencies and Western Australia's Scheme payments to the Commonwealth.

The following efficiency indicator measures the average cost of delivering the service.

### Key Efficiency Indicator

#### Average cost per claim

##### What does this indicator measure?

This indicator measures the average cost per claim made under the National Redress Scheme, including the cost of administering the scheme for the Western Australian Government and payments made under the scheme.

##### How is this indicator calculated?

This indicator is calculated by dividing the total cost of the National Redress Scheme for Institutional Child Sexual Abuse service, which includes the cost of administering the scheme and WA's scheme payments, by the total number of finalised formal claims.

##### What does this indicator show?

No significant variation.

*Note: This key efficiency indicator is new for 2019/20. Prior year results are unavailable.*

2019/20 Actual	\$67,795
2019/20 Target	\$67,951
2018/19 Actual	n/a
2017/18 Actual	n/a
2016/17 Actual	n/a



## 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?

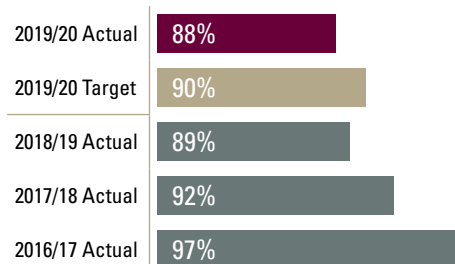
The growing need for people to access certificates for identification in a timely manner means that time taken to obtain a certificate of birth, death or marriage is a major determiner of accessibility. This indicator measures the extent to which certificates of birth, death and marriage are issued in 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 2019/20 actual result and the target. The KPI result of 98% is based on death registrations only. For 2019/20, 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 95% for all three registration categories, compared to 96% during the previous year.

2019/20 Actual	98%
2019/20 Target	97%
2018/19 Actual	98%
2017/18 Actual	98%
2016/17 Actual	98%

## Service 5: 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 2019/20 actual result is lower than target by 23% due to a reduction in expenditure from computing services associated with the Western Australian Registration System (WARS) and delays in filling staff positions.

2019/20 Actual	\$1.78
2019/20 Target	\$2.30
2018/19 Actual	\$1.72
2017/18 Actual	\$1.95
2016/17 Actual	\$1.76

## Outcome 4: Government receives quality and timely legal, legislative drafting and publication 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 and publishing 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.

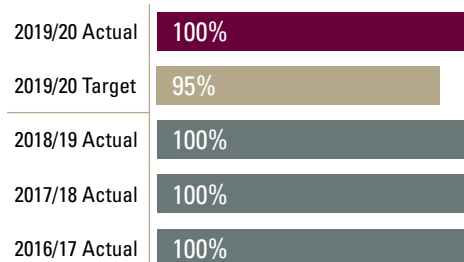
The number of agencies surveyed represents approximately 97% of the chargeable work of the State Solicitor's Office.

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?

No significant variation.



#### 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.

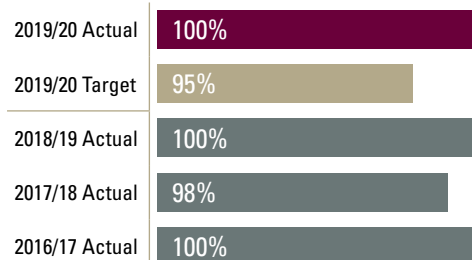
##### How is this indicator calculated?

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.



## Key Effectiveness Indicators

### Extent to which legislation is published in a timely manner

#### What does this indicator measure?

The indicator measures the extent to which legislation is published in a timely manner. The Parliamentary Counsel's Office is responsible for the publication and maintenance of the WA legislation website, which enables the law of WA to be accessed freely by Government, judiciary, the legal profession and the general public in a timely manner.

#### How is this indicator calculated?

The indicator is calculated by dividing the total number of new and amended legislation titles published on the Western Australian legislation website within two working days by the total number of legislation titles published during the reporting period, with the result expressed as a percentage.

Publication in a timely manner includes:

- Acts as passed – published within two working days of Royal Assent;
- Subsidiary legislation as made – published within two working days of publication in the Gazette (relevant only where publication requirements for subsidiary legislation are not met by publication on the WA legislation website); and
- Consolidation of amendments into existing legislation – published within two working days of the amendments commencing.

#### What does this indicator show?

No significant variation.

*Note: This key effectiveness indicator is new for 2019/20. Prior year results are unavailable.*

2019/20 Actual

100%

2019/20 Target

98%

2018/19 Actual

n/a

2017/18 Actual

n/a

2016/17 Actual

n/a

## Service 6: Services to Government

This service is delivered by the State Solicitor's Office.

The State Solicitor's Office provides a broad-based legal service to Government and its agencies.

The following efficiency indicator measures the average cost of delivering the service.

### Key Efficiency Indicator

#### 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, Planning and Budgeting Cloud Services (PBCS).

##### What does this indicator show?

There is no significant variation between the 2019/20 actual result and target. The 2019/20 actual result increased by 14% from the 2018/19 result of \$4,064 due to additional leave liability end of year adjustments and increased expenses relating to the management of Historical Child Abuse claims.

2019/20 Actual	\$4,617
2019/20 Target	\$4,400
2018/19 Actual	\$4,064
2017/18 Actual	\$4,464
2016/17 Actual	\$4,441



## 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.

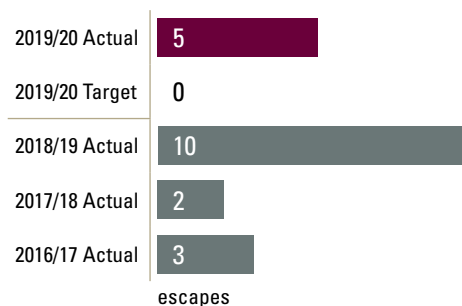
An escape occurs when a prisoner breaches physical security; flees from an authorised escort; or flees from or leaves any facility, hospital or location whereby they are lawfully meant to be.

A breakdown of the number of escapes by security rating for each year is provided in the accompanying table.

###### What does this indicator show?

The 2019/20 actual result is higher than target by 5 escapes. This result is based on one maximum security escape from Royal Perth Hospital prior to reception into Hakea Prison during September 2019, one medium security escape from the female compound at Broome Regional Prison in January 2020 and three minimum security escapes from Wyndham Work Camp in June 2020.

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.



	2016/17 Actual	2017/18 Actual	2018/19 Actual	2019/20 Target	2019/20 Actual
Maximum	2	0	0	0	1
Medium	1	1	10	0	1
Minimum	0	1	0	0	3
<b>Total</b>	<b>3</b>	<b>2</b>	<b>10</b>	<b>0</b>	<b>5</b>

### 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.

During 2019/20, the Department refined the calculation methodology for this indicator to exclude prisoners released to jurisdictions outside of Western Australia and mental health placements on the basis of their reduced capacity to return to corrective services within two years and to strengthen alignment to national counting rules. To ensure the reported rate of return for 2019/20 is comparable to results reported for prior years, prior year results have been restated.

2019/20 Actual	37.14%
2019/20 Target	39.00%
2018/19 Actual	41.58%
2017/18 Actual	37.64%
2016/17 Actual	39.28%

	2016/17	2017/18	2018/19	2019/20
Rate of return	39.28%	37.64%	41.58%	37.14%
Previously published result	39.02%	36.69%	40.78%	—

#### What does this indicator show?

There is no significant variation between the 2019/20 actual result and target. Additionally, the restated KPI results for the 2016/17, 2017/18 and 2018/19 period, while marginally higher than previously published results, show no significant variation from the KPI target of 39%.

### 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.

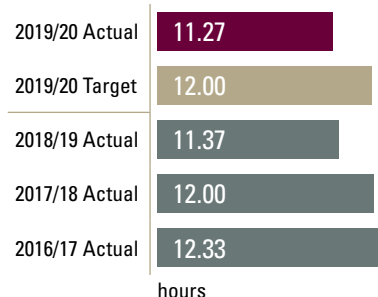
Providing a secure, safe and decent custodial environment includes managing prisoners in a way that minimises the risks they pose to the community while enabling them to achieve an acceptable quality of life. Time spent out of cells provides a greater opportunity for prisoners to participate in activities such as work, education, wellbeing, 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?

No significant variation.



hours

### 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.

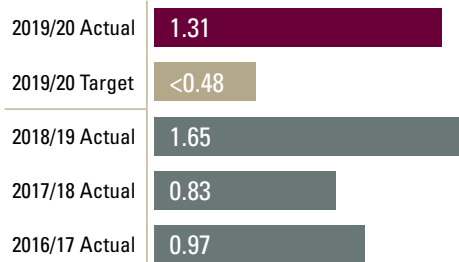
#### How is this indicator calculated?

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 overnight hospitalisation in a medical facility or ongoing medical treatment, as well as all sexual assaults.

#### What does this indicator show?

The 2019/20 actual result is higher than target by 173% as a result of 91 serious assault incidents against prisoners and staff, comprising 15 serious assaults where the victim was a staff member and 76 serious assaults where the victim was a prisoner. This compares with a serious assault rate of 1.65 per 100 prisoners for the 2018/19 period, based on 29 serious assaults where the victim was a staff member and 85 where the victim was a prisoner.



### 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.

2019/20 Actual	64.90%
2019/20 Target	64.00%
2018/19 Actual	64.15%
2017/18 Actual	63.80%
2016/17 Actual	61.42%

### 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 2019/20, or the preceding three years.

2019/20 Actual	0
2019/20 Target	0
2018/19 Actual	0
2017/18 Actual	0
2016/17 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 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.

2019/20 Actual	53.41%
2019/20 Target	50.00%
2018/19 Actual	52.87%
2017/18 Actual	58.73%
2016/17 Actual	55.00%

### 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 2019/20 actual result is 14% lower than target 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 the relevant legislation and Departmental procedures.

2019/20 Actual	58.61%
2019/20 Target	68.00%
2018/19 Actual	56.36%
2017/18 Actual	57.14%
2016/17 Actual	56.17%



## Service 8: 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 9.

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.

2019/20 Actual	\$323
2019/20 Target	\$301
2018/19 Actual	\$296
2017/18 Actual	\$299
2016/17 Actual	\$297

#### 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?

The 2019/20 actual result is higher than target by 21% and 17% higher than the 2018/19 actual result of \$30 per offender per day. This variance is due to a reduced average daily number of offenders managed through community supervision, compared to the budgeted number of adult offenders managed, combined with a higher total cost of service resulting from the employment of additional adult Community Corrections Officers and funding of the Expanded Electronic Monitoring reform initiative.

2019/20 Actual	\$35
2019/20 Target	\$29
2018/19 Actual	\$30
2017/18 Actual	\$34
2016/17 Actual	\$42

## Service 9: 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 focussed 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 2019/20 actual result is 38% higher than target and 31% higher than the 2018/19 actual result of \$1,019 due to a reduced average daily number of young people in detention, compared to the budgeted number of young people. The higher average cost relates to reduced economies of scale as a result of the lower average daily number of young people in detention.

2019/20 Actual	\$1,339
2019/20 Target	\$967
2018/19 Actual	\$1,019
2017/18 Actual	\$935
2016/17 Actual	\$977

#### 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?

There is no significant variation between the 2019/20 actual result and target. The 2019/20 actual result is 12% higher than the 2018/19 actual result of \$83 due to reduced economies of scale as a result an 11% decrease in the average daily number of young people managed through community supervision.

2019/20 Actual	\$93
2019/20 Target	\$89
2018/19 Actual	\$83
2017/18 Actual	\$91
2016/17 Actual	\$100

# 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.

### 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.

### 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.

### 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.

There has been no increase in fees this financial year.

## 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 2019/20, five act of grace payments totalling \$1.217 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 \$3,260.93 during 2019/20 after 76 employees used their purchase cards for private purposes. All of this money was 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:

2019/20	Amount
Settled within five working days	\$1,378.98
Settled after five working days	\$1,881.95
Outstanding	\$0.00
Aggregate amount of personal use expenditure	\$3,260.93

## Major capital works

Capital expenditure for 2019/20 was \$102.8 million, mainly due to assets associated with the custodial infrastructure program.

### Capital projects in progress

\$85.26 million was spent on capital works in progress in 2019/20 as part of the following custodial infrastructure projects:

- Casuarina Capital Works:
  - Stage 1 delivering 512 new beds;
  - Stage 2 to deliver a further 344 beds; and
  - Alcohol and other drug treatment unit for men.
- Bunbury Regional Prison's 160 bed expansion project (now in defects stage); and
- Wandoo Rehabilitation Prison various minor works and enhancements.

### Capital projects completed

During 2019/20, capital projects were completed with a value of \$18.6 million, including:

- Ligature Minimisation Program;
- Acacia Fire Service upgrade;
- Acacia irrigation upgrade;
- Bunbury Regional Prison's 160 bed expansion project;
- Bunbury Regional Prison Fire Service upgrade;
- upgrade of Albany Regional Prison's in-ground security system;
- upgrade of the visits area at Roebourne Regional Prison; and
- additional security fencing at Hakea.

## 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.

Following the Machinery of Government changes amalgamating two former Departments, the Department of Justice has 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 2019/20

During 2019/20 the customer feedback management system received 689 submissions consisting of:

- 490 complaints;
- 168 compliments;
- 57 suggestions; and
- 4 other (not categorised).

Court and Tribunal Services received the most submissions (47 percent) with the Public Trustee receiving the second highest number (31 percent). The Public Trustee received the highest number of compliments (57 percent). 89 percent of all feedback received in 2019/20 was responded to on time.

The Corrective Services (ACCESS) system received 3933 submissions, comprising:

- 3540 complaints;
- 192 contact only;
- 144 requests for information;
- 25 compliments;
- 16 suggestions; and
- 16 staff grievances.

## Employment and industrial relations

### Breach of human resource management standards

There were 23 breach claims lodged with the Department during the 2019/20 reporting year. Of these, one was upheld and six are still under consideration.

There were 17 claims lodged against the employment standard, two against the performance standard and three against the grievance standard.

## Summary of employee numbers by occupational group and gender

Award Groups	2018/19					2019/20				
	Number			%		Number			%	
	F	M	Total	F	M	F	M	Total	F	M
Catering Employees and Tea Attendants	0.79	0.00	0.79	100.00	0.00	0.00	0.00	0.00	0.00	0.00
Child Care Workers	1.00	0.00	1.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00
Cleaners and Caretakers	2.05	0.00	2.05	100.00	0.00	0.00	0.00	0.00	0.00	0.00
Enrolled Nurses & Nursing Assistants	2.92	0.00	2.92	100.00	0.00	3.00	0.00	3.00	100.00	0.00
Government Services (Miscellaneous)	0.00	0.00	0.00	0.00	0.00	3.81	0.00	3.81	100.00	0.00
Jury Officers	1.30	0.00	1.30	100.00	0.00	0.61	0.19	0.80	76.25	23.75
Juvenile Custodial Officers	69.54	177.34	246.88	28.17	71.83	70.73	175.36	246.09	28.74	71.26
Medical Practitioners Agreement	5.10	9.60	14.70	34.69	65.31	5.70	13.87	19.57	29.13	70.87
Nurses Industrial	111.56	20.10	131.66	84.73	15.27	107.02	22.48	129.50	82.64	17.36
Prison Officers Agreement	602.21	1,903.58	2,505.79	24.03	75.97	692.22	2,115.37	2,807.59	24.66	75.34
Public Service Employees	2,196.34	991.97	3,188.31	68.89	31.11	2,455.45	1,081.79	3,537.24	69.42	30.58
Salaries and Allowances Tribunals	7.20	12.00	19.20	37.50	62.50	6.00	11.00	17.00	35.29	64.71
TAFE Lecturers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Youth Detention Centre Teachers	11.20	6.80	18.00	62.22	37.78	12.40	4.00	16.40	75.61	24.39
<b>Total</b>	<b>3,011.21</b>	<b>3,121.39</b>	<b>6,132.60</b>	<b>49.10</b>	<b>50.90</b>	<b>3,356.94</b>	<b>3,424.06</b>	<b>6,781.00</b>	<b>49.51</b>	<b>50.49</b>
<b>Judicial Services</b>										
Govt Officers (GOSAC/GOSGA Award)	102.40	43.90	146.30	69.99	30.01	100.10	42.70	142.80	70.10	29.90
Prisoners Review Board	1.00	0.00	1.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00
Public Service Employees	8.00	1.00	9.00	88.89	11.11	19.80	7.40	27.20	72.79	27.21
State Administrative Tribunal	11.00	6.00	17.00	64.71	35.29	12.19	4.00	16.19	75.29	24.71
<b>Total</b>	<b>122.40</b>	<b>50.90</b>	<b>173.30</b>	<b>70.63</b>	<b>29.37</b>	<b>132.09</b>	<b>54.10</b>	<b>186.19</b>	<b>70.94</b>	<b>29.06</b>

The Department has 6,781.00 full time equivalent employees (FTE) comprising 7,107 paid individuals, excluding the judiciary and including trainees.

**Note:** The table provides employee numbers by award groups as of the last pay of the 2019/20 financial year, which is the pay period ending 25/06/2020, and the previous financial year's last pay, the pay period 27/06/2019. Numbers only include employees who received a pay in the last pay period.



## 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.

### 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

During 2019/2020, offers of 182 gifts were registered and 132 (73 percent) were accepted. Of the gifts accepted, 67 percent had a value of less than \$50; 34 (26 percent) related to hospitality events (including briefings, seminars and presentations); 49 (37 percent) related to offers of food or alcohol (including meal vouchers); and 49 (37 percent) related to other items. The other items 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.

### Recordkeeping plan

The Department is required to have an approved Recordkeeping Plan in accordance with section 19 of the *State Records Act 2000*. The Department manages its records under Recordkeeping Plan (RKP) 2018002, approved by the State Records Commission in March 2018. The RKP 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 following improvements, identified in the 2018/19 review of recordkeeping systems were implemented in 2019/20:

- amalgamation of the former Attorney General and Corrective Services Electronic Document and Records Management Systems (EDRMS) into a single dataset. This project has increased operational efficiency and will allow greater information sharing, digital records management and systems integrations to occur;
- creation and implementation of a new Business Classification Scheme to provide standardised language controls for all Department records, facilitating information retrieval, reuse and appropriate security. A review of offender records refined the framework for organising case files, allowing more efficient access, improved security and enhanced system integrations;
- completion of a review of operational records processes and workflows to align the recordkeeping practices of the former Departments. This included updating procedures to ensure compliance with the *State Records Act 2000*;
- improvements to processes for managing prisoner medical records including updating the medical record retention and disposal schedules;
- development of a suite of policies and procedures which give staff with clear frameworks for managing government information. The policies and procedures support informed decision-making and meet legislative requirements, with a focus on managing digital information and digitisation of source records;
- further development of best practice digitisation for the management of hard copy offender case records enabled a significant reduction of records held in local storage;
- implementation of an integrated information sharing platform to support secure cross-agency collaboration; and
- the transfer of records from Sodexo to the Department as part of the transfer of Melaleuca Women's Rehabilitation and Reintegration Centre to the State on 4 April 2020.

### 2. The organisation conducts a recordkeeping training program.

The recordkeeping training program for metropolitan and regional sites was expanded in 2019/20. A program to promote the EDRMS and improve recordkeeping practices was conducted. Online training was expanded, with video tutorials and the introduction of specialised training to assist with implementation of the Business Classification Scheme and digital recordkeeping.

Recordkeeping and EDRMS training is delivered to staff across the State, with customised training available on request to cater for particular learning needs. In 2019/20, 126 training sessions were provided to 423 staff, and 993 staff completed the online recordkeeping awareness training course. The total number of staff who have completed the online course is 5,683.

Training on registering administrative folders and offender case records using the new Scheme, was delivered to 142 staff and 83 staff, respectively. This training will facilitate increased capture of records across the Department during 2020/2021.

### 3. The efficiency and effectiveness of the recordkeeping training program is reviewed from time to time.

In 2019/2020, the recordkeeping awareness training, available through the Department's learning management system was revised to present a consistent curriculum for all staff with a focus on digital records management. System user group forums are held each month where any issues are identified and addressed. Training materials and user guides have been published on the Department's intranet.

An EDRMS administrator program was introduced to focus on system management for relevant staff. This training program will be reviewed each year, including developing new modules to further improve staff skills and enable continuity of support for the EDRMS.

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

The online recordkeeping awareness course is compulsory for all staff within three months of starting work. This course outlines in detail what staff have to do to comply with the requirements of the RKP and they must earn a result of at least 80 percent to pass. Staff are also required to complete re-certification training every five years.

Individual business areas do local recordkeeping training as part of their employee inductions. Recordkeeping requirements 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 from the number of records created in the EDRMS. The quantity of records has increased each year as the transition to a digital records environment continues. The substantial increase in folders is reflective of the increased sophistication of the records framework within the system.

	2016/17	2017/18	2018/19	2019/20
Documents created in EDRMS	590,682	679,856	1,301,618	1,404,700
Folders created in EDRMS	135,236	136,514	157,993	641,001*
Boxes created in EDRMS	9,428	7,768	8,576	11,097
Series created in EDRMS*	3,943	4,156	4,677	203,334**

\*Implementation of the new Business Classification Scheme this year required the creation and implementation of a new folder structure which significantly increased the number of folder records created in the EDRMS.

\*\*The Department uses Series records to link together related, specific types of folder records which share common metadata. Series records were previously created in small numbers but their use has significantly expanded this year to support the EDRMS amalgamation.

## 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 2019/20.

<b>Advertising agencies</b>	<b>189,371</b>
Initiative Media Australia	189,371
<b>Market research organisations</b>	<b>43,680</b>
<b>Polling Organisations</b>	
Catalyse Pty Ltd	43,364
SurveyMonkey	316
<b>Direct mail organisations</b>	<b>104,861</b>
<b>Media advertising</b>	
Albany Chamber of Commerce	200
Broome Chamber of Commerce Inc	77
Buggybuddys	112
Concept Media	850
DPS Publishing Pty Ltd	8,740
Facebook	3,163
Have a Go News	873
J2 Efax Plus Services	174
Law Society Of WA	4,110
Linkedin Singapore Pte	81
Mailchimp	608
Momentum Media Holdings	450
Sage Software	226
State Law Publisher (Department of Premier and Cabinet)	4,750
Telstra	61,705
WA Newspapers Ltd	17,765
WA Prison Officers Union Of Workers	977
<b>Total</b>	<b>337,912</b>

## Freedom of Information

In 2019/20, the Department received 1076 Freedom of Information (FOI) applications. During this time, 1062 applications were completed and 91 remain outstanding.

107 applications were transferred in full to other agencies and 101 applications were withdrawn. In this period, 26 decisions were reviewed internally at the applicant's request. The original decision was varied on nine occasions and upheld on 17 occasions. There were seven requests to the Information Commissioner for external review; 13 external reviews were completed, of these, three decisions were confirmed, three decisions were varied and seven were closed by conciliation.

At the end of this period, six reviews remain outstanding with the Information Commissioner.

### Summary of FOI applications for 2019/20

<b>Applications processed</b>	
Personal information requests	907
Non-personal information requests	60
Amendment of personal information	2
Applications transferred in full	107
<b>Total</b>	<b>1076</b>
<b>Outcomes</b>	
Applications completed	1062
Applications withdrawn	101
Internal reviews completed	26
External reviews completed	13
Applications being processed	91

On 4 April 2020, the Melaleuca Women's Prison (formerly the privately managed Melaleuca Remand and Reintegration Facility) was transferred to the State under the Department of Justice. Only FOI applications processed by the Department following the transition on 4 April 2020, are included in the above statistics.

The Office of the Public Advocate, the Public Trustee, State Administrative Tribunal, Parliamentary Counsel's Office, Acacia Prison, G4S and Broadspectrum (Australia) Pty Ltd are not listed as part of the Department in the *Freedom of Information Regulations 1993* and report their statistics separately.

## Disability Access and Inclusion Planning

The Department is committed to ensuring that people of all abilities are able to access the Department's services, facilities and information.

The Department's Disability Access and Inclusion Plan (DAIP) covers the period of 2018 to 2023 and complies with the *Disability Services Act 1993* (WA). The Department's DAIP provides a framework to guide professional and appropriate service provision to people with disability, their carers and families; and to ensure any barriers to access and inclusion are addressed appropriately.

**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.*

In 2019, Corrective Services progressed its review of all Commissioner's Operating Policies and Procedures (COPPs). To support the assessment of diverse needs and to make sure requirements are being addressed, all COPPs are subject to a diversity impact assessment. Those identified as high risk and operationally critical are subject to the assessment by a 'purpose formed' DIA group, which includes diversity subject matter experts.

In 2020, Department-wide event guidelines were updated to reflect current DoJ policies and to directly reference DoJ commitments under the DAIP. This is to ensure events organised are accessible for people with disability, whilst also supporting staff awareness of their responsibilities.

In 2019, an improvement initiative to update details on the Department's public website about service locations and related accessibility information for public visitors, was completed.

Planned reforms to the *Criminal Law (Mentally Impaired Accused) Act*, are underway with drafting well underway of a Bill planned for introduction into State Parliament.

**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 its buildings and other facilities are both safe and accessible. A continuous improvement initiative was launched in 2020 in conjunction with the Department of Finance which includes the development of detailed Custodial Facility Standards by the Infrastructure Services Directorate within Corporate Services. This includes documenting and maintaining currency of the disability access guidelines referenced in the design and refurbishment of all buildings.

**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 new Department of Justice public website and intranet were assessed in late 2019, and validated as to meeting international web standards and being Level AA compliant with the *Web Content Accessibility Guidelines*, a State Government requirement.

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, encouraging representation within professional associations, and delivering and organising training, as appropriate.

- In 2019, Superintendent Kym McKay became the first Australian corrections-based ambassador with NOFASD Australia.
- Business areas across the Department participated in and raised funds for a number of disability specific 'awareness days'.
- The Department facilitated training and presentations from subject matter experts from the Department of Health for staff and volunteers of the Office of the Public Advocate.

**Outcome 5: *People with a disability have the same opportunities as other people to make complaints to the Department of Justice.***

Ensuring feedback and complaints, processes and procedures are easily accessible for people of all abilities remains a priority for the Department. This includes ensuring any feedback and/or complaints are adequately assessed and guide effective action, as appropriate, to improve services. During 2019/20, feedback was received from people identifying as having a disability, but none of the feedback provided related to disability access issues.

As part of the development and implementation of the Department of Justice public website, a continuous quality improvement initiative is being progressed to review and update our Online Customer Feedback System, and internal review of subsequent processes.

**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.

In 2020, Department-wide event guidelines were updated to reflect current Department policies and to directly reference Departmental commitments under the DAIP. This is to ensure events organised are accessible for people with disability, whilst also supporting staff awareness of their responsibilities.

**Outcome 7: *People with a disability have the same opportunities as other people to access employment with the Department of Justice.***

In December 2019 a Diversity and Inclusion statement of commitment was developed and approved by the Director General. This statement defines and provides the foundation for an overarching Diversity and Inclusion framework and strategy for the Department to operate in.

As part of the development of this strategy, a 'workforce audit' is underway which aims to capture details on all diversity and inclusion-initiatives across the department, and to identify lessons to be incorporated in future initiatives.

## 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.

The Court and Tribunal Services Division developed and put into effect a substantive equality plan for 2017-2022, coordinated 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.

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 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.

### 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 the Department's 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 the Department's business areas on claims management, injury prevention, early intervention and return to work plans.

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%)
2019/20	0	522	246	47.1264	142 (27%)	67 (12%)	15 (2%)

## Acts Administered through the Department of Justice

*Administration Act 1903 (3 Edw. VII No. 13)*

*Age of Majority Act 1972*

*Anglican Church of Australia Act 1976*

*Anglican Church of Australia Constitution Act 1960 (9 Eliz. II No. 4)*

*Anglican Church of Australia (Diocesan Trustees) Act 1888 (52 Vict. No. 2)*

*Anglican Church of Australia (Diocese of North West Australia) Act 1961 (10 Eliz. II No. 12)*

*Anglican Church of Australia Lands Act 1914 (5 Geo. V No. 37)*

*Anglican Church of Australia (Swanleigh land and endowments) Act 1979*

*Artificial Conception Act 1985*

*Australia Acts (Request) Act 1985*

*Bail Act 1982*

*Baptist Union of Western Australia Lands Act 1941 (5 Geo. VI No. 3)*

*Bills of Exchange (day for payment) (1836) (Imp) 1836 (6 & 7 Will. IV c. 58)*

*Bills of exchange (non-payment) (1832) (Imp) (2 & 3 Will. IV c. 98)*

*Births, Deaths and Marriages Registration Act 1998*

*Censorship Act 1996*

*Charitable Trusts Act 1962 (11 Eliz. II No. 82)*

*Child Support (Commonwealth Powers) Act 2019*

*Children's Court of Western Australia Act 1988*

*Children's Court of Western Australia Act (No. 2) 1988*

*Choice of Law (Limitation Periods) Act 1994*

*Church of England - Incorporation of New Trustees Act [1888 (52 Vict. No. 2)]*

*Church of England Collegiate School Act 1885 (49 Vict. No. 19)*

*Church of England in Australia Constitution Act 1960 (9 Eliz. II No. 4)*

*Church of England Lands Act 1914 (5 Geo. V No. 37)*

*Church of England (Northern Diocese) Act 1961 (10 Eliz. II No. 12)*

*Civil Judgments Enforcement Act 2004*

*Civil Liability Act 2002*

*Civil Procedure Act 1833 (Imp) (3 & 4 Will. IV c. 42)*

*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 (Taxing) Act 1990*

*Corporations (Western Australia) Act 1990*

*Corruption and Crime Commission Act 2003*

*Corruption, Crime and Misconduct Act 2003*

*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 1913 (4 Geo. V No. 28)*

*Criminal Code Act Compilation Act 1913 (4 Geo. V No. 28)*

*Criminal Injuries Compensation Act 2003*

*Criminal Investigation (Extra-territorial Offences) Act 1987*

*Criminal Law (Mentally Impaired Accused) Act 1996*

*Criminal Law (Mentally Impaired Defendants) Act 1996*

*Criminal Organisations Control Act 2012*

*Criminal Procedure Act 2004*

*Criminal Property Confiscation Act 2000*

*Cross-border Justice Act 2008*

*Crown Suits Act 1947 (11 Geo. VI No. 11)*

*Dangerous Sexual Offenders Act 2006*

*Debts Recovery Act 1830 (Imp) (11 Geo. IV & 1 Will. IV c. 47)*

*Debts Recovery Act 1839 (Imp) (2 & 3 Vict. c. 60)*

*Defamation Act 2005*

*Director of Public Prosecutions Act 1991*

*District Court of Western Australia Act 1969*

*Domestic Violence Orders (National Recognition) Act 2017*

*Domicile Act 1981*

*Electronic Transactions Act 2011*

*Equal Opportunity Act 1984*

*Escheat (Procedure) Act 1940 (4 & 5 Geo. VI No. 45)*

*Evidence Act 1906 (6 Edw. VII No. 28)*

*Executors Act 1830 (Imp) (11 Geo. IV & 1 Will. IV c. 40)*

*Factors (1842) (Imp) (5 & 6 Vict. c. 39)*

*Factors Acts Amendment Act 1878 (42 Vict. No. 3)*

*Family Court Act 1997*

*Family Court (Orders of Registrars) Act 1997*

*Family Provision Act 1972*

*Fatal Accidents Act 1959 (8 Eliz. II No. 20)*

*Federal Courts (State Jurisdiction) Act 1999*

*Financial Transaction Reports Act 1995*

*Fines, Penalties and Infringement Notices Enforcement Act 1994*

*Freedom of Information Act 1992*

*Freemasons' Property Act 1956 (5 Eliz. II No. 53)*

*Gender Reassignment Act 2000*

*Guardianship and Administration Act 1990*

*Highways (Liability for Straying Animals) Act 1983*

*Historical Homosexual Convictions Expungement Act 2018*

## Acts Administered through the Department of Justice

*Imperial Act Adopting Ordinance 1847 (10 Vict. No. 8)*  
*Imperial Acts Adopting Act 1836 (6 Will. IV No. 4)*  
*Imperial Acts Adopting Act 1844 (7 Vict. No. 13)*  
*Imperial Acts Adopting Ordinance 1849 (12 Vict. No. 21)*  
*Imperial Acts Adopting Ordinance 1867 (31 Vict. No. 8)*  
*Infants' Property Act 1830 (Imp) (11 Geo. IV & 1 Will. IV c. 65)*  
*Inheritance (Family and Dependants Provision) Act 1972*  
*Inspector of Custodial Services Act 2003*  
*Interpretation Act 1984*  
*Judges' Retirement Act 1937 (1 Geo. VI No. 8)*  
*Judgments Act 1839 (Imp) (2 & 3 Vict. c. 11)*  
*Judgments Act 1855 (Imp) (18 & 19 Vict. c. 15)*  
*Juries Act 1957 (6 Eliz. II No. 50)*  
*Jurisdiction of Courts (Cross-vesting) Act 1987*  
*Justices of the Peace Act 2004*  
*Law Reform Commission Act 1972*  
*Law Reform (Contributory Negligence and Tortfeasors' Contribution) Act 1947 (11 Geo. VI No. 23)*  
*Law Reform (Miscellaneous Provisions) Act 1941 (5 & 6 Geo. VI No. 29)*  
*Law Reform (Statute of Frauds) Act 1962 (11 Eliz. II No. 16)*  
*Law Reporting Act 1981*  
*Law Society Public Purposes Trust Act 1985*  
*Legal Aid Commission Act 1976*  
*Legal Profession Act 2008*  
*Legal Representation of Infants Act 1977*  
*Limitation Act 1935 (26 Geo. V No. 35)*  
*Limitation Act 2005*  
*Magistrates Court Act 2004*  
*Magistrates Court (Civil Proceedings) Act 2004*  
*Mercantile Law Amendment Act 1856 (Imp) (19 & 20 Vict. c. 97)*  
*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*  
*Official Prosecutions (Defendants' Costs) Act 1973*  
*Off-shore (Application of Laws) Act 1982*  
*Parole Orders (Transfer) Act 1984*  
*Partnership Act 1895 (59 Vict. No. 23)*  
*Perth Anglican Church of Australia Collegiate School Act 1885 (49 Vict. No. 19)*  
*Perth Diocesan Trustees (Special Fund) Act 1944 (8 & 9 Geo. VI No. 25)*  
*Perth Hebrew Congregation Lands Act 1921 (12 Geo. V No. 25)*  
*Presbyterian Church Act 1908 (8 Edw. VII No. 2)*  
*Presbyterian Church Act 1976*  
*Presbyterian Church Act Amendment Act 1919 (10 Geo. V No. 38)*  
*Presbyterian Church Act Amendment Act 1924 (15 Geo. V No. 6)*  
*Presbyterian Church of Australia Act 1901 (1 Edw. VII No. 4)*  
*Presbyterian Church of Australia Act 1970*  
*Prescription Act 1832 (Imp) (2 & 3 Will. IV c. 71)*  
*Prisons Act 1981*  
*Prisoners (International Transfer) Act 2000*  
*Prisoners (Interstate Transfer) Act 1983*  
*Prisoners (Release for Deportation) Act 1989*  
*Professional Standards Act 1997*  
*Prohibited Behaviour Orders Act 2010*  
*Property Law Act 1969*  
*Prostitution Act 2000*  
*Public Notaries Act 1979*  
*Public Trustee Act 1941 (5 Geo. VI No. 26)*  
*Reprints Act 1984*  
*Restraining Orders Act 1997*  
*Restraint of Debtors Act 1984*  
*Roman Catholic Bishop of Broome Property Act 1957 (6 Eliz. II No. 32)*  
*Roman Catholic Bunbury Church Property Act 1955 (4 Eliz. II No. 28)*  
*Roman Catholic Church Lands Act 1895 (59 Vict. Prvt Act)*  
*Roman Catholic Church Lands Amendment Act 1902 (1 & 2 Edw. VII Prvt Act)*  
*Roman Catholic Church Lands Ordinance 1858 (22 Vict. No. 4)*  
*Roman Catholic Church Property Act 1911 (1 Geo. V No. 47)*  
*Roman Catholic Church Property Act Amendment Act 1912 (3 Geo. V No. 13)*  
*Roman Catholic Church Property Acts Amendment Act 1916 (7 Geo. V No. 4)*  
*Roman Catholic Geraldton Church Property Act 1925 (16 Geo. V No. 9)*  
*Roman Catholic Vicariate of the Kimberleys Property Act 1957 (6 Eliz. II No. 32)*  
*Royal Commission (Police) Act 2002*  
*Sea-Carriage Documents Act 1997*  
*Sentence Administration Act 2003*  
*Sentence Administration (Interstate Transfer of Community Based Sentences) Act 2009*  
*Sentencing Act 1995*  
*Solicitor-General Act 1969*  
*Spent Convictions Act 1988*  
*State Administrative Tribunal Act 2004*  
*Statute of Frauds (1677) (Imp) (29 Car II c. 3)*  
*Statutory Corporations (Liability of Directors) Act 1996*  
*Suitors' Fund Act 1964 (13 Eliz. II No. 43)*  
*Supreme Court Act 1935 (26 Geo. V No. 36)*  
*The Criminal Code 1913 (4 Geo. V No. 28)*  
*The Partnership Act 1895 (59 Vict. No. 23)*  
*The Perth Diocesan Trustees (Special Fund) Act 1944 (8 & 9 Geo. VI No. 25)*  
*The Roman Catholic Church Lands Act 1895 (59 Vict. Prvt Act)*  
*The Salvation Army (Western Australia) Property Trust Act 1931 (22 Geo. V No. 34)*  
*Titles Validation Act 1995*  
*Titles (Validation) and Native Title (Effect of Past Acts) Act 1995*  
*Trustee Companies Act 1987*

## **Acts Administered through the Department of Justice**

*Trustees Act 1962 (11 Eliz. II No. 78)*

*Trustees of Western Australia Limited (Transfer of Business) Act 2003*

*Unauthorised Documents Act 1961 (10 Eliz. II No. 8)*

*Uniting Church in Australia Act 1976*

*Vexatious Proceedings Restriction Act 2002*

*Victims of Crime Act 1994*

*Warehousemen's Liens Act 1952 (1 Eliz. II No. 26)*

*Warrants for Goods Indorsement Act 1898 (62 Vict. No. 3)*

*West Australian Trustees Limited (Merger) Act 1989*

*Wills Act 1970*

*Yallingup Foreshore Land Act 2006*

*Young Offenders Act 1994*