



Government of **Western Australia**  
Department of the **Attorney General**

DEPARTMENT OF THE  
ATTORNEY GENERAL

# ANNUAL REPORT

2007-2008



## Department of the Attorney General Statement of Compliance

**For the year ending 30 June 2008**

**Hon Christian Porter MLA  
Attorney General**

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 the Attorney General for the financial year ended 30 June 2008.

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



**Cheryl Gwilliam**

DIRECTOR GENERAL

DEPARTMENT OF THE ATTORNEY GENERAL

16 September 2008

### **Contact details**

Level 12, 141 St Georges Terrace

Perth WA 6000

Phone: 9264 1600 or 13 67 57

[www.justice.wa.gov.au](http://www.justice.wa.gov.au)

## A pivotal role focused on the future

**Building on the strong foundation created in its last year of operation, the Department of the Attorney General continued to develop as an organisation that is both dynamic and strategically focused on meeting the challenges of the future.**

The establishment of a Policy Directorate within the Department has enhanced its ability to provide advice and support the Government's priorities for legislative reform. The Directorate worked with other agencies in progressing the *Cross Border Justice Act 2008* which aims to improve justice services in communities where the borders of Western Australian, South Australian and Northern Territory meet. It also undertook reviews of several pieces of key legislation such as the *Restraining Orders Act 1997*.

The Department facilitated a year-long public consultation program for an expert committee established by the Attorney General to examine the case for human rights legislation in Western Australia.

Substantial legislative reform saw the proclamation of the Public Trustee and Trustee Companies Legislation Amendment Act 2008 which allows for the establishment of a business framework for the Public Trustee to not only become self funding but to provide more comprehensive and better services to a wider range of clients

The use of technology, combined with a substantial capital works program that will transform the standard of delivery of many court services throughout the State, is central to meeting the increased demands being placed on the court system.

The Department continued its long term building plans in both metropolitan and regional areas. This year saw the opening of the new District Court in Perth, which was built under a Public Private Partnership. The new state-of-the-art building fulfilled an urgent need for more jury courtrooms, more video courts and remote witness facilities. The new building, along with the proposed construction of new court facilities at Kalgoorlie and Carnarvon, will play a strong part in further reducing delays in time to trial.

The State's population growth, increased economic activity, and the Commonwealth Government's baby bonus scheme resulted in an increase in birth, death, marriage and change-of-name registrations this year.

Victim counselling and support services continue to be an important facet of the Department's work. A doubling of the number of volunteers during the year helped meet the increase in services to victims of crime. Three volunteers were appointed as guardians by the State Administrative Tribunal. Following a comprehensive assessment and matching process by the Office of the Public Advocate, the volunteers were the first in Australia to be appointed as guardians in their own right.

The progress highlighted in this report is a result of the staff exhibiting a professional approach to their work and I acknowledge their contribution to the ongoing operation of the Department.

I would also like to thank the Attorney General for the strategic direction that he continued to provide to the Department during the year. I look forward to enhancing the pivotal contribution of the Department to the effective and efficient administration of justice, legal and legislative processes in Western Australia.



**Cheryl Gwilliam**

DIRECTOR GENERAL

DEPARTMENT OF THE ATTORNEY GENERAL

<b>Overview</b> . . . . .	<b>6</b>
Executive summary . . . . .	6
Operational structure . . . . .	7
Organisational structure . . . . .	8
Operating locations . . . . .	9
Legislation . . . . .	9
Performance Management Framework. . . . .	10
Shared responsibilities with other agencies . . . . .	11
<b>Agency performance</b> . . . . .	<b>12</b>
Financial summary. . . . .	12
Financial targets . . . . .	12
Key Performance Indicators . . . . .	13
Service 1– Court and tribunal services . . . . .	14
The Service . . . . .	14
Key achievements and challenges for 2007/08 . . . . .	14
Future directions. . . . .	20
Service 2 – Advocacy, guardianship and administration services . . . . .	21
The Service . . . . .	21
Key achievements and challenges for 2007/08 . . . . .	21
Future directions. . . . .	23
Service 3 – Trustee services . . . . .	24
The Service . . . . .	24
Future directions. . . . .	25
Service 4 – Births, deaths and marriages . . . . .	26
The Service . . . . .	26
Key achievements and challenges for 2007/2008 . . . . .	26
Future directions. . . . .	27
Service 5 – Services to Government. . . . .	28
The Service . . . . .	28
Key achievements and challenges for 2007/2008 . . . . .	28
Future directions. . . . .	33
Organisational improvement . . . . .	34

<b>Significant issues and trends</b> . . . . .	<b>37</b>
<b>Disclosures and legal compliance</b> . . . . .	<b>39</b>
Statement of Certification . . . . .	39
Independent audit opinion . . . . .	40
Financial statements . . . . .	42
Income statement . . . . .	42
Balance sheet . . . . .	43
Cash flow statement . . . . .	44
Statement of changes in equity . . . . .	45
Schedule of income and expense by service . . . . .	46
Summary of consolidated fund appropriations and income estimates . . . . .	50
Notes to the financial statements . . . . .	52
Other legal requirements . . . . .	95
Key performance indicators . . . . .	96
Notes to the performance indicators . . . . .	97
Legal Aid performance indicators for 2007/08 . . . . .	117
Ministerial directives . . . . .	123
Other financial disclosures . . . . .	129
Other legal requirements . . . . .	129
Government policy requirements . . . . .	133
Other . . . . .	135
<b>Appendices</b> . . . . .	<b>137</b>
Appendix 1 . . . . .	137
Appendix 2 . . . . .	139
Appendix 3 . . . . .	141

## Executive summary

The 2007-08 financial year was marked by significant achievements for the Department of the Attorney General. Its Director General was appointed, as were new executive positions heading Aboriginal Services, Corporate Services, Court and Tribunal Services and Policy directorates. A new Public Advocate was also appointed.

Among the year's highlights were:

- A new capacity within the Department to provide high-level policy and legislative advice to Government through the formation of a Policy Directorate, guiding among other projects a milestone Cross Border Justice agreement and developing reform proposals to address the needs of victims of crime alongside other agencies.
- The completion and opening of a new \$190 million home for the District Court of Western Australia, a sophisticated building that forms the hub of a massive overhaul of law court accommodation and associated services in central Perth.
- A continuing drop in the time to trial in most court jurisdictions.
- The passing by the Parliament of wide-ranging reforms to the business model under which the Public Trustee operates, enabling clients to access more comprehensive financial services and more options in investing their money.
- A dramatic increase in community demand for the services of the Public Advocate, an independent statutory officer charged with protecting the human rights of adults with decision-making disabilities, reflecting an ageing population and heightened awareness of the risk of exploitation, abuse and neglect.
- A record volume of standard birth certificates were issued, a demand attributable to population growth and an increasing appetite for enterprises to mitigate against identity fraud.
- Completion of a number of important parliamentary drafting tasks, including the modernisation of the legal profession through the Legal Profession Bill 2007, which aims to regulate legal practice in Western Australia and facilitate the regulation of legal practice on a national basis.
- The execution of a range of significant legal work for Government including the Cazaly iron ore exploration case, development proposals for the Oakajee Port and tendering arrangements for the Fiona Stanley Hospital.
- The establishment of a mechanism for evaluating the performance and impact of the State's Aboriginal Justice Agreement were among other achievements in 2007/08.
- Exceeding the \$7 million mark in the value of confiscated financial proceeds of crime provided to community organisations and local governments as grants for anti-crime and community and victim safety activities.

The Department made substantial progress during the year in addressing the current and future needs of its professional workforce, with particular emphasis on safe and ethical conduct, learning and employee development, more productive accommodation, better customer services and clearer corporate policies and work practices.

## Operational structure

The Department of the Attorney General was established on 1 February 2006 in response to a State Government decision to split the functions of the former Department of Justice into two agencies.

The Department reports to the Attorney General Jim McGinty MLA and is led by Director General Cheryl Gwilliam.

### **The key services of the Department are:**

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

### **The Department of the Attorney General provided corporate support services to the following:**

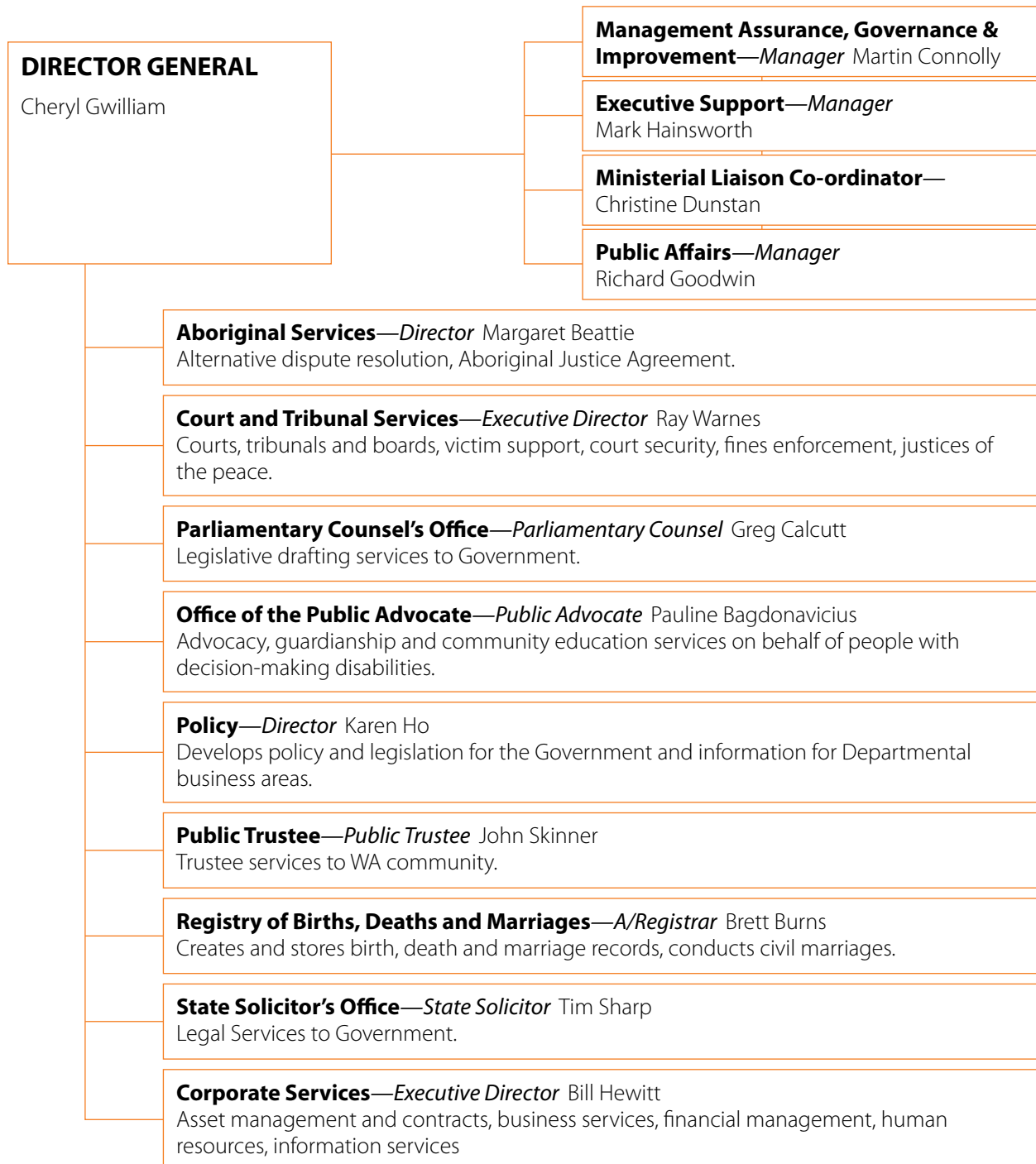
- › Department of Corrective Services
- › Director of Public Prosecutions
- › Law Reform Commission
- › Equal Opportunity Commission
- › Information Commissioner
- › Parliamentary Inspector for the Crime and Corruption Commission
- › Legal Aid Commission
- › Commissioner for Children and Young People
- › Solicitor General.

### **In accordance with a Strategic Framework adopted in November 2006, the Department values:**

- › excellent service—maintaining professional services to diverse client groups
- › integrity and accountability—providing open, impartial and ethical communications and decisions
- › equality—respecting diversity
- › collaboration and learning—supporting the knowledge and skills of staff
- › professional autonomy—upholding the rights of staff to provide objective and frank advice to the community.

## Organisational structure

The following diagram depicts the structure of the Department of the Attorney General at 30 June 2008. The divisional heads, together with the managers of Executive Support and Public Affairs, are members of the corporate executive committee.





## Operating locations

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

## Legislation

A total of 13 Acts were proclaimed in 2007/08 which the Department of the Attorney General is responsible for administering on behalf of the Attorney General. These were:

- › *Wills Amendment Act 2007*
- › *Child Support (Adoption of Laws) Amendment Act 2007*
- › *Criminal Code Amendment (Drink and Food Spiking) Act 2007*
- › *Criminal Law and Evidence Amendment Act 2008*
- › *Fines Legislation Amendment Act 2008*
- › *Acts Amendment (Justice) Act 2008*
- › *Bail Amendment Act 2008*
- › *Cross-border Justice Act 2008*
- › *Public Trustee and Trustee Companies Legislation Amendment Act 2008*
- › *Prostitution Amendment Act 2008*
- › *Fatal Accidents Amendment Act 2008*
- › *Legal Profession Act 2008*
- › *Criminal Law Amendment (Homicide) Act 2008*

A full list of legislation administered by the Department is attached at Appendix 3.

## Performance Management Framework

### Government goal

Better Services: enhancing the quality of life and well-being of all people throughout WA by providing high quality, accessible services.

### Department goal

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

### Department purpose

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

### Department future

We are valued as leaders in developing and delivering justice services, policy and reforms that are significant and sustainable.

### Outcome Based Management Framework

The Department's reporting structure for performance indicators for 2007/08:

#### Services 2007/08

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

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

### Shared responsibilities with other agencies

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

- › Aboriginal Services—providing the co-ordination of the State’s Aboriginal Justice Agreement, which is a planning and partnership framework that brings together Aboriginal people and Government and non-Government agencies to identify and address justice issues at a local, regional and State level.
- › The Public Advocate—working with a range of State Government agencies and organisations to strengthen the rights of people with decision-making disabilities.
- › Court and Tribunal Services—co-ordinating cross-agency work supporting victims of crime.
- › The Registry of Births, Deaths and Marriages—working with other government agencies in the protection of personal identity data from fraud.
- › Policy Directorate—provides leadership in strategic policy and legislation development across the law reform agenda. This included co-ordinating a government response and implementation of recommendations of the review of the CCC with respect to its organised crime function.
- › Parliamentary Counsel—provides comprehensive legislative drafting and related services to the Government and its departments and agencies.
- › State Solicitor’s Office—provides broad-based legal services to the Government and its departments and agencies.

## Financial summary

### Summary of finance figures

Services	Budget 2007/08	Actual Ext. 2007/08 \$000
1 Court and tribunal services	227,125	244,768
2 Advocacy, guardianship and administration services	2,898	3,094
3 Trustee services	13,108	14,447
4 Births, deaths and marriages	6,648	4,778
5 Services to Government	57,136	69,744
6 Legal Aid assistance	20,716	22,845
<b>TOTAL</b>	<b>327,631</b>	<b>359,676</b>

## Financial targets

	Target	Actual	Variation	Comment
Total cost of services (i.e. endorsed expense limit)	\$327,631	\$359,676	\$32,045	Supplementary funding and authorised adjustments accounted for much of the variation. The Department also incurred additional costs for Judicial Pensions, Court Security and Custodial Services Contract and Criminal Injuries Compensation payments
Net cost of services (details in the income statement)	\$254,633	\$262,485	\$7,852	The variation was due to expenditure increases as detailed above that were largely offset by increased revenue collections
Total equity (details in the balance sheet)	\$279,239	\$343,339	\$64,100	Equity increased largely from asset revaluations and an increase in accumulated surplus.
Net increase/(decrease) in cash held (details in cash flow statement)	0	\$9,556	\$9,556	Increase is mainly due to underspend in Capital Works program.
Full-time equivalent (FTE) staff level (excludes Legal Aid)	1,741	1,756	15	Staffing budget was revised to 1823 in the 2008-09 Budget round to reflect the reinstatement of shared service savings and Government funded initiatives.

## Key performance indicators

In most cases, time to trial for both civil and criminal court cases met or bettered targets.

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

The Department also met a high proportion of its efficiency targets across a range of service delivery areas.

The complete details of key performance indicators are provided in section 4—disclosures and legal compliance.

## Service 1 – Court and tribunal services

### The Service

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

### Objectives for 2007/08

- › providing high quality services to all court users by being innovative
- › improving government and community relations
- › enhancing Aboriginal services throughout the state
- › strengthening partnerships with the judiciary
- › investing in court infrastructure.

### Key achievements and challenges for 2007/08

#### High quality services to all court users

##### Supreme Court

The Supreme Court established the Stirling Gardens Magistrates Court to manage indictable criminal matters at the earliest possible stage of the committal process. Two Supreme Court registrars were appointed to the new court and its operations have been supported by the Department. This initiative, plus the criminal case conferencing introduced in November 2006, has reduced the time to trial to 33 weeks.

In the civil jurisdiction, the number of lodgements increased by nine per cent to 2,564 and the time to trial remained at 34 weeks. In the Probate division the number of lodgements increased by six per cent to 5,581.

Airport style x-ray machines and other scanning equipment were also installed at the Supreme Court to detect prohibited items. The improved technology increased the safety of all court users.

##### Court of Appeal

At the start of 2007/08, the lead time for civil trials in the Court of Appeal was expected to be 70 weeks but was actually 42 weeks at the end of the year because a number of civil appeals in the case management process did not take as long as expected.

##### District Court

A new, state-of-the-art District Court building was opened in central Perth in June 2008. The building fulfilled an urgent need for more jury courtrooms, more video courts, more remote witness facilities and dedicated circulation zones for the judiciary, jurors and persons in custody. With 24 criminal and civil courtrooms, the new court should help reduce court delays.

The new building is one of the most secure courthouses in Australia. It includes a high security courtroom, holding cells with high levels of amenity and the latest surveillance and security features, including airport style screening for all external users of the building.

In relation to lead times for trials, the results of reforms introduced within the District Court criminal jurisdiction are being realised. During the past year the court reduced its criminal time to trial to 40.5 weeks. This represents a significant change from February 2005 when the delay was 70 weeks. The latest reduction resulted from a number of strategies, including the appointment of an additional judge and reforms to court listings.

The District Court also prepared parties for civil trial more cheaply and effectively by reducing the number of documents to lodge with the Court and reducing or avoiding the need for rework by parties.

### **Magistrates Court**

Due to the increase in criminal case lodgements throughout the State, an acting magistrate was appointed for a 12 month term from July 2007 to help manage court delays in a number of regional and metropolitan areas.

A third magistrate was appointed to the Goldfields region and commenced work in January 2008, reducing the time for a full-day trial in Kalgoorlie from 14 weeks at the end of December 2007 to eight weeks at the end of June 2008.

Workload increases resulted in delays in court hearings, particularly for criminal trials in the Kimberley and South-West regions. In the Kimberley, the average time to trial was 25 weeks in 2007/08. In the South-West, there has been an increase in criminal case lodgements of 42 per cent in the last five years and the average time to trial is currently 35 weeks. Funding for an additional support staff member at Bunbury enabled extra court sittings to run.

Funding was approved for the appointment of an extra magistrate in both the South-West and the Kimberley in the 2008/09 budget. It is expected that the additional magistrates will significantly reduce delays in these regions.

### **Coroner's Court**

The Coroner's Court dealt with 2,341 reportable deaths, and the Coronial Counselling Service made more than 1,900 contacts with bereaved families in 2007/08. Three per cent of reportable deaths were subject to coronial inquest. During the year the Department managed to significantly reduce the number of backlogged files (older than 52 weeks). Court staff also worked with the Victorian Institute of Forensic Medicine to develop a basic case management system from the National Coronial Information System. The modified system will enable the court to monitor the progress of files, assist with timely responses to enquiries and case finalisations and produce management reports.

In accordance with legislation, a review of the *Coroners Act 1996* started in June 2008. The review will be presented to the Attorney General in 2008/09.

### **Children's Court**

In an effort to improve Aboriginal youth involvement in problem solving courts, the Children's Court Drug Court engaged an additional Aboriginal Liaison Officer (ALO). The presence of the ALOs has enhanced the capacity of the court to communicate and negotiate with Aboriginal people and the community as a whole. The ALOs' work was instrumental in having the first young Aboriginal person complete the Drug Court program.

Of great value is the ALOs' ability to mediate between the Court and young Aboriginal accused. These skills have resulted in young accused complying with bail conditions and entering into court imposed sanctions.

### **Family Court of Western Australia**

A new judge started in the Family Court in October 2007. As a result, the defended list was significantly reduced from 513 matters to 382 by the end of the financial year. The Family Court continued its successful Child Related Proceedings case management model, providing complex cases with better support and intervention. One of

the benefits of the model is the early access to a family consultant to conduct a risk assessment and identify the key issues for the children, followed by immediate access to a judicial officer. The model has been receiving both national and international interest.

### **Family Violence Courts**

The Family Violence Court program was established to break the cycle of family violence by providing the option of programs to address an offenders' violent behaviour before sentencing. Courts opened in Fremantle, Rockingham and Midland during 2007/08, in addition to the established court at Joondalup.

Overall, 2,789 new victims of family violence have been helped at the metropolitan locations. One hundred and thirty-seven men were referred for assessment to participate in a Family Violence Court criminal case management program in 2007/08. Seventy-seven of these were accepted into a program and 31 have completed a program.

Three Aboriginal workers have been recruited by the Department to improve services to Aboriginal victims of family violence. Preliminary data from the Joondalup Family Violence Court indicates that of the men who successfully completed the therapeutic program, 87.5 per cent did not re-offend with family violence. This data relates to a small sample and more rigorous evaluation of the Family Violence Court efficacy rates is planned for 2009/10.

### **Perth Drug Court**

A range of initiatives arising from the July 2007 WA amphetamine summit has been included in an expansion of the operation of the Perth Drug Court. The expansion enabled direct referral of offenders by the Supreme and District Courts to the Drug Court and the establishment of a metropolitan Supervised Treatment Intervention Regime (STIR) list within the Drug Court.

### **Criminal Injuries Compensation**

The Criminal Injuries Compensation scheme is administered under the direction of the Chief Assessor to provide timely compensation for victims of crime to restore them to financial and emotional security. In 2007/08 awards of compensation were made to 1,147 victims of crime.

The Office of the Criminal Injuries Assessor is also responsible for the recovery of orders for repayments of compensation which resulted in \$1.2 million being recovered in 2007/08.

### **Victim Support and Child Witness Services**

Counselling and support services were provided to almost 6,000 adult victims of crime (close to 700 Aboriginal) in 2007/08 compared to 4,746 (565 Aboriginal) in 2006/07. The number of supported child witnesses remained at consistently high levels, exceeding 800 in each of the past two years. Overall, total referrals to the Victim Support, Child Witness and Family Violence Services increased from 11,377 in 2006/07 to 13,243 in 2007/08.

A doubling of volunteers during the year helped to meet the increase in services to victims of crime. By agreement with the Commonwealth, support was extended to victims of crime on Cocos and Christmas Islands. A counsellor travels to the islands quarterly in conjunction with the court circuit. There were 12 referrals to the service in the first year.

### **Fines and enforcement**

The Fines Enforcement Registry (FER) continued to prove a valuable and effective enforcement regime for outstanding fines and infringements in Western Australia. At the end of June 2008, more than three million fines and infringements, with a value of more than \$762 million, had been registered with FER since its inception. A total of 80 per cent, representing 2.6 million fines and infringements, has been completed.



Fines and infringements activity increased 35 per cent in the past year, from 261,618 in 2006/07 to 353,879 in 2007/08, reflecting growth in the number of agencies using FER. The value of infringements also rose, linked to significantly higher traffic penalties which came into effect on 1 January 2007.

The case management team in the Fines Enforcement Registry has achieved a significant reduction in the number of people serving fine related prison sentences. In May 2005, about three per cent of the prison population were fine defaulters. However at June 2008 only 0.1 per cent of the prison population were fine defaulters.

### Legislative reforms

Over recent years the Attorney General has introduced significant legislative reforms that have contributed to the administration of justice in WA. Some of the major initiatives of 2007/08 included:

#### Magistrates Court

- › The rules of the Magistrates Court were amended to enable it to function more efficiently. The changes were gazetted in June 2008 and come into operation on 1 September 2008.

#### Fines Enforcement Registry

- › Legislative amendments that substantially address fine default imprisonment came into force in March 2008. The major reforms include the introduction of concurrent serving of fine default warrants of commitment, changes to the duration of community service orders and increased flexibility for allowing time to pay.

#### State Review Board

During its first full year of operation, the State Review Board Secretariat supported three review boards (the Mentally Impaired Accused Review Board, the Supervised Release Review Board and the Prisoners Review Board) to deliver a service in accordance with their legislative requirements.

The Prisoners Review Board considered 6,612 matters during the year. In 70 cases, the board published its decisions and reasons on a dedicated web site.

The board visited every major regional centre where prisoners are housed. It enhanced relations with communities by attending remote sites and encouraging businesses to engage with service providers to improve released prisoners' prospects for employment.

The Mentally Impaired Review Board considered 154 matters. The number of mentally impaired accused persons still subject to orders decreased and there were no new cases during the year.

### Community relations

#### Jury awareness campaign

The Department conducted a community awareness campaign to address the declining participation rates in jury duty across regions of the State. The initial phase was launched in September 2007 and focused on the Pilbara, the Mid-West and the Goldfields. In response the jury attendance rates generally increased to three per cent. The campaign was later extended to the Kimberley region. Juror participation rose nine per cent in Broome and six per cent in Kununurra.

#### Self-representation

A range of strategies was developed to help self-represented litigants involved in the court process. These included the development of fact sheets, enhanced on-line information and training for court staff in how to help self represented persons.

## Partnering the judiciary

### Joint initiatives

The Department worked with the judiciary across a range of initiatives in 2007/08. These included a judicial education committee, steering committees on new court assets and information technology and consultation on future courtroom design principles.

### Indigenous Taskforce

An Indigenous Justice Taskforce was set up by the Chief Justice to respond to the increased number of charges laid against sexual offenders in the Kimberley. The Department supported this initiative, which brought together the judiciary and relevant agencies, to hasten adult and juvenile cases so the healing process could start in the communities concerned. Court support services were reprioritised and Supreme Court judiciary helped the District Court in hearing these matters, enabling an extra eight weeks of court sittings in Broome and Kununurra from 31 March 2008 to 27 June 2008. Most cases are being finalised under the average of 47 weeks (for sexual offence cases), with one taking 11 weeks, and most taking between 22 and 38 weeks.

To enable matters to be heard quickly and reduce travel to and from remote communities, audio visual equipment was upgraded in many court and multi-functional police facilities throughout the region. The Department also developed an online case inventory for taskforce members, using information extracted from court databases. As at 30 June, 143 cases were listed in the case inventory. Seventy-two cases were active, 33 offenders had been sentenced and 38 cases dismissed.

### Transport of Prisoners Taskforce

The Department worked with the judiciary and other relevant Government agencies to consider and implement strategies to reduce the transport of people in custody to courts.

### Aboriginal services

A key challenge for the Department is to continually implement and review services to address the over-representation of Aboriginal people in the justice system. Some of the key achievements in 2007/08 include:

#### › Indigenous family liaison officers

In January 2008 the Family Court employed two Indigenous family liaison officers as part of a three year pilot to help Indigenous families experiencing family law problems in Perth and regional areas.

#### › Aboriginal Drug Court list

The Perth Drug Court provided more culturally secure and sensitive case management of treatment opportunities for Aboriginal people. The dedicated list has been operational since November 2007.

### Court infrastructure

The Department continued to progress the long term accommodation requirements of courts in both metropolitan and regional Western Australia. In 2007/08 the Department focused on the following projects:

#### › CBD Courts Project

In June a new District Court Building began operating and together with the refurbishment of the existing Central Law Court building, will allow for future expansion of sittings by multiple court jurisdictions.

Ongoing refurbishment work was carried out in 2007/08 at the Central Law Courts. The refurbishment will upgrade the exterior and interior of the building, with works scheduled for completion in 2009.

### › **Kalgoorlie courthouse**

Architects were appointed to develop a new Courthouse in Kalgoorlie in September 2007. Extensive community and stakeholder consultation, including the formation of a community reference group, was carried out throughout 2007/08 on the project. Planning and design documentation was completed after consultation.

### › **Carnarvon courthouse**

In August 2007 the State Government agreed with the Shire of Carnarvon on a site for a new combined police-court complex in the town. While preparations were made to remove contamination on the site, space planning began for the respective facilities.

### › **Strategic planning**

Master planning began for the long term accommodation of the State Administrative Tribunal (SAT). In April 2008 SAT commissioned a report to analyse and identify the future accommodation needs for the period to 2032. The report is expected to be available by September 2008.

Planning also started for the future service provision and accommodation requirements for Magistrates Court in the metropolitan area. It is expected that this report will provide the basis for a Metropolitan Strategic Asset Plan for Magistrates Courts in the metropolitan area for the next 25 years.

## **Remote Witness Facilities**

In the past 18 months, more than 20 courts have received new or upgraded video-link equipment. As well, courts at Esperance, Karratha, Kununurra and Carnarvon have had remote witness facilities installed. The video-link system is used for court hearings, receiving evidence from remote witnesses and case management of regional criminal and civil lists by judges and registrars in Perth. They also enable regional lawyers to participate in Perth-based proceedings and help provide Perth-based interpreting services to people appearing in regional proceedings. Prisoners can also appear before the court remotely for bench warrants, remand appearances and bail applications.

## **e-Business**

Several key e-Business initiatives were introduced in the courts' customised information technology package—the Integrated Courts Management System (ICMS). These include electronic lodgement of originating documents for the Supreme Court, an additional 68 document types available for electronic lodgement in the District Court and online lodgement and payment of form fees for Magistrates Court civil proceedings. Electronic lodgements to the courts have increased steadily to more than 30 per cent.

## **Custodial Services Support System (C3S)**

A new online facility known as the Custodial Services Support System (C3S) was introduced at the new District Court building to allow the service provider, Western Liberty Group, to better manage people in court custody.

C3S links information on people in custody with data from the WA Police, Department of Corrective Services and other court systems. The system informs custodial officers of medical, court and other management requirements of each person in custody.

## **Information technology**

In September 2007 the Department signed an agreement with IT services company Unisys West for a once-off licence for the civil functionality of the Integrated Courts Management System (ICMS) for implementation in Michigan, USA. This sale resulted in \$1.5 million revenue, which is being re-invested in the further development of the ICMS. ICMS was expanded to allow for an interchange of data with court services providers, particularly in relation to transcription services and court building operations.

### Future directions

- › additional magistrates and administrative resources in the South-West and Kimberley region
- › continual improvement in the FER service
- › evaluate the Kalgoorlie-Boulder Community Court
- › open a further two family violence courts in Perth and Armadale
- › continue the consultation and start the construction phase of the new Kalgoorlie Courthouse
- › begin the planning and consultation phase for the Carnarvon Justice Complex
- › continue to help the judiciary reduce trial waiting times
- › expand the volunteer program to meet the demand from victims of crime
- › launch a new dedicated victims of crime website
- › put strategies in place to significantly reduce time to trial for criminal cases heard in the District Court, including continuing the Criminal Listings Project
- › complete the Magistrates Court Metropolitan Strategic Asset Plan.

## Service 2 – Advocacy, guardianship and administration services

### The Service

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

### Objectives for 2007/08

- › continuing to provide access to investigation and advocacy services
- › continuing to provide appropriate guardianship and administration services
- › undertaking community education
- › providing policy advice and leadership on issues regarding adults with decision-making disabilities
- › continuing to expand services to Aboriginal people.

### Key achievements and challenges

#### Investigation and advocacy services

##### Investigations

The Public Advocate carried out 872 investigations into the personal or financial welfare of people with a decision-making disability. Of these, 740 needed investigation and advocacy relating to applications for, or reviews of, guardianship or administration appointments before the State Administrative Tribunal. Another 132 were referred directly to the Public Advocate by an individual or community-based organisation. Increasingly, courts are referring cases to the Public Advocate when there are concerns that a person appearing before the court on child protection or housing matters is unable to understand proceedings and may need a guardian to assist.

#### Guardianship and administration services

##### Strong growth

Demand for the Office of the Public Advocate's guardianship services grew greatly in 2007/08, due to an ageing population, an increase in dementia and difficulties in securing accommodation and support for people with complex needs.

There were 187 new appointments of the Public Advocate as guardian of last resort, an increase of 64 per cent on the number of new appointments in 2006/07. At 30 June 2008, the Public Advocate was guardian for 380 people, compared to 288 people at the same time last year. The number of people for whom the Public Advocate made personal, medical or lifestyle decisions also increased from 370 in 2006/07 to 475 in 2007/08.

##### Community guardianship

Three volunteers were appointed guardians by the State Administrative Tribunal and another seven were expected to be appointed by December 2008. The volunteers were the first in Australia to be appointed as guardians in their own right. The Office of the Public Advocate undertakes a comprehensive assessment and matching process. It offers the volunteers ongoing training and support and will provide advice to the Tribunal when new orders are made or orders are reviewed.

### Community education and access

#### Consolidation of regional services

The Office of the Public Advocate continued to offer services to regional areas with more than 40 visits by guardians and investigators to clients and service providers in country towns. Formal training was offered to service mental health, aged and disability services providers in Albany, Northam, Merredin and Kalgoorlie and arrangements begun with organisations in the Kimberley to facilitate training on a return visit in the latter half of 2008. Several training sessions in the metropolitan area attracted regional participants.

#### Education and information

Twenty-seven community education sessions for service providers from the aged care, health and legal sectors and the public were organised or attended by staff. They explained Enduring Powers of Attorney, guardianship and administration and elder abuse.

Through its involvement in the Alliance for the Prevention of Elder Abuse, the Public Advocate and OPA staff gave presentations at a number of seminars to raise awareness of elder abuse in mainstream, ethnic and Aboriginal communities. Elder abuse was also incorporated into some training sessions for service providers.

A total of 4,233 people contacted the Office of the Public Advocate, compared to 3,972 in 2006/07. Of the 5,041 issues discussed this year, almost half related to Enduring Powers of Attorney. An interactive telephone voice messaging system was expanded in August 2007 to provide key information regarding guardianship, administration and Enduring Powers of Attorney. A total of 1,248 calls were made to the system in the first six months.

A number of new protocols were signed, including an agreement with the new Northern Suburbs Community Legal Centre's Older Persons Rights Service to formalise referrals and the exchange of information.

### Policy advice and leadership

#### Legislative review and change

Preparations have begun, in conjunction with the Department of Health, for the implementation of the *Acts Amendment (Consent to Medical Treatment) Act 2008*, which was passed by the Parliament in June 2008. Once proclaimed, the Act will enable adults with full legal capacity to appoint enduring guardians to make decisions regarding medical or other personal issues. It will also enable people to prepare an advance health directive setting out their treatment wishes if they become incapacitated.

#### Disability and Justice Conference

The Public Advocate convened a major national conference in Perth in November 2007 to encourage a cross-sector approach to dealing with people with decision-making disabilities who encounter the justice system. The conference was also supported by the Office of Crime Prevention and attracted 325 participants from mental health, disability services, corrective services and community organisations.

### Services to Aboriginal people

#### Reconciliation Action Plan

The Office of the Public Advocate took several major steps towards improving its service to Aboriginal people in 2007/08. The Office was the first WA agency to complete and lodge its Reconciliation Action Plan (RAP) with Reconciliation Australia.

A brochure and training materials were developed by an Aboriginal community education officer while relationships with service providers were enhanced by trips to the Kimberley and Kalgoorlie and training sessions in the metropolitan area. Staff participated in several cultural awareness activities and worked with researchers from Curtin University and Marr Mooditj who are developing a training package for health workers encountering older people who may have been mistreated.

### **Future directions**

In 2008/09 the Public Advocate will:

- › introduce enduring powers of guardianship and implement other aspects of the *Acts Amendment (Consent to Medical Treatment) Act 2008*, when proclaimed
- › implement strategies to raise community capacity to protect older Aboriginal people in rural and remote areas
- › expand the community guardianship program by recruiting, training and supporting volunteers
- › assess eligibility for application to Redress WA of the people for whom the Public Advocate is guardian
- › start a new case management system.

## Service 3 – Trustee services

### The service

Provision of funds management and investment services and trustee or financial administrator services for individuals pursuant to orders from courts or tribunals.

### Objectives 2007/08

- › preparing to implement legislative reforms to modernise the operations and services of the Public Trustee
- › improving the capacity of Public Trustee staff and business systems to meet an expanding range of client needs and expectations.

### Legislative reforms

#### New Act

*The Public Trustee and Trustee Companies Legislation Amendment Act 2008* received Royal Assent in March 2008 and a Proclamation date of 1 July 2008 was set. The Act allows for the establishment of a business framework for the Public Trustee to achieve self-funding, resulting in better services for clients. The business framework includes a new fee and investment structure and new services.

As part of the legislation amendments, the inaugural Public Trustee's Annual Agreement, covering fees, the establishment of reserves and their use, was approved by the Attorney General.

### Capacity and product improvements

#### Business systems and funds

Changes to the Public Trustee's principal business system application commenced in April and involved the upgrading of software and migration to a new platform. The project should be finished in April 2009, allowing time to incorporate changes arising from the new legislation, such as changes to fees and investments.

Substantial progress toward establishing a package of restructured fees and multiple Strategic Investment Funds (previously known as Common Accounts) was made. The new and flexible fee structure will more accurately reflect the value of work undertaken by the Public Trustee. Multiple Strategic Investment Funds will allow for both capital growth and income on funds invested by the Trustee's clients.

#### Service culture

The Public Trustee continued to equip staff to meet the needs of the client base and promote a higher level of customer service culture. This work has translated into a seven per cent increase in client satisfaction compared to 2006/07. New initiatives developed and implemented included:

- › participation by all staff in a cultural change program aimed at preparing them for the significant changes required by the new business model
- › participation by all managers in managing and implementing change training workshops
- › a leadership and management development program for staff who had been identified as leaders and potential leaders
- › advanced training for trust managers moving to higher positions
- › an employee recognition program, study assistance program and part-time employment policy.



Staff turnover for the year dropped 13.5 per cent from 2006/07. This significant improvement can be partly attributed to the major training and development effort across the agency, particularly in Trust Management.

### Other achievements

Other achievements in 2007/08 included recognition as a Better Practice Agency by the Office of the Auditor General for quality and timely financial statements and good financial practice.

There was also an extension of the visiting will-making service to a 50km radius from the central business district.

### Future directions

In 2008/09 The Public Trustee will:

- › finalise the implementation of the changes resulting from proclamation of the *Public Trustee and Trustee Companies Legislation Amendment Act 2008*
- › develop and implement a new fee structure by 1 July 2009
- › create four new strategic investment funds
- › complete the upgrade of the principal business system application and enhance existing software
- › conduct extensive market research and prepare a refreshed or new corporate identity
- › implement the strategic business development and marketing plan and continue to increase the Public Trustee's profile
- › introduce new services including executor assist.

## Service 4 – Births, deaths and marriages

### The service

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

### Objectives for 2007/08

- › continuing to expand online services
- › continuing to provide excellent customer service.

### Key achievements and challenges

#### Expanding online services

##### Electronic conversion of records

In June 2007, a contract was awarded to convert the Department's two million paper-based birth, death and marriage records to electronic format over the next five years. The project is progressing and it is anticipated that full production will commence in 2008/09.

##### Online historic birth, death and marriage indexes

The range of historic indexes available on the Department's website increased in 2007/08. The free-access service, which is invaluable for family history research, was introduced in December 2004. Birth indexes are available from 1841 to 1931, death indexes from 1841 to 1953 and marriage indexes from 1841 to 1921. Researchers can order certificates identified from the indexes by completing an online order form and posting it to the Department, along with the appropriate fee.

The number of website hits on the indexes increased more than 50 per cent from 2006/07, with an average of more than 155,000 per month during 2007/08, making it the Department's most sought-after online offering.

##### Online certificate validation service

More than 81,000 WA birth, death and change of name certificates were verified online by approved Government agencies and commercial organisations in 2007/08 compared to 65,000 in 2006/07. Co-ordinated by the New South Wales Registry, the service helps reduce identification fraud by authenticating certificates, thereby protecting the integrity of records and maintaining user confidence in the certificates. Nationwide subscribers include banks, passport offices and drivers licensing centres. The usefulness of the service in WA will grow as the Department converts its paper-based records to electronic format and more online registrations become available.

##### Online death registration service

Thirty-four per cent of funeral directors in WA now submit death registration information directly into the Department's registration system via the internet, improving data quality and timeliness. The system will assist the Department to cope with expanding demand in the future.

### Customer service

#### Increase in demand

The Department maintained good service delivery standards to customers while handling a six per cent increase in birth, death, marriage and change-of-name registrations this year. The increase was mainly due to the State's population growth, increased economic activity and prosperity and the Commonwealth Government's baby bonus scheme.

High demand for birth certificates continued in 2007/08 and is mainly attributed to the population growth and organisations continuing to tighten their client identification and enrolment processes to minimise fraud. The number of standard certificates issued rose 10 per cent from 108,650 in 2006/07 to 120,040 this year. The demand for commemorative birth certificates also grew by eight per cent from 24,519 in 2006/07 to 26,526 in 2007/08.

#### Future directions

In 2008/09, the Department will:

- continue the project to convert historic paper-based records to an electronic format
- further expand the number of funeral directors using the online service to electronically lodge death registration information
- continue to extend death indexes on the internet to assist family historians to trace family members
- maintain a high level of customer service.

## Service 5 – Services to Government

### The service

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

### Objectives for 2007/08

- › undertake and co-ordinate strategic policy and legislation projects
- › regional co-ordinators for the Aboriginal Justice Agreement put in place across WA
- › contribute to and lead cross-agency justice initiatives
- › provide to the Attorney General's portfolio policy advice
- › assess and address the impact of policy and legislation on Aboriginal people
- › continue to provide high quality legal services and legislative drafting services.

### Key achievements for 2007/08

#### Grants administration

##### *Criminal Property Confiscation Act 2000*

The Department administered a fifth round of community and local government grants using funding accumulated under the *Criminal Property Confiscation Act 2000*. More than 80 applications were received with 34 successful in sharing \$2.3 million earmarked for distribution from the proceeds of crime.

#### Policy and legislative advice to Government

##### Bi-lateral Agreement on Indigenous Affairs

*The Bilateral Agreement on Indigenous Affairs 2006–10* commits the Western Australian and Commonwealth Governments to work together on initiatives that promote safe Aboriginal communities and reduce the over-representation of Aboriginal people in the justice system.

In 2007/08, the Department worked with State and Commonwealth Government agencies to devise an action plan to address law and order issues and to create safer communities in line with the State Justice Strategy. It worked similarly on reforms in the area of Indigenous affairs to be considered by a working group of the Council of Australian Governments (COAG).

#### Legislation projects

##### › Cross Border Justice Act

The Department worked with other Government agencies on the development of the *Cross Border Justice Act 2008*. The Act was passed in March 2008 and aims to improve justice services in communities where the borders of Western Australia, South Australia and the Northern Territory meet. It will enable police, magistrates, fines enforcement agencies, community corrections officers and prisons of one jurisdiction to deal with offences and offenders from other participating jurisdictions.

The scheme should start when complementary legislation is passed in South Australia, the Northern Territory and by the Commonwealth Government. The Department continues to work with the Department of Corrective Services, the WA Police and the SA and NT governments on this initiative.

### › **Western Australian Human Rights Act**

Extensive executive support was provided to the Consultation Committee for a proposed Western Australian Human Rights Act. The Consultation Committee undertook a wide-ranging consultation process with the community on the issue of how best to promote and protect human rights in this State. The Attorney General released the Committee's report on 20 December 2007.

### › **Corruption and Crime Commission Act 2003**

In May 2007 Ms Gail Archer SC was commissioned to undertake a statutory review of the operation and effectiveness of the *Corruption and Crime Commission Act 2003* ('the Act'). In February 2008 the review was completed and its report tabled in Parliament. The report detailed 58 recommendations, of which the majority were accepted by the Government. The primary recommendation was to provide the Corruption and Crime Commission (the 'CCC') with the power to investigate serious organised crime either with the WA Police, independently or with other agencies.

### › **Acts Amendment (Justice) Act 2008**

In 2005, the Attorney General commissioned a review of these reforms to see if their effectiveness could be improved. The review extended to the *Criminal Injuries Compensation Act 2003*, *State Administrative Tribunal Act 2004*, legislation that introduced reforms to laws on sexual assault, domestic violence and restraining orders and associated subsidiary legislation including the *Criminal Procedure Regulations 2005*.

The review concluded in the assent to the *Acts Amendment (Justice) Act 2008* on 31 March 2008, which will be proclaimed to come into operation between July and October 2008. The Act ushered in changes to various enforcement and criminal procedures, payments to jurors and witnesses giving evidence and the powers of the State Administrative Tribunal in regard to commercial tenancies.

### › **Bail Amendment Bill 2007**

The Bail Amendment Bill 2007, incorporating a number of structural and procedural amendments to improve the Bail Act, completed its passage through Parliament in 2007/08.

### › **Victims of crime**

The Department developed a proposal, to be considered by Government, for reforms to the *Victims of Crime Act 1994*. The reforms seek to expand the definition of "victim" and establish a set of public sector "standards" to ensure victims' interests are protected.

### › **Other reviews and amendments**

In 2007/08 the Department reviewed Part 2, Division 3A of the *Restraining Orders Act 1997*, which was tabled in Parliament in May 2008. The Department also drafted instructions to amend the *Classification (Publications, Films and Computer Games) Enforcement Act 1996* and the *Statutes (Repeals and Minor Amendments) Bill 2006* and the *Miscellaneous Amendments (Bankruptcy) Bill 2008*, both of which have been introduced into Parliament.

## **Judicial commission**

The Department completed a comprehensive examination of judicial commissions in other Australian jurisdictions and overseas and put forward a concept proposal for consideration by the State Government. Developed in consultation with the Chief Justice and the Solicitor General, the proposal identified three possible core functions: complaints handling; judicial education; and sentencing information.

## **National law reform**

The Department contributed to the Business Competition and Regulation reforms being prepared by the Council of Australian Governments (COAG).

### Services to Aboriginal communities and individuals

#### The Barndimalgu Court

The Barndimalgu Court or Geraldton Aboriginal Domestic Violence Court focuses on addressing underlying behaviours that lead to family and domestic violence within the Geraldton Aboriginal community before sentencing.

Thirty-eight offenders have been through this culturally significant and intensive court process. Fifteen of these have entered into a domestic violence program specifically designed for Aboriginal people. Fourteen people have successfully completed the program with only one person reoffending.

#### Aboriginal Justice Agreement

The Western Australian Aboriginal Justice Agreement (AJA) is a planning and partnership framework that brings together Aboriginal people and Government and non-Government agencies to identify and address justice issues at a local, regional and State level. The AJA is co-ordinated by the Department's Aboriginal Services Directorate.

The AJA has set a solid foundation towards achieving three long-term outcomes: providing safe and sustainable communities, reducing the number of victims of crime and reducing the rate of over-representation of Aboriginal people in the criminal justice system.

In 2007/08, new justice forums were established at 16 locations across the State. Twelve new local justice agreements were developed to identify and address key priorities for those communities. The Department's AJA staff continued to work with other agencies in 2007/08. An example of this is the help they provided the Drug and Alcohol Office in developing regional alcohol management strategies.

The Department developed a methodology for evaluating the performance and impact of the AJA. In 2008/09, it will manage the case study component of the evaluation.

The State Aboriginal Justice Congress, which was established as an advisory group on the AJA to the Department, met twice this year.

#### Aboriginal Alternative Dispute Resolution Service

The Department worked with other Government and non-Government agencies to reduce Aboriginal entry into the criminal justice system by providing an effective and culturally appropriate dispute resolution service.

In 2007/08, the service received about 120 requests for assistance, 58 of which progressed to fully-mediated outcomes. It held three mediation education sessions for the Department of Corrective Services and one for the Family Court. Two staff members did cultural awareness and mediation training with the Yolngu people on Elcho Island in the Northern Territory.

### Legislative drafting to underpin good governance

#### Parliamentary Counsel

In 2007/08, the Parliamentary Counsel's Office completed a number of significant drafting tasks. These included:

##### › Duties Bill 2007

This Bill established a new duties regime to replace the outdated stamp duty arrangements imposed by the *Stamp Act 1921*.

### › Information Privacy Bill 2007

The purpose of this Bill is to—

- provide for the privacy of personal information and health information held by certain persons and bodies
- provide for access to, and amendment of, health records held by certain persons and bodies
- authorise the disclosure in certain circumstances of personal information or health information held by Government agencies
- establish the office of Privacy and Information Commissioner.

### › Legal Profession Bill 2007

An extremely large and complex Bill which aims to:

- regulate legal practice in Western Australia
- facilitate the regulation of legal practice on a national basis

### › Surrogacy Bill 2007

Under this Bill surrogacy arrangements will be regulated by:

- allowing access to IVF for a women who has agreed to bear a child for a women or couple who would be eligible for IVF
- providing a parentage order which will alter the birth certificate to make the arranged parents the legal parents of the child
- regulating activities around the making of surrogacy arrangements.

### › Waste Avoidance and Resource Recovery Bill 2007

The aim of this Bill is to:

- provide for waste avoidance and resource recovery
- establish the Waste Authority
- provide for waste services by local governments
- provide for levies on waste
- repeal the *Environmental Protection (Landfill) Levy Act 1998*.

## Parliamentary Counsel's Committee

The Parliamentary Counsels' Committee (PCC) comprises the heads of the drafting offices of the Commonwealth, the Australian States and Territories and New Zealand. The committee is responsible for the drafting of uniform and complementary legislation for the Standing Committee of Attorneys General, the Council of Australian Governments (COAG) and other national Ministerial Councils. Examples of national scheme legislation on which Western Australia did considerable work during 2007/08 are the Cross Border Justice law and the National Gas scheme.

## Legislation and legislative information online

In October 2007, upgraded databases containing Western Australian legislation and legislative information were launched on the State Law Publisher's website. The Parliamentary Counsel started optically scanning every Act ever passed in WA to include on this site. As a result, all WA legislation should be available online by the end of 2008/09. They also updated the ancillary information associated with legislation for the site.

### Legal services and advice to Government

#### State Solicitor's Office (SSO)

Examples of some of the significant legal matters dealt with by the State Solicitor's Office (the SSO) during 2007/2008 included:

› **Cazaly Iron Pty Ltd v Minister for Resources**

The State Solicitor's Office (SSO) represented the Minister for Resources in the Court of Appeal and successfully defended the Minister's decision to terminate, in the public interest, an application for an exploration licence over a potentially valuable iron ore deposit made by Cazaly Iron which had for many years previously been the subject of an exploration licence held by Rio Tinto and its joint venturers. In August 2007 the Court of Appeal upheld the Minister's decision. In April 2008 the SSO successfully defended Cazaly's application for special leave to appeal to the High Court from the decision of the Court of Appeal.

› **Betfair v the State of Western Australia**

An online betting company based in Tasmania, Betfair Pty Ltd, started proceedings against the State of Western Australia for declarations that sections 24(1aa) and 27D of the *Betting Control Act 1954* were invalid. The SSO, acting on behalf of the State of Western Australia, defended the validity of the two sections of the Act. However, in March 2008, the High Court found that they were invalid in their application to Betfair's operations.

› **Joondalup Health Campus**

The SSO worked with the Department of Health and the Department of Treasury and Finance in negotiations with Ramsay Health Care for an expansion of the public and private services at Joondalup Hospital and an extension to the existing Public Private Partnership arrangements.

› **Fiona Stanley Hospital Project**

The SSO worked with the Department of Health and the Department of Housing and Works on the tendering process and other issues for the construction of the Fiona Stanley Hospital. The first stage of the contract should be signed by the end of the year. The Office will be involved in the negotiations and finalisation of the contract documents.

› **WA Institute for Medical Research**

The SSO advised the Department of Industry and Resources on the provision of \$10m funding to the WA Institute for Medical Research for the establishment of a new clinical trials unit at Sir Charles Gairdner Hospital. The Office also advised the Chemistry Centre about provision of analytical services to the unit.

› **Oakajee Port Development**

The SSO worked with the Department of Planning and Infrastructure to seek development proposals for the Oakajee Port, north of Geraldton. The winning proponent was announced at the end of July. In 2008/09 the SSO will represent the State in project financing arrangements for the port and railway.

› **Diamond (Argyle Diamond Mines Joint Venture) Agreement 1981**

The SSO acted for the State in the negotiation of a ratified variation to the State Agreement for the provision of financial assistance (including by royalty reduction) to Argyle to help it to continue its operations under the State Agreement by transitioning to underground mining operations.

› **Redevelopment of the Old Treasury Buildings**

The SSO helped the Department of Housing and Works (DHW) to procure a proponent to redevelop the Old Treasury Building site into a high class hotel (with ancillary uses) and to enter into long term lease of the site. The DHW was due to have selected the successful proponent by late August 2008.



### › Mutualisation of GESB

The SSO provided advice to the Department of Treasury and Finance on the mutualisation of the Government Employees Superannuation Board. The Office also drafted and reviewed various orders to be made by the Treasurer and various agreements between the entities involved in the mutualisation. The mutualisation has been deferred until October/November 2008.

### › Abrolhos Islands

The SSO helped the Department of Fisheries prepare a development agreement and lengthy lease for an eco tourism resort in the Abrolhos Islands. The process has been delayed due to environmental approvals and leasing agreements.

### › Western Dawn Apple

The SSO drafted and negotiated a 10-year marketing and management agreement under which the WA Agriculture Authority engaged Sydney-based Perfection Fresh Australia Pty Ltd to manage all aspects of propagation, growing and marketing of the new Western Dawn apple variety. The apple was launched on 30 April 2008.

## Native Title

The SSO continued to represent the State in a number of native title claims lodged in the Federal Court. Most of the claims are in mediation with the National Native Title Tribunal. The Office represented the State in a number of significant appeals to the Full Court of the Federal court and provided advice to Government on the appeal decisions. The Office was also involved in future act proceedings under the right to negotiate procedures of the *Native Title Act 1993*.

Education and advice continued to be provided to a range of Government agencies on the implications of native title, heritage and environmental matters and in resource and mining projects within the requirements of native title, Aboriginal heritage and environmental legislation. The Office also helped in the development of Indigenous Land Use Agreements and continued to work with the Office of Native Title and provide legal and research advice on connection material from native title claimants in support of their claims.

## Future directions

- › establish regional AJA (as distinct from local) justice forums in WA's 10 regions
- › implement the AJA monitoring and evaluation framework to gather evidence of outcomes achieved
- › complete a case study evaluation of selected local Aboriginal justice agreements
- › continue to administer the Criminal Property Confiscation Grants Program
- › prepare advice to the State Government on the operation of the organised crime function of the Corruption and Crime Commission
- › conduct a statutory review of the *Sentencing Act 1995* and the *Professional Standards Act 1997*
- › lead the multi-agency Juvenile Justice Project Group to address issues affecting Aboriginal young people in contact with the juvenile justice system
- › co-ordinate implementation strategies for the Cross Border Justice agreement
- › participate on the State's behalf in the major new Commonwealth/State legislative arrangements currently being considered by COAG
- › continue to deliver quality legal services to Government and a broad range of government clients

- › revise and enhance the current processes for producing the online publication of legislation and legislative information as part of the ongoing Parliamentary Counsel's Office Business Improvement project
- › provide electronic copies of every Act passed by the Western Australian Parliament on the Western Australian legislation website.

## Organisational improvement

During 2007/08 the Department devoted significant energy to organisational enhancement. This followed a year and a half of foundational work in establishing the agency. The past year saw a dual focus on lifting the strategic focus of the organisation and improving its capacity for service delivery.

The Department's corporate services support a diverse workforce, a complex range of building assets and a wide number of organisational needs. Among the many initiatives were:

### **CBD accommodation and leasing strategy**

Favourable lease arrangements were secured for two of the Department's major office locations, Westralia Square and International House. The Department signed a new one-year lease, which extended the Department's tenancy of May Holman Centre until December 2008 to help with the transition of court functions between May Holman Centre, Central Law Courts and the new District Court Building.

### **Information and communications technology**

The Department implemented a new strategic information management and technology plan to increase the reliability and security of information technology infrastructure. A new services contract for supporting corporate ICT applications was awarded and started in May 2008. A governance model for information management and technology, put in place in 2006/07 for shared IMT services, was also refined to meet the needs of both the Departments of the Attorney General and Corrective Services.

### **Remote network support**

Network services were delivered to six communities in the Ngaanyatjarra Lands to enable the sharing of facilities with the Department of Corrective Services at the multi-function police facilities in Warburton and Warakurna. Video conferencing services were also made available at Warburton and Warakurna to support the business requirements for the delivery of justice services.

### **Reconciliation Action Plan**

Reconciliation Action Plans are a national initiative of Reconciliation Australia with the aim of closing the 17-year life expectancy gap between Aboriginal and non-Aboriginal children.

The Department completed its Reconciliation Action Plan in 2007/08. It outlines how the Department will improve services for Aboriginal people and recognises the importance of building strong, respectful partnerships with Aboriginal people and communities. The Department's Reconciliation Action Plan is available on the Reconciliation Australia website [www.reconciliation.org.au](http://www.reconciliation.org.au)

### **Developing our staff**

The Department understands the importance of attracting and retaining good people in order to continue to deliver a high standard of services to the communities of Western Australia.

An independent climate survey of staff, conducted by the Office of the Public Sector Standards Commissioner in 2008, showed that the Department's workforce was well versed in ethical standards, was effectively managed and reflected equity and diversity.

The year 2007/08 was highlighted with constant improvements, designed to ensure a high quality work environment and the ongoing training and development of the Department's people.

The following initiatives from the past year demonstrate the Department's commitment to its current and future employees:

- › introduction of a new employee development system
- › roll-out of a comprehensive corporate induction program
- › an enhanced policy on part-time work
- › reforms to acting policy
- › introduction of an anti-bullying policy and a corruption prevention policy
- › expansion of our network of grievance officers
- › a major upgrade of our recruitment practices and marketing
- › development of a management induction program
- › work on a revitalised health and safety policy
- › dedicated workforce planning resources and research.

A clear pressure point for the Department is a scarce labour market, especially in the regional areas. The Department used a range of measures, including scholarships, certificated and accredited studies, online learning, rural transfer policies and comprehensive induction programs, to help develop its workforce. The Department is heavily engaged in workforce planning to deliver a sustainable working environment.

Other examples of workforce development in the past year included a formal wellness program devised for staff of the Family Court, fines enforcement training for staff in remote regions and improved Aboriginal recruitment practices.

A new Graduate Development Program made a modest start during the year and enhancements are planned for a 2008/09 intake. The Department also participated successfully in a major careers expo, where job applications were lodged on the spot.

Training programs and opportunities were many and varied throughout the year. Examples include:

- › 700 staff did a records awareness training program and a further 789 were enrolled at year's end.
- › Staff of the Public Advocate attended 14 training sessions on subjects such as training and mental illness, ethics, elder abuse, the changing role of the Public Trustee, conflict resolution and the implications of the new *Criminal Investigation Act 2006* for sexual assaults.

### Corruption prevention

The Department of the Attorney General recognises corruption prevention as an integral part of good governance and management practice and is committed to maintaining an organisational culture that ensures effective corruption prevention is consistent with its Code of Conduct and the law.

In line with this ethos, the Corporate Executive Committee endorsed a new Corruption Prevention Policy and Reporting Procedures for the Department in March 2008.

### **Records**

Having completed a major evaluation of its recordkeeping system in 2004, the Department reviewed five smaller agencies in 2007/08. The Department was recognised for its outstanding recordkeeping practices by winning the State Records Award at the Institute of Public Administration Australia (IPPA) WS Lonnie Awards. The records management database for DotAG and DCS was split into two. A DotAG specific business classification scheme started in early 2008. Retention and disposal schedules specific to DotAG business areas (including the Solicitor General's Office and all courts other than the Supreme Court) were completed in 2007/08 and approved by the State Records Advisory Committee.

### **Better fleet vehicle management**

The Department adopted a four-cylinder policy in the management of fleet vehicles in 2006/07 following the introduction of the WA Government's Carbon Neutral Program. While just over half of DotAG's total operational fleet was four-cylinder at June 30 2007, the figure jumped to more than two-thirds a year later. These figures exclude vehicles that are provided as part of an employment package prescribed by the Salaries and Allowances Tribunal.

**The changing social structure of Western Australia presents a range of challenges for the Department of the Attorney General. Because of its key role in the justice system and its responsibilities for guardianship and trustee services and the registration of demographic data, the Department experiences impacts from population growth, State development and changes to community expectations.**

Western Australia's population has now passed 2.1 million. Growth is occurring at the rate of almost 1000 a week, reflecting both the birth and immigration rates. Western Australia had the largest State population growth rate in Australia at 2.4 per cent in 2007. However it is also a population ageing at twice the national rate with longer life expectancies and an increase in the prevalence of dementia. These phenomena, together with difficulties in securing accommodation and support for people with complex needs, are lifting demand for guardianship, administrator, trustee and executor services, offered by the Public Advocate and the Public Trustee. In response to heightened community expectations, a new law on consent to medical treatment was passed by Parliament and will involve the Public Advocate, in conjunction with the Health Department, in extensive implementation in the year ahead.

Western Australia's rapid economic growth, especially in the resources sector, is well documented, as are the service demands it has created. The increase in population and commercial activity, combined with more effective policing and litigation, is continuing to place increased pressure on many of the Department's services, especially in the courts system and the Registry of Births, Deaths and Marriages.

The Department needs to remain innovative in delivering court services to meet evolving community demands for better justice outcomes. A prime example is the concerted roll-out of AV links to courtrooms, reducing the need for people to travel long distances and enabling victims and witnesses to safely participate in court proceedings without the need to be present in court. The *Cross Border Justice Act 2008* passed in March 2008, which will facilitate the delivery of effective justice services to communities in the region where the borders of WA, SA and the NT meet.

The Department is also continuing its development of long term building plans in regional and metropolitan courts to tackle case backlogs and the need for greater access to facilities. Of course the solutions to trial delays, which disadvantage the accused, witnesses, victims of crime, complainants and many others, are being addressed by a number of mechanisms. These include building new courts in Kalgoorlie and Carnarvon and putting a strong focus on internal efficiencies. The appointment of an additional magistrate to the Kimberley and to the South-West in the second half of 2008 will also hasten the hearing of cases in these regions.

Another way of meeting growing service demands is to help to build greater self-sufficiency in the community. The Department is playing an expanding role as a community educator, particularly around protection of rights, and is progressively taking steps to add to its range of services offered online.

Aboriginal people continue to be caught up disproportionately in the justice system. They are heavily over-represented in prison populations and five times more likely than others to fall victim to crime. The Department is constantly putting innovative strategies in place and developing projects targeted at improving justice outcomes for Aboriginal people, including the development of the Department's Reconciliation Action Plan. Young Aboriginal people are significantly over-represented in the juvenile justice system, and the issues affecting Aboriginal young people and their contact with the juvenile justice system continues to be an area of concern. The Department is leading a multi-agency Juvenile Justice Project group to investigate and address these issues.

The Council of Australian Governments (COAG) will continue to drive much of the national reform agenda. The COAG working groups cover a number of issues that directly impact on the Department of the Attorney General, in particular, business competition and regulation reforms and Indigenous reforms, including work on juvenile diversion reform proposals.

The enforcement of outstanding court fines and infringements is a growing activity. More agencies are using the courts system to pursue outstanding fines which means the quantum of work continues to grow. The State has also increased the size of many monetary penalties. The Department recognises an increasing complexity in the collection of outstanding monies and is continually applying more rigour and innovation to the mission of chasing outstanding fine debts.

## Statement of Certification

The accompanying financial statements of the Department of the Attorney General have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions of the financial year ending 30 June 2008 and the financial position as at 30 June 2008.

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



**Alan Andersson**

CHIEF FINANCE OFFICER

15 September 2008



**Cheryl Gwilliam**

DIRECTOR GENERAL

15 September 2008



## Auditor General

### INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

#### DEPARTMENT OF THE ATTORNEY GENERAL FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2008

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

The financial statements comprise the Balance Sheet as at 30 June 2008, and the Income Statement, Statement of Changes in Equity, Cash Flow Statement, Schedule of Income and Expenses by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, a summary of significant accounting policies and other explanatory Notes.

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

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

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

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

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

An audit does not guarantee that every amount and disclosure in the financial statements and key performance indicators is error free. The term "reasonable assurance" recognises that an audit does not examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the financial statements and key performance indicators.



**Department of the Attorney General  
Financial Statements and Key Performance Indicators for the year ended 30 June 2008**

**Audit Opinion**

In my opinion,

- (i) the financial statements are based on proper accounts and present fairly the financial position of the Department of the Attorney General at 30 June 2008 and its financial performance and cash flows for the year ended on that date. They are in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions;
- (ii) the controls exercised by the Department provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (iii) the key performance indicators of the Department are relevant and appropriate to help users assess the Department's performance and fairly represent the indicated performance for the year ended 30 June 2008.



COLIN MURPHY  
AUDITOR GENERAL  
17 September 2008

### Income statement

for the year ended 30 June 2008

	Note	2008 \$'000	2007 \$'000
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits expense	6	170,977	168,262
Supplies and services	7	65,861	61,628
Depreciation and amortisation	8	9,250	7,782
Finance costs	9	2,607	1,350
Accommodation expenses	10	20,614	15,520
Grants and subsidies	11	50,685	48,136
Capital user charge	12	–	20,168
Other expenses	14	39,631	34,780
Loss on disposal of non-current assets	13	51	-
<b>Total cost of services</b>		<b>359,676</b>	<b>357,626</b>
<b>Income</b>			
Revenue			
User charges and fees	15	58,419	51,444
Commonwealth grants and contributions	16	13,452	12,772
Other revenues	17	25,320	8,039
<b>Total income other than income from State Government</b>		<b>97,191</b>	<b>72,255</b>
<b>NET COST OF SERVICES</b>		<b>262,485</b>	<b>285,371</b>
<b>INCOME FROM STATE GOVERNMENT</b>			
Service appropriations	18	251,720	248,719
Liabilities assumed by the Treasurer		13,157	23,111
Resources received free of charge		1,944	15,551
<b>Total income from State Government</b>		<b>266,821</b>	<b>287,381</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>		<b>4,336</b>	<b>2,010</b>

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

## Balance sheet

as at 30 June 2008

	Note	2008 \$000	2007 \$000
<b>ASSETS</b>			
<b>Current assets</b>			
Cash and cash equivalents	29	18,160	8,604
Receivables	20	9,659	8,023
Amounts receivable for services	21	3,624	7,263
<b>Total current assets</b>		<b>31,443</b>	<b>23,890</b>
<b>Non-current assets</b>			
Restricted cash and cash equivalents	19	1,300	830
Amounts receivable for services	21	46,223	30,503
Property, plant, equipment and vehicles	22	537,427	299,910
Intangible assets	23	9,858	5,787
<b>Total non-current assets</b>		<b>594,808</b>	<b>337,030</b>
<b>TOTAL ASSETS</b>		<b>626,251</b>	<b>360,920</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>			
Payables	24	14,708	9,174
Other borrowings	25	1,071	234
Provisions	26	23,972	27,679
Other current liabilities	27	2,639	715
<b>Total current liabilities</b>		<b>42,390</b>	<b>37,802</b>
<b>Non-current liabilities</b>			
Other borrowings	25	223,779	12,364
Provisions	26	16,743	10,249
<b>Total non-current liabilities</b>		<b>240,522</b>	<b>22,613</b>
<b>TOTAL LIABILITIES</b>		<b>282,912</b>	<b>60,415</b>
<b>NET ASSETS</b>		<b>343,339</b>	<b>300,505</b>
<b>Equity</b>			
Contributed equity	28	34,807	8,437
Reserves		244,883	232,755
Accumulated surplus/(deficiency)		63,649	59,313
<b>Total equity</b>		<b>343,339</b>	<b>300,505</b>
<b>TOTAL LIABILITIES AND EQUITY</b>		<b>626,251</b>	<b>360,920</b>

The balance sheet should be read in conjunction with the accompanying notes.

### Cash flow statement

for the year ended 30 June 2008

	Note	2008 \$000	2007 \$000
<b>CASH FLOWS TO / FROM STATE GOVERNMENT</b>			
Service appropriations		236,129	234,472
Capital contributions		25,222	8,437
Holding account drawdowns		3,510	10,663
<b>Net cash provided by State Government</b>		<b>264,861</b>	<b>253,572</b>
<b>Utilised as follows:</b>			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(139,730)	(133,418)
Payments to suppliers		(163,357)	(137,731)
Accommodation costs		(20,614)	(15,520)
Finance costs		(1,326)	(1,352)
Capital user charge		-	(20,168)
GST payments on purchases		(13,669)	(11,620)
GST payments to taxation authority		(3,123)	(716)
<b>Receipts</b>			
Receipts from services		83,981	56,583
Commonwealth grants and contributions		13,434	12,770
GST receipts on sales		3,136	951
GST receipts from taxation authorities		11,855	11,602
<b>Net cash used in operating activities</b>	29(c)	<b>(229,413)</b>	<b>(238,619)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Proceeds from sale of non-current physical assets		71	1
Purchase of non-current physical assets		(25,258)	(15,803)
<b>Net cash used in investing activities</b>		<b>(25,187)</b>	<b>(15,802)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Finance lease payments		(235)	(211)
<b>Net cash used in financing activities</b>		<b>(235)</b>	<b>(211)</b>
<b>Net (decrease)/increase in cash and cash equivalents</b>		<b>10,026</b>	<b>(1,060)</b>
Cash and cash equivalents at the beginning of period		9,434	10,494
<b>CASH AND CASH EQUIVALENTS AT THE END OF PERIOD</b>	29(a)	<b>19,460</b>	<b>9,434</b>

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

## Statement of changes in equity

for the year ended 30 June 2008

	Note	2008 \$000	2007 \$000
Balance of equity at start of period		300,505	246,744
<b>CONTRIBUTED EQUITY</b>			
Balance at start of period	28	8,437	-
Capital contribution		26,370	8,437
<b>Balance at end of period</b>		<b>34,807</b>	<b>8,437</b>
<b>RESERVES</b>			
Asset revaluation reserve			
Balance at start of period	28	232,755	189,091
Gains/(losses) from asset revaluation		12,128	43,664
<b>Balance at end of period</b>		<b>244,883</b>	<b>232,755</b>
<b>ACCUMULATED SURPLUS/(DEFICIENCY)</b>			
Balance at start of period	28	59,313	57,653
Correction of prior period errors		-	(350)
Surplus/(deficit) for the period		4,336	2,010
<b>Balance at end of period</b>		<b>63,649</b>	<b>59,313</b>
<b>Balance of equity at end of period</b>		<b>343,339</b>	<b>300,505</b>
<b>Total income and expense for the period <sup>(a)</sup></b>		<b>16,464</b>	<b>45,674</b>

<sup>(a)</sup> The aggregate net amount attributable to each category of equity is: surplus \$4,336,000 plus gains from asset revaluation \$12,128,000, (2007: surplus \$2,010,000 plus gains from asset revaluation \$43,664,000).

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

### Schedule of income and expense by service

for the year ended 30 June 2008

	Service1		Service2	
	Court & Tribunal Services <sup>(a)</sup>		Advocacy Guardianship and Administration Services	
	2008 \$'000's	2007 \$'000's	2008 \$'000's	2007 \$'000's
<b>COST OF SERVICES</b>				
<b>Expenses</b>				
Employee benefits expense	113,821	111,573	2,142	1,943
Depreciation and amortisation expense	5,691	4,969	3	3
Finance cost	2,607	1,350	-	-
Capital user charge		17,586		2
Other expenses	104,820	96,653	494	509
Loss on sale of assets	59	29	-	-
Corporate overheads reallocated to services	17,770	14,113	455	324
<b>Total cost of services</b>	<b>244,768</b>	<b>246,273</b>	<b>3,094</b>	<b>2,781</b>
<b>Income</b>				
Sales	57,431	49,930	78	57
Corporate overheads reallocated to outputs	2,605	243	51	7
<b>Total income other than income from State Government</b>	<b>60,036</b>	<b>50,173</b>	<b>129</b>	<b>64</b>
<b>NET COST OF SERVICES</b>	<b>184,732</b>	<b>196,100</b>	<b>2,965</b>	<b>2,717</b>
<b>INCOME FROM STATE GOVERNMENT</b>				
Service appropriations	134,647	158,500	2,340	2,694
Liabilities assumed by the Treasurer	13,155	22,243	-	12
Resources received free of charge	1,838	15,446	2	2
Corporate overheads reallocated to services	17,370	86	295	3
<b>Total income from State Government</b>	<b>167,010</b>	<b>196,275</b>	<b>2,637</b>	<b>2,711</b>
<b>Surplus/deficit for period</b>	<b>(17,722)</b>	<b>175</b>	<b>(328)</b>	<b>(6)</b>

(a) Service 1 - Court and Tribunal Services is the amalgamation of five services effective from 1 July 2007. The five former services (which appeared in the 2006/07 budget papers) were:-

Service 1 - Judiciary and Judicial Support

Service 2 - Civil Justice Services

Service 3 - Family Court Services

Service 4 - Adult Criminal Justice Services

Service 5 - Juvenile Criminal Justice Services

The schedule of income and expenses by service should be read in conjunction with the accompanying notes.

### Schedule of income and expense by service

for the year ended 30 June 2008

	Service 3 Trustee Services		Service 4 Births Deaths and Marriages	
	2008 \$'000's	2007 \$'000's	2008 \$'000's	2007 \$'000's
<b>COST OF SERVICES</b>				
<b>Expenses</b>				
Employee benefits expense	9,811	8,938	2,302	2,228
Depreciation and amortisation expense	34	141	16	130
Finance cost	-	-	-	-
Capital user charge		13		11
Other expenses	3,467	3,098	1,793	1,440
Loss on sale of assets	5	-	-	1
Corporate overheads reallocated to services	1,130	1,246	667	801
<b>Total cost of services</b>	<b>14,447</b>	<b>13,436</b>	<b>4,778</b>	<b>4,611</b>
<b>Income</b>				
Sales	11,413	9,884	7,390	6,548
Corporate overheads reallocated to outputs	77	22	62	18
<b>Total income other than income from State Government</b>	<b>11,490</b>	<b>9,906</b>	<b>7,452</b>	<b>6,566</b>
<b>NET COST OF SERVICES</b>	<b>2,957</b>	<b>3,530</b>	<b>(2,674)</b>	<b>(1,955)</b>
<b>INCOME FROM STATE GOVERNMENT</b>				
Service appropriations	2,957	3,089	(511)	-
Liabilities assumed by the Treasurer	-	416	-	17
Resources received free of charge	9	9	5	5
Corporate overheads reallocated to services	474	9	263	5
<b>Total income from State Government</b>	<b>3,440</b>	<b>3,523</b>	<b>(243)</b>	<b>27</b>
<b>Surplus/deficit for period</b>	<b>483</b>	<b>(7)</b>	<b>2,431</b>	<b>1,982</b>

(a) Service 1 - Court and Tribunal Services is the amalgamation of five services effective from 1 July 2007. The five former services (which appeared in the 2006/07 budget papers) were:-

Service 1 - Judiciary and Judicial Support

Service 2 - Civil Justice Services

Service 3 - Family Court Services

Service 4 - Adult Criminal Justice Services

Service 5 - Juvenile Criminal Justice Services

The schedule of income and expenses by service should be read in conjunction with the accompanying notes

### Schedule of income and expense by service

for the year ended 30 June 2008

	Service 5		Service 6	
	Services to Government		Legal Aid Assistance	
	2008 \$'000's	2007 \$'000's	2008 \$'000's	2007 \$'000's
<b>COST OF SERVICES</b>				
<b>Expenses</b>				
Employee benefits expense	35,055	36,947	-	-
Depreciation and amortisation expense	1,379	1,589	-	-
Finance cost	-	-	-	-
Capital user charge		1,603		
Other expenses	30,130	27,262	22,845	21,143
Loss on sale of assets	(3)	(19)	-	-
Corporate overheads reallocated to services	3,183	2,000	-	-
<b>Total cost of services</b>	<b>69,744</b>	<b>69,382</b>	<b>22,845</b>	<b>21,143</b>
<b>Income</b>				
Sales	17,666	5,502	-	-
Corporate overheads reallocated to outputs	418	44	-	-
<b>Total income other than income from State Government</b>	<b>18,084</b>	<b>5,546</b>	<b>-</b>	<b>-</b>
<b>NET COST OF SERVICES</b>	<b>51,660</b>	<b>63,836</b>	<b>22,845</b>	<b>21,143</b>
<b>INCOME FROM STATE GOVERNMENT</b>				
Service appropriations	68,458	63,293	22,845	21,143
Liabilities assumed by the Treasurer	16	329	-	-
Resources received free of charge	72	64	-	-
Corporate overheads reallocated to services	2,586	16	-	-
<b>Total income from State Government</b>	<b>71,132</b>	<b>63,702</b>	<b>22,845</b>	<b>21,143</b>
<b>Surplus/deficit for period</b>	<b>19,472</b>	<b>(134)</b>	<b>-</b>	<b>-</b>

(a) Service 1 - Court and Tribunal Services is the amalgamation of five services effective from 1 July 2007. The five former services (which appeared in the 2006/07 budget papers) were:-

Service 1 - Judiciary and Judicial Support

Service 2 - Civil Justice Services

Service 3 - Family Court Services

Service 4 - Adult Criminal Justice Services

Service 5 - Juvenile Criminal Justice Services

The schedule of income and expenses by service should be read in conjunction with the accompanying notes.



### Schedule of income and expense by service

for the year ended 30 June 2008

	Overheads		Total	
	Corporate Overheads			
	2008 \$'000's	2007 \$'000's	2008 \$'000's	2007 \$'000's
<b>COST OF SERVICES</b>				
<b>Expenses</b>				
Employee benefits expense	7,846	6,633	170,977	168,262
Depreciation and amortisation expense	2,127	950	9,250	7,782
Finance cost	-	-	2,607	1,350
Capital user charge		952	-	20,167
Other expenses	13,242	9,961	176,791	160,066
Loss on sale of assets	(10)	(12)	51	(1)
Corporate overheads reallocated to services	(23,205)	(18,484)	-	-
<b>Total cost of services</b>	-	-	359,676	357,626
<b>Income</b>				
Sales	3,213	334	97,191	72,255
Corporate overheads reallocated to outputs	(3,213)	(334)	-	-
<b>Total income other than income from State Government</b>	-	-	97,191	72,255
<b>NET COST OF SERVICES</b>	-	-	262,485	285,371
<b>INCOME FROM STATE GOVERNMENT</b>				
Service appropriations	20,984	-	251,720	248,719
Liabilities assumed by the Treasurer	(14)	95	13,157	23,112
Resources received free of charge	18	24	1,944	15,550
Corporate overheads reallocated to services	(20,988)	(119)	-	-
<b>Total income from State Government</b>	-	-	266,821	287,381
<b>Surplus/deficit for period</b>	-	-	4,336	2,010

(a) Service 1 - Court and Tribunal Services is the amalgamation of five services effective from 1 July 2007. The five former services (which appeared in the 2006/07 budget papers) were:-

Service 1 - Judiciary and Judicial Support

Service 2 - Civil Justice Services

Service 3 - Family Court Services

Service 4 - Adult Criminal Justice Services

Service 5 - Juvenile Criminal Justice Services

The schedule of income and expenses by service should be read in conjunction with the accompanying notes.

### Summary of consolidated fund appropriations and income estimates

for the year ended 30 June 2008

	2008 Estimate \$000	2008 Actual \$000	2008 Variation \$000	2008 Actual \$000	2007 Actual \$000	2007 Variation \$000
<b>DELIVERY OF SERVICES</b>						
<b>Item 63 net amount appropriated to deliver services</b>	185,211	187,050	1,839	187,050	182,610	4,440
Amount authorised by other statutes						
<i>Salaries and Allowances Act 1975</i>	21,005	21,071	66	21,071	19,705	1,366
<i>District Court of Western Australia Act 1969</i>	8,882	8,648	(234)	8,648	8,827	(179)
<i>Judge's Salaries and Pensions Act 1950</i>	7,490	8,246	756	8,246	7,728	518
<i>Children's Court of Western Australia Act 1988</i>	316	328	12	328	319	9
<i>State Administrative Tribunal Act 2004</i>	2,905	4,100	1,195	4,100	3,130	970
<i>Criminal Injuries Compensation Act 1985</i>	19,487	21,900	2,413	21,900	20,142	1,758
<i>Solicitor General Act 1969</i>	329	347	18	347	361	(14)
<i>Suitors Fund Act 1964</i>	30	30	-	30	30	-
	245,655	251,720	6,065	251,720	242,852	8,868
Section 25 transfer of service appropriation	(14,516)	-	14,516	-	5,867	(5,867)
<b>Total appropriations provided to deliver services</b>	231,139	251,720	20,581	251,720	248,719	3,001
<b>CAPITAL</b>						
Item 151 capital contribution	24,485	25,222	737	25,222	8,437	16,785
<b>GRAND TOTAL</b>	255,624	276,942	21,318	276,942	257,156	19,786
<b>Details of expenses by service</b>						
Service 1 - Court and tribunal Services (a)	227,125	244,768	17,643	244,768	246,273	(1,505)
Service 2 - Advocacy, guardianship and administration services	2,898	3,094	196	3,094	2,781	313
Service 3 - Trustee services	13,108	14,447	1,339	14,447	13,436	1,011

### Summary of consolidated fund appropriations and income estimates

for the year ended 30 June 2008

	2008 Estimate \$000	2008 Actual \$000	2008 Variation \$000	2008 Actual \$000	2007 Actual \$000	2007 Variation \$000
Service 4 - Births, deaths and marriages	6,648	4,778	(1,870)	4,778	4,611	167
Service 5 - Services to Government	57,136	69,744	12,608	69,744	69,382	362
Service 6 - Legal Aid assistance	20,716	22,845	2,129	22,845	21,143	1,702
<b>Total cost to services</b>	327,631	359,676	32,045	359,676	357,626	2,050
<b>Less income</b>	(72,998)	(97,191)	(24,193)	(97,191)	(72,255)	(24,936)
<b>Net cost of services</b>	254,633	262,485	7,852	262,485	285,371	(22,886)
Adjustments	(23,494)	(10,765)	12,729	(10,765)	(36,652)	25,887
<b>Total appropriations provided to deliver services</b>	231,139	251,720	20,581	251,720	248,719	3,001
<b>Capital expenditure</b>						
Purchase of non-current physical assets	31,748	25,258	(6,490)	25,258	15,803	9,455
Adjustment for other funding sources	(7,263)	(36)	7,227	(36)	(7,366)	7,330
<b>Capital contribution (appropriation)</b>	24,485	25,222	737	25,222	8,437	16,785
<b>DETAILS OF INCOME ESTIMATES</b>						
Income disclosed as administered income	94,264	106,740	12,476	106,740	98,412	(8,328)

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

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

Administered income estimate for 2008 excludes Family Law Court funding of \$13.074 million received from the Commonwealth as it is controlled funding.

The summary of consolidated fund appropriations, variance to budget and actual should be read in conjunction with the accompanying notes.

(a) Service 1 - Court and Tribunal Services is the amalgamation of five services effective from July 2007. The five former services (which appeared in the 2006/07 budget papers) were:-

Service 1 - Judiciary and Judicial Support

Service 2 - Civil Justice Services

Service 3 - Family Court Services

Service 4 - Adult Criminal Justice Services

Service 5 - Juvenile Criminal Justice Services

## Notes to the financial statements

for the year ended 30 June 2008

### 1 Department of the Attorney General mission and funding

The Department of the Attorney General's (the "Department" for the purposes of these notes) mission is to provide high quality and accessible justice, legal, registry, guardianship and trustee services that meet the needs of the community and government.

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

### 2 Australian equivalents to International Financial Reporting Standards

The Department's financial statements for the year ended 30 June 2008 have been prepared in accordance with Australian equivalents to International Financial Reporting Standards (AIFRS), which comprise a Framework for the Preparation and Presentation of Financial Statements (the Framework) and Australian Accounting Standards (including the Australian Accounting Interpretations).

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

The Australian Accounting Interpretations are adopted through AASB 1048 'Interpretation and Application of Standards' and are classified into those corresponding to IASB Interpretations and those only applicable in Australia.

The AASB has decided to maintain Statements of Accounting Concepts (SAC 1 and SAC 2) and has continued to revise and maintain accounting standards and the interpretations that are of particular relevance to the Australian environment, especially those that deal more specifically with not-for-profit entity issues and/or do not have an equivalent IASB standard or interpretation.

#### Early adoption of standards

The Department cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. No Standards and Interpretations that have been issued or amended but are not yet effective have been early adopted by the Department for the annual reporting period ended 30 June 2008.

### 3 Significant accounting policies

The following accounting policies have been adopted in the preparation of the financial statements. Unless otherwise stated, these policies are consistent with those adopted in the previous year.

#### (a) General statement

The financial statements constitute a general purpose financial report which has been prepared in accordance with Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board (AASB) as applied by the

## Notes to the financial statements

for the year ended 30 June 2008

Treasurer's Instructions. Several of these are modified by the Treasurer's Instructions to vary application, disclosure, format and wording.

The Financial Management Act and the Treasurer's Instructions are legislative provisions governing the preparation of financial statements and take precedence over Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB.

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

### (b) Basis of preparation

The financial statements have been prepared in accordance with Accounting Standard AAS 29 'Financial Reporting by Government Departments' on the accrual basis of accounting using the historical cost convention, modified by the revaluation of land, buildings and infrastructure which have been measured at fair value.

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

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

### (c) Reporting entity

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

### (d) Administered transactions

Administered assets, liabilities, expenses and revenues are not integral to the Department in carrying out its functions and are disclosed in the notes to the financial statements, forming part of the general purpose financial report of the Department. The administered items are disclosed on the same basis as is described above for the financial statements of the Department. The administered assets, liabilities, expenses and revenues are those which the Government requires the Department to administer on its behalf. The assets do not render any service potential or future economic benefits to the Department, the liabilities do not require any future sacrifice of service potential or future economic benefits of the Department, and the expenses and revenues are not attributable to the Department.

As the administered assets, liabilities, expenses and incomes are not recognised in the principal financial statements of the Department, the disclosure requirements of Accounting Standard AASB 7 Financial Instruments: disclosures are not applied to administered transactions.

Administered assets are not controlled by the Department but are administered on behalf of the Government. These assets include receivables in relation to:

- Supreme and District Court fines and forfeitures
- Petty Sessions fines

## Notes to the financial statements

for the year ended 30 June 2008

Outstanding fines and costs include:

- (a) District and Supreme Court fines and costs and those which are referred to the Fines Enforcement Registry (FER) for action and are outstanding as at 30 June 2008.
- (b) Petty Sessional fines which are outstanding in each Court and have not been referred to the FER as at 30 June 2008.

Infringement penalty details are not included as the State Solicitor provided an opinion that infringements form no liability or obligation to pay until a court has ordered the offender to pay the penalty.

### (e) Provision for unrecoverable debts - administered transactions

The provision in respect of court fees and fines outstanding and referred to the FER is based on the recovery history of court fees and fines managed by the FER.

### (f) Contributed equity

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

### (g) Revenue recognition

Revenue is measured at the fair value of consideration received or receivable where it can be reliably measured, in the period to which it relates. However, where there is not an established pattern of income flow, revenue is recognised on a cash receipts basis. Criminal injuries revenue is recognised at the time payment is received.

Outstanding criminal injuries recoveries are not recognised as debts, as the future economic benefits are minimal and cannot be reliably measured. Criminal injuries recoveries include awards pursuant to the Criminal Injuries Compensation Acts of 1970 and 1982 together with amounts recorded under the Criminal Injuries Compensation Act 1985. Recoveries pursued as at 30 June 2008 were \$10.65 million (30 June 2007 \$9.27 million).

### Service appropriations

Service appropriations are recognised as revenues, at nominal value, in the period in which the Department gains control of the appropriated funds. The Department gains control of appropriated funds at the time those funds are deposited into the Department's bank account or credited to the holding account held at the Department of Treasury and Finance. Refer to note 18 for further commentary on services appropriations.

## Notes to the financial statements

for the year ended 30 June 2008

### Net appropriation determination

Pursuant to section 23 of the Financial Management Act, the Department has entered into a net appropriation arrangement with the Treasurer, where the proceeds from services are retained by the Department. Items covered by the agreement include commonwealth recoups, court fees, births deaths and marriage registration fees, proceeds from Public Trustee fees, Public Trust common fund interest revenues, legal services, workers compensation recoups and other miscellaneous revenues.

In accordance with the determination specified in the 2007-2008 Budget Statements, the Department retained \$97.24 million in 2008 (\$72.29 million in 2007) from the following:

### Grants and other contributions revenue

Grants, donations, gifts and other non-reciprocal contributions are recognised as revenue when the Department obtains control over the assets comprising the contributions. Control is normally obtained upon their receipt. Contributions are recognised at fair value.

### (h) Property, plant and equipment and infrastructure

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

### Initial recognition and measurement

All items of property, plant and equipment and infrastructure are initially recognised at cost.

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

### Revaluation of land, buildings and infrastructure

The Department has a policy of revaluing land and buildings to fair value, on an annual basis, under AASB 116.31. The annual revaluations are undertaken by Landgate and movements are recognised in the financial statements. Where market evidence is not available, the fair value of land and buildings is determined on the basis of existing use. This normally applies where buildings are specialised or where land use is restricted. Fair value for existing use assets is determined by reference to the cost of replacing the remaining future economic benefits embodied in the asset i.e. the depreciated replacement cost. The revaluation of land and buildings is an independent valuation provided on an annual basis by Landgate (valuation services). Refer to note 22.

### Depreciation of non-current assets

All non-current assets with a value of more than \$5,000 and a useful life of more than two years are systematically depreciated over their useful lives in a manner which reflects the consumption of their future economic benefits. Furniture and library items are mostly under this limit and are expensed in the year of purchase.

## Notes to the financial statements

for the year ended 30 June 2008

Land is not depreciated. Depreciation is calculated on the straight line basis, using rates which are periodically reviewed. Estimated useful lives for each class of depreciable assets are:

- Buildings 50 years
- Leasehold improvements 10 years
- Information technology systems 5 years
- Plant, equipment and vehicles 4–15 years

Building and information technology projects are reported as 'works in progress' until commissioned.

### (i) Intangible assets

All acquired and internally developed intangible assets are initially recognised at cost. Amortisation for intangible assets with finite lives is calculated for the period of the expected benefit (estimated useful life) on the straight line basis. All intangible assets controlled by the Department have a finite useful life and zero residual value. The expected useful life for Departmental intangible assets is five years.

### (j) Impairment of assets

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

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

### (k) Leases

The Department's finance lease rights and obligations are initially recognised at the commencement of the lease term as assets and liabilities equal in amount to the fair value of the leased item or, if lower, the present value of the minimum lease payments determined at the inception of the lease. The assets are disclosed as leased buildings and are depreciated to the income statement over the period during which the Department is expected to benefit from the use of the leased assets. Minimum lease payments are allocated between interest expense and reduction of the outstanding lease liability, according to the interest rate implicit in the lease.

Finance lease liabilities are allocated between current and non-current components. The principal component of lease payments due on or before the end of the succeeding year is disclosed as a current liability, and the remainder of the lease liability is disclosed as a non-current liability.

The Department has entered into a number of operating lease arrangements, for buildings through the Department of Housing and Works, for passenger and light commercial motor vehicles through the



## Notes to the financial statements

for the year ended 30 June 2008

State Supply Commission and for office equipment where the lessors effectively retain all of the risks and benefits incidental to ownership of the items held under the operating leases. Equal instalments of the lease payments are charged to the income statement over the lease term as this is representative of the pattern of benefits to be derived from the leased property.

Refer to notes 9, 25 and 31 (b).

### (l) Financial instruments

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

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

These have been disaggregated into the following classes:

#### Financial assets

- Cash and cash equivalent assets
- Restricted cash and cash equivalent assets
- Receivables
- Amounts receivable for services

#### Financial liabilities

- Payables
- Finance lease liabilities

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

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

### (m) Cash and cash equivalents

For the purpose of the cash flow statement, cash and cash equivalents includes cash assets and restricted cash assets.

### (n) Accrued salaries

The accrued salaries suspense account (refer note 19) consists of amounts paid annually into a suspense account over a period of ten financial years to largely meet the additional cash outflow in each eleventh year when 27 pays occur instead of the normal 26. No interest is received on this account.

Accrued salaries (refer note 27) represent the amount due to staff but unpaid at the end of the financial year, if the end of the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a few days of the financial year end. The Department

## Notes to the financial statements

for the year ended 30 June 2008

considers the carrying amount of accrued salaries to be equivalent to the net fair value. The last pay day in 2007/08 was 26 June 2008, therefore an accrual of two days was necessary in this financial year.

### (o) Amounts receivable for services (holding account)

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

### (p) Receivables

Receivables are recognised and carried at the original invoice amount less an allowance for uncollectible amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written off. The provision for doubtful debts is raised where there is objective evidence that the Department will not be able to collect the debts. The carrying amount is equivalent to fair value as it is due for settlement within 30 days. See note 3 (l) 'Financial Instruments' and note 20 'Receivables'.

### (q) Expenditure carried forward

Software - significant costs associated with the acquisition or development of computer software are capitalised and amortised on a straight line basis over the periods of the expected benefit, which is usually five years.

Website costs - costs in relation to websites controlled by the Department are charged as expenses in the period in which they are incurred.

### (r) Payables

Payables, including accruals not yet billed, 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. Payables are generally settled within 30 days.

### (s) Provisions

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

#### Annual leave

This benefit is recognised at the reporting date in respect to employees' services up to that date and is measured at the anticipated amounts expected to be paid when the liabilities are settled.

#### Long service leave

A liability for long service leave is recognised, and is measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date. Consideration is given, when assessing expected future payments, to expected future wage and salary

## Notes to the financial statements

for the year ended 30 June 2008

levels including relevant on costs, experience of employee departures and periods of service. Expected future payments are discounted using interest rates to obtain the estimated future cash outflows. The long service leave liability is based on a shorthand method provided by Price Waterhouse Coopers actuaries in June 2008 and is compliant with AASB 119 "Employee Benefits".

### Employment on-costs

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised as liabilities and expenses when the employment to which they relate has occurred. Employment on-costs are included as part of the Department's other expenses, and are not included as part of the employee benefits expense. The related liability is included in employment on-cost provision. Refer note 14 and note 26.

### (t) Superannuation

Staff may contribute to the Superannuation and Family Benefits Act scheme, a defined benefits pension scheme now closed to new members, or to the Gold State Superannuation Scheme, a defined benefit and lump sum scheme now also closed to new members. All staff who do not contribute to either of these schemes become non-contributory members of the West State Superannuation Scheme, an accumulation fund complying with the *Commonwealth Government's Superannuation Guarantee (Administration) Act 1992*. All of these schemes are administered by the Government Employees Superannuation Board (GESB).

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

The superannuation expense is comprised of the following elements:

- (i) Defined benefit plans - change in the unfunded employer's liability (i.e. current service cost and actuarial gains and losses) assumed by the Treasurer in respect of current employees who are members of the Pension Scheme and current employees who accrued a benefit on transfer from that scheme to the Gold State Superannuation Scheme (GSS).
- (ii) Defined contribution plans - Employer contributions paid to the GSS (concurrent contributions), the West State Superannuation Scheme (WSS), and the GESB Super Scheme (GESBS).

The superannuation expense does not include payment of pensions to retirees as this does not constitute part of the cost of services provided by the Department in the current year.

## Notes to the financial statements

for the year ended 30 June 2008

A revenue liability assumed by the Treasurer equivalent to (i) is recognised under income from State Government in the income statement as the unfunded liability is assumed by the Treasurer. The GESB makes the benefit payments and is recouped by the Treasurer.

From 1 July 2001 employer contributions are paid to the GESB in respect of the Gold State Superannuation Scheme (GSS) and the West State Superannuation Scheme (WSS). Prior to 1 July 2001, the unfunded liability in respect of these schemes was assumed by the Treasurer. An amount equivalent to the employer contributions which would have been paid to the GSS and the WSS if the Department had made concurrent employer contributions to those schemes, was included in superannuation expense. This amount was also included in the revenue item "liabilities assumed by the Treasurer".

### (u) Judges' pensions

All Judges' pension benefits are met by the Treasurer. Judges are entitled to pensions of 60% of their final salary after ten years of service and proportionate pensions for lesser service. Spouses of Judges are entitled to pensions of five-eighths of the Judges' pension entitlement on the Judges' death. The liability for Judges' pensions as at 30 June 2008 was calculated by Price Waterhouse Coopers actuaries.

The GESB has responsibility for the administration of the Judges' Pension Scheme. GESB initially incurs the cost of the pensions and then recoups the amount from the Consolidated Fund (Department of Treasury and Finance). The expense for Judges' pensions is included as an employee expense of the Department with a corresponding liability assumed by the Treasurer.

The expense reflects the increase in the liability at the Department of Treasury and Finance.

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

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

### (w) Comparative figures

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

### (x) Rounding of amounts

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

## Notes to the financial statements

for the year ended 30 June 2008

### 4 Services of the Department

Information about the Department's services is set out in the schedule of income and expenses by service. Information about the Department's administered expenses, revenues, assets and liabilities is set out in notes 39 and 40.

The services of the Department are:

#### (1) Court and Tribunal Services

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

#### (2) Advocacy, guardianship and administration services

Access to advocacy and guardianship services that protect and promote the financial interests and welfare of people with decision making disabilities.

#### (3) Trustee Services

Provision of funds management and investment services and trustee or financial administrator services for individuals pursuant to orders from courts or tribunals.

#### (4) Births, deaths and marriages

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

#### (5) Services to Government

Legal, legislation and policy services directly provided the department to support justice outcomes, and activities of other government agencies.

#### (6) Legal Aid assistance

Access to, and the provision of, quality legal services. Application of priority guidelines, eligibility and merit tests to enable legal representation to be provided to legally aided clients by grants of aid and assignment of cases to in-house or private practitioners. Legal advice, duty lawyer services and community education is provided to assist the wider community to access fair solutions to legal problems at the earliest opportunity.

## Notes to the financial statements

for the year ended 30 June 2008

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

#### Initial application of an Australian Accounting Standard

The Department has applied the following Australian Accounting Standards and Australian Accounting Interpretations effective for annual reporting periods beginning on or after 1 July 2007 that impacted on the Department:

- (i) AASB 7 'Financial Instruments: Disclosures' (including consequential amendments in AASB 2005-10 'Amendments to Australian Accounting Standards [AASB 132, AASB 101, AASB 114, AASB 117, AASB 133, AASB 139, AASB 1, AASB 4, AASB 1023 & AASB 1038]'). This Standard requires new disclosures in relation to financial instruments and while there is no financial impact, the changes have resulted in increased disclosures, both quantitative and qualitative, of the Department's exposure to risks, including enhanced disclosure regarding components of the Department's financial position and performance, and changes to the way of presenting certain items in the notes to the financial statements.
- (ii) AASB 2007-4 Amendments to Australian Accounting Standards arising from ED 151 and Other Amendments (AASB 1, 2, 3, 4, 5, 6, 7, 102, 107, 108, 110, 112, 114, 116, 117, 118, 119, 120, 121, 127, 128, 129, 130, 131, 132, 133, 134, 136, 137, 138, 139, 141, 1023 & 1038).

The amendments arise as a result of the AASB decision to make available all options that currently exist under IFRSs and that certain additional Australian disclosures should be eliminated. The Treasurer's instructions have been amended to maintain the existing practice when the Standard was first applied and as a consequence there is no financial impact.

- (iii) AASB Interpretation 12 Service Concession Arrangements. This Interpretation was issued in February 2007 and gives guidance on the accounting by operators (usually a private sector entity) for public-to-private service concession arrangements. It does not address the accounting by grantors (usually a public sector entity). It is currently unclear as to the application of the Interpretation to the Department if and when public-to-private service concession arrangements are entered into in the future. At balance sheet date, the Department has not entered into any public-to-private service concession arrangements resulting in no impact as a consequence of the Interpretation being applied.

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

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

Interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities 1 July 2008

The existing requirements in AAS27, AAS 29 and AAS 31 have been transferred to the above new and existing topic-based Standards and Interpretation. These requirements remain substantively unchanged. The new and revised Standards make some modifications to disclosures, otherwise there will be no financial impact.

## Notes to the financial statements

for the year ended 30 June 2008

### 6 Employee benefits expense

Wages and salaries	127,963	120,369
Superannuation – defined contribution plans	12,135	11,399
Superannuation – defined benefit plans (a)	–	1,483
Long service leave	4,614	4,388
Annual leave	13,108	8,995
Judges pensions – liability assumed by the Treasurer	13,157	21,628

2008  
\$000

2007  
\$000

127,963

120,369

12,135

11,399

–

1,483

4,614

4,388

13,108

8,995

13,157

21,628

170,977

168,262

Defined contribution plans include West State and Gold State (contribution paid)

Defined benefit plans include Pension scheme and Gold State (pre-transfer benefits)

(a) Advice from GESB indicates that this liability has decreased from the previous reporting period and therefore no adjustment is required for 2007/08 as per TI1101A.

Employment on-costs such as workers' compensation insurance are included at note 14 'Other Expenses'. The employment on-costs liability is included at note 26 'Provisions'.

### 7 Supplies and services

Services and contracts	56,511	39,868
Resources free of charge	1,944	15,551
Goods and supplies purchased	7,406	6,209

56,511

39,868

1,944

15,551

7,406

6,209

65,861

61,628

### 8 Depreciation and amortisation

#### Depreciation

Buildings	3,604	3,388
Plant, equipment and vehicles	1,490	1,233

3,604

3,388

1,490

1,233

#### Total depreciation

5,094

4,621

#### Amortisation

IT systems	2,574	2,178
Leased buildings	529	215
Leasehold improvements	1,053	768

2,574

2,178

529

215

1,053

768

#### Total amortisation

4,156

3,161

9,250

7,782

## Notes to the financial statements

for the year ended 30 June 2008

	2008 \$000	2007 \$000
<b>9 Finance costs</b>		
Finance lease finance charges	2,607	1,350
<b>10 Accommodation expenses</b>		
Building rental operating lease expenses	20,614	15,520
<b>11 Grants and subsidies</b>		
Criminal injuries	22,118	20,979
Government organisations	22,772	21,300
Other grants and subsidies	5,795	5,857
	50,685	48,136
<b>12 Capital user charge</b>		
Capital user charge expense for the year	–	20,168
The charge was a levy applied by Government for the use of its capital. The final charge was levied in 2006–07.		
<b>13 Net gain/(loss) on disposal of non-current assets</b>		
<b>Proceeds from disposal of non-current assets</b>		
Gross proceeds on disposal	58	39
<b>Costs of Disposal of non-current assets</b>		
Plant, equipment and vehicles	(109)	(39)
Buildings	–	–
<b>Net gain/(loss)</b>	(51)	–



## Notes to the financial statements

for the year ended 30 June 2008

	2008 \$000	2007 \$000
<b>14 Other expenses</b>		
Building repairs and maintenance	5,878	5,904
Electricity and water	2,002	1,872
Communication expenses	3,413	2,911
Plant, equipment and vehicle operating lease expenses	2,390	2,120
Plant, equipment and vehicle repairs and maintenance	385	418
Vehicle hire, fuel, registration and management fees	1,538	1,308
Insurance	483	518
Doubtful debts expense	382	–
Other staff costs	6,336	5,094
Other expenses	16,824	14,635
	39,631	34,780
<b>15 User charges and fees</b>		
Legal services State Solicitors Office	2,537	2,768
Public Trust Office fees	10,468	8,808
Births, deaths and marriage fees	7,380	6,537
Licences	132	127
Court fees	37,783	33,033
Miscellaneous fees and charges	119	171
	58,419	51,444
<b>16 Commonwealth grants and contributions</b>		
<b>Recurrent</b>		
Commonwealth recoup for Family Court and court fees	13,257	12,575
Commonwealth recoup other	195	197
	13,452	12,772
<b>17 Other revenues</b>		
Public Trust Office – common fund surplus	809	1,064
Recoup of salaries and workers compensation	2,246	1,651
Residential recoveries	1,817	2,176
Recoup of telephones, postage and other reimbursements	8	19
Criminal injuries – recoups	1,220	1,273
Other miscellaneous revenue	19,220	1,856
	25,320	8,039

## Notes to the financial statements

for the year ended 30 June 2008

### 18 Income from State Government

#### Appropriation revenue received during the year:

Service appropriations <sup>(1)</sup>

2008 \$000	2007 \$000
251,720	248,719
251,720	248,719
–	1,483
13,157	21,628
13,157	23,111
71	72
132	147
236	231
1,505	15,101
1,944	15,551

#### Liabilities assumed by the Treasurer during the financial year <sup>(2)</sup>

Superannuation – employees <sup>(a)</sup>

Judges pensions

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

(a) Advice from GESB indicates that this liability has decreased from the previous reporting period and therefore no adjustment is required for 2007/08 as per TI1101A.

#### Resources received free of charge <sup>(3)</sup>

Determined on the basis of the following estimates provided by agencies.

- notional management fee

Western Australian Land Information Authority (Landgate)

- services for valuation services, land registration and information

Department of Treasury and Finance

- provision of integrated procurement services

Department of Corrective Services

- provision of court security and custodial contracts

(1) Service appropriations are accrual amounts reflecting the full price cost of services delivered. The appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises the depreciation expense for the year and any agreed increase in leave liability during the year.

(2) The assumption of the superannuation liability by the Treasurer is only a notional revenue to offset the notional superannuation expense reported in respect of current employees who are members of the pension scheme and current employees who have a transfer benefit entitlement under the Gold State Superannuation scheme.

(3) Where assets or services have been received free of charge or for nominal consideration, the Department recognises revenues equivalent to the fair value of the assets and/or the fair value of those services that can be reliably determined and which would have been purchased if not donated, and those fair values shall be recognised as assets or expenses, as applicable.

## Notes to the financial statements

for the year ended 30 June 2008

### 19 Restricted cash and cash equivalents

#### Non-current

Accrued salaries suspense account

	2008 \$000	2007 \$000
Accrued salaries suspense account	1,300	830
	1,300	830

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

### 20 Receivables

#### Current

Receivables

Allowance for impairment of receivables

GST receivable

Receivables	6,447	6,231
Allowance for impairment of receivables	(382)	–
GST receivable	3,357	1,556
	9,422	7,787

Prepayments

Other debtors

Other debtors	237	236
---------------	-----	-----

#### Total current

Total current	9,659	8,023
---------------	-------	-------

#### Reconciliation of changes in the allowance for impairment of receivables:

Balance at start of year

Doubtful debts expense recognised in the income statement

Amounts written off during the year

Amount recovered during the year

Balance at start of year	–	–
Doubtful debts expense recognised in the income statement	382	–
Amounts written off during the year	–	–
Amount recovered during the year	–	–

#### Balance at end of year

Balance at end of year	382	–
------------------------	-----	---

Ageing of receivables past due but not impaired based on the information provided to senior management, at the balance sheet date:

Not more than 3 months

More than 3 months but less than 6 months

More than 6 months but less than 1 year

More than 1 year

Not more than 3 months	908	5,420
More than 3 months but less than 6 months	356	228
More than 6 months but less than 1 year	946	148
More than 1 year	200	435
	2,410	6,231

## Notes to the financial statements

for the year ended 30 June 2008

### 21 Amounts receivable for services

**Current**

**Non-current**

This asset represents the non-cash component of service appropriations. It is restricted in that it can only be used for asset replacement or payment of leave liability.

### 22 Property, plant, equipment

**Land**

At fair value <sup>(1)</sup>

Accumulated impairment losses

**Buildings**

At fair value <sup>(1)</sup>

Accumulated impairment losses

**Leased buildings**

At cost

Accumulated depreciation

**Leasehold improvements**

At cost

Accumulated depreciation

Accumulated impairment losses

**Plant and equipment**

At cost

Accumulated depreciation

	2008 \$000	2007 \$000
	3,624	7,263
	46,223	30,503
	<u>49,847</u>	<u>37,766</u>
	77,209	67,987
	–	–
	<u>77,209</u>	<u>67,987</u>
	180,045	173,797
	–	–
	<u>180,045</u>	<u>173,797</u>
	223,225	10,739
	(1,825)	(1,297)
	<u>221,400</u>	<u>9,442</u>
	14,192	10,534
	(8,172)	(7,119)
	–	–
	<u>6,020</u>	<u>3,415</u>
	15,029	14,496
	(10,350)	(9,525)
	<u>4,679</u>	<u>4,971</u>

## Notes to the financial statements

for the year ended 30 June 2008

### 22 Property, plant, equipment *(continued)*

#### Work in progress

Buildings

IT systems

#### Total property, plant and equipment

- (1) Land and buildings were revalued as at 1 July 2007 by the Western Australian Land Information Authority (Valuation Services). The valuations were performed during the year ended 30 June 2008 and recognised at 30 June 2008. Fair value has been determined by reference to the cost of replacing the remaining future economic benefits embodied in the asset on the basis of depreciated replacement cost. In accordance with AASB 116.35 (b), accumulated depreciation has been netted off against the gross carrying amount of the asset and the net amount restated to the revalued amount of the asset. The 2005/06 comparatives have been restated to reflect this change in accounting treatment.

Valuation Services, the Office of the Auditor General and the Department of Treasury and Finance assessed the valuations globally to ensure that the valuations provided (as at 1 July 2007) were compliant with fair value at 30 June 2008.

#### Reconciliations

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

#### Land

Carrying amount at beginning of year

Additions

Disposals

Correction of prior period error

Revaluation increments

#### Carrying amount at end of year

	2008 \$000	2007 \$000
	35,233	30,516
	12,841	9,782
	48,074	40,298
	537,427	299,910
	67,987	49,447
	–	–
	–	–
	–	(350)
	9,222	18,890
	77,209	67,987

## Notes to the financial statements

for the year ended 30 June 2008

### 22 Property, plant, equipment *(continued)*

#### Reconciliations *(continued)*

##### Buildings

	2008 \$000	2007 \$000
Carrying amount at beginning of year	173,797	150,683
Additions	6,945	3,572
Disposals	–	(1,846)
Revaluation increments	2,907	24,776
Depreciation	(3,604)	(3,388)
<b>Carrying amount at end of year</b>	<b>180,045</b>	<b>173,797</b>

##### Leased buildings

Carrying amount at beginning of year	9,442	9,657
Additions	212,487	–
Depreciation	(529)	(215)
<b>Carrying amount at end of year</b>	<b>221,400</b>	<b>9,442</b>

##### Leasehold improvements

Carrying amount at beginning of year	3,415	1,928
Additions	3,658	2,255
Depreciation	(1,053)	(768)
<b>Carrying amount at end of year</b>	<b>6,020</b>	<b>3,415</b>

##### Plant, equipment and vehicles

Carrying amount at beginning of year	4,971	4,194
Additions	1,333	2,072
Disposals	(135)	(62)
Depreciation	(1,490)	(1,233)
<b>Carrying amount at end of year</b>	<b>4,679</b>	<b>4,971</b>

##### Work in progress

Carrying amount at beginning of year	40,298	34,571
Additions	25,027	13,792
Transfers to non-current assets	(17,251)	(8,065)
<b>Carrying amount at end of year</b>	<b>48,074</b>	<b>40,298</b>

## Notes to the financial statements

for the year ended 30 June 2008

### 23 Intangible assets

#### Computer software

At cost

Accumulated amortisation

#### IT systems

Carrying amount at beginning of year

Additions

Disposals

Amortisation

**Carrying amount at end of year**

### 24 Payables

#### Current

Trade and other creditors

**Total current**

### 25 Other borrowings

#### Finance lease liabilities

Current

Non current

The increase in non-current liabilities largely reflects the leasing arrangements for the new CBD Courts facility.

Lease liabilities are effectively secured as the rights to the leased assets revert to the lessor in the event of default.

	2008 \$000	2007 \$000
	33,730	27,084
	(23,872)	(21,297)
	9,858	5,787
	5,787	3,882
	6,645	4,083
	–	–
	(2,574)	(2,178)
	9,858	5,787
	14,708	9,174
	14,708	9,174
	1,071	234
	223,779	12,364
	224,850	12,598

## Notes to the financial statements

for the year ended 30 June 2008

### 26 Provisions

#### Current

##### Employee benefits provision

Annual leave	10,025	8,379
Long service leave	11,966	16,590
Superannuation	1,742	2,219
	<b>23,733</b>	<b>27,188</b>

##### Other Provisions

Employee on-costs		
Carrying amount at start of year	491	348
Additional provisions recognised	–	143
Other sacrifices of economic benefit	(252)	–
	<b>239</b>	<b>491</b>
	<b>23,972</b>	<b>27,679</b>

#### Non-current

##### Employee benefits provision

Long service leave	15,479	9,089
Superannuation	1,087	978
	<b>16,566</b>	<b>10,067</b>

##### Other Provisions

Employee on-costs		
Carrying amount at start of year	182	191
Additional provisions recognised	(5)	(9)
	<b>177</b>	<b>182</b>
	<b>16,743</b>	<b>10,249</b>

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

Within 12 months of balance sheet date	10,025	8,379
More than 12 months after balance sheet date	–	–
	<b>10,025</b>	<b>8,379</b>



## Notes to the financial statements

for the year ended 30 June 2008

### 26 Provisions *(continued)*

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

Within 12 months of balance sheet date  
More than 12 months after balance sheet date

	2008 \$000	2007 \$000
	11,966	4,176
	15,479	21,503
	27,445	25,679

### 27 Other current liabilities

#### Current

Accrued salaries and wages  
Accrued interest  
Revenue received in advance

	1,253	489
	1,386	105
	–	121
	2,639	715

The last pay day of the 2007–08 financial year was on 26 June 2008. A salary accrual of two working days were required to be taken up.

Accrued salaries and wages are settled within a few days of the financial year end. The carrying amount is equivalent to the net fair value.

### 28 Equity

Equity represents the residual interest in the net assets of the Department. The Government holds the equity interest in the Department on behalf of the community. The asset revaluation reserve represents that portion of equity from the revaluation of non-current assets.

#### Contributed equity

Opening balance  
Capital contributions <sup>(a)</sup>

	8,437	–
	26,370	8,437
	34,807	8,437

#### Closing balance

(a) Comprises of capital appropriation of \$25,222 and contribution from owner of \$1,148.

Distributions to owner also represents non reciprocal transfers of land assets to other Government Agencies.



## Notes to the financial statements

for the year ended 30 June 2008

### 29 Notes to the cash flow statement *(continued)*

(b) Non-cash financing and investing activities

During the financial year there were no assets/liabilities transferred/assumed to/from other Government agencies not reflected in the cash flow statement.

From 1 July 2000 the Government Employees Superannuation Board (GESB) assumed responsibility for the administration of the Judges' Pension Scheme. Under the new arrangement, GESB initially incur the cost of the pensions and then recoup the amount from the Consolidated Fund (Treasury). The liability transferred to Treasury is not reflected in the cash flow statement.

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

	2008 \$000	2007 \$000
Net cost of services (income statement)	(262,485)	(285,371)
Non-cash items:		
Depreciation and amortisation expense	9,250	7,782
Superannuation and judges pensions expense	13,157	23,111
Resources received free of charge	1,944	15,551
Written down value of property, plant and equipment disposals	38	(1)
(Increase)/decrease in assets:		
Receivables	166	(2,903)
Other current assets	(1)	(17)
Increase/(decrease) in liabilities:		
Payables	5,484	4,967
Provisions	2,790	(822)
Other liabilities	2,045	(1,133)
Change in GST in receivables/payables	(1,801)	217
<b>Net cash used in operating activities</b>	<b>(229,413)</b>	<b>(238,619)</b>

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



## Notes to the financial statements

for the year ended 30 June 2008

### 31 Commitments for expenditure *(continued)*

#### (a) Capital expenditure commitments *(continued)*

The capital commitments include amounts for:

Land and buildings  
Other

2008 \$000	2007 \$000
112,265	120,822
36,797	47,332
149,062	168,154

#### (b) Operating leases

The Department leases certain premises, motor vehicles and items of plant and office equipment. The lease expenditure is expensed as it is incurred. At the reporting date the Department had the following obligations under operating leases.

Within one year  
Later than one year and not later than five years  
Later than five years

18,622	9,312
43,022	29,270
46,158	26,765
107,802	65,347

#### (c) Finance leases

##### CBD Courts Complex

The Department of the Attorney General undertook a significant project involving the development of a new, purpose built District court building in Perth which was completed in June 2008. Additional works of \$1.917 million will be completed by February 2009.

Leasing costs are as follows:

Within one year  
Later than one year and not later than five years  
Later than five years  
Minimum finance lease payments  
Less future finance charges  
Finance lease liability  
less amount excluded for asset not yet commissioned

16,136	–
73,479	–
409,425	–
499,040	–
(284,637)	–
214,403	–
(1,917)	–
212,486	–

*Included in the financial statements as:*

Current liabilities  
Non-current liabilities

811	–
211,675	–
212,486	–

## Notes to the financial statements

for the year ended 30 June 2008

### 31 Commitments for expenditure *(continued)*

#### (c) Finance leases *(continued)*

##### **Fremantle Justice Complex**

The Department of Justice in March 2001, entered into a 25 year lease agreement for the procurement of the Fremantle Justice Centre.

Under this arrangement, ownership of the facility will transfer to the State at the conclusion of the lease term for payment.

Leasing costs are as follows:

Within one year

Later than one year and not later than five years

Later than five years

Minimum finance lease payments

Less future finance charges

Finance lease liability

*Included in the financial statements as:*

Current liabilities

Non-current liabilities

#### (d) Other expenditure commitments

Within one year

Later than one year and not later than five years

Later than five years

These commitments are all exclusive of GST.

	2008 \$000	2007 \$000
	1,561	1,561
	6,245	6,245
	19,516	21,077
	27,322	28,883
	(14,958)	(16,285)
	12,364	12,598
	260	234
	12,104	12,364
	12,364	12,598
	9,856	17,183
	–	36,621
	–	64,016
	9,856	117,820

## Notes to the financial statements

for the year ended 30 June 2008

### 32 Contingent liabilities and contingent assets

#### Contingent liabilities

In addition to the liabilities incorporated into the financial statements the Department has the following contingent liabilities.

(i) Litigations in progress

Claims against the Department of the Attorney General from the general public and offenders.

None of the claims are covered by an insurance policy and any claims settled will have to be met by the Department.

(ii) Disclosure regarding criminal injuries compensation.

Claims yet to be assessed

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

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

#### Contingent assets

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

	2008 \$000	2007 \$000
	2,000	483
	10,655	9,273

## Notes to the financial statements

for the year ended 30 June 2008

### 33 Remuneration and retirement benefits of senior officers

The number of senior officers whose total of fees, salaries, superannuation and other benefits received, or due and receivable, for the financial year, falls within the following bands:

	2008 \$000	2007 \$000
20,001 –30,000		1
40,001 –50,000	1	
57,001 –60,000		1
70,001 –80,000	1	
100,001 –110,000		
110,001 –120,000		
120,001 –130,000	1	2
130,001 –140,000		
140,001 –150,000	1	1
150,001 –160,000	1	2
160,001 –170,000	1	
180,001 –190,000		1
190,001 –200,000	1	
220,001 –230,000		
260,001 –270,000	1	
390,001 –400,000	1	
400,001 –410,000		1
410,001 –420,000		1
480,001 –490,000	1	
	10	10

The total remuneration of senior officers for 2007/08 was \$2,051,558. (\$1,792k in 2006–07)

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

The superannuation included here represents the superannuation expense incurred by the Department in respect of senior officers.

No senior officers are members of the Superannuation and Family Benefits Act Scheme (Pension Scheme).

### 34 Related bodies

The Department had no related bodies during the financial year.





## Notes to the financial statements

for the year ended 30 June 2008

### 38 Financial instruments

#### (a) Financial risk management objectives and policies

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

#### Credit risk

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

The maximum exposure to credit risk at balance sheet date in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment, as shown in the table at Note 38(c).

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

Provision for impairment of financial assets is calculated based on past experience, and current and expected changes in client credit ratings. For financial assets that are either past due or impaired, refer to note 20 'Receivables'

#### Cash flow interest rate risk

The Department is not exposed to interest rate risk because it has no borrowings other than a finance lease.

#### Liquidity risk

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

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

## Notes to the financial statements

for the year ended 30 June 2008

### 38 Financial instruments *(continued)*

#### (a) Financial risk management objectives and policies *(continued)*

##### Market Risk

The Department does not trade in foreign currency and is not materially exposed to other price risks. Other than as detailed in the interest rate sensitivity analysis table at note 43(c), the Department is not exposed to interest rate risk because apart from minor amounts of restricted cash, all other cash and cash equivalents and restricted cash are non-interest bearing, and have no borrowings other than the Treasurer's advance (non-interest bearing) and finance leases (fixed interest rate).

#### (b) Categories of financial instruments

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

	2008 \$000	2007 \$000
<b>Financial assets</b>		
Cash and cash equivalents	18,160	8,604
Restricted cash and cash equivalents	1,300	830
Receivables	6,065	6,231
Amounts receivable for services	49,847	37,766
<b>Financial liabilities</b>		
Financial liabilities measured at amortised cost	242,728	22,261

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

#### (c) Financial instrument disclosures

##### Credit risk, liquidity risk and interest rate risk exposures

The following table details the exposure to liquidity risk and interest rate risk as at the balance sheet date. The Department's maximum exposure to credit risk at the balance sheet date is the carrying amount of the financial assets as shown on the following table. The table is based on information provided to senior management of the Department. The contractual maturity amounts in the table are representative of the undiscounted amounts at the balance sheet date. An adjustment for discounting has been made where material.

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

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

## Notes to the financial statements

for the year ended 30 June 2008

### 38 Financial instruments (continued)

#### (c) Financial instrument disclosures (continued)

	Weighted average interest rate	Non- interest bearing	Within 1 year	1-2 years	2-3 years	3-4 years	4-5 years	Over 5 years	Total
2008	%	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Financial assets</b>									
Cash and cash equivalent assets		18,160							18,160
Restricted cash and cash equivalent assets		1,300							1,300
Receivables <sup>(i)</sup>		6,065							6,065
Amounts receivable for services		49,847							49,847
<b>Total financial assets</b>		75,372	–	–	–	–	–	–	75,372
<b>Financial liabilities</b>									
Payables		15,961	–						15,961
Finance lease liabilities			1,071	1,700	2,067	2,470	2,914	216,545	226,767
<b>Total financial liabilities</b>		15,961	1,071	1,700	2,067	2,470	2,914	216,545	242,728

	Weighted average interest rate	Non- interest bearing	Within 1 year	1-2 years	2-3 years	3-4 years	4-5 years	Over 5 years	Total
2007	%	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Financial assets</b>									
Cash and cash equivalent assets		8,604							8,604
Restricted cash and cash equivalent assets		830							830
Receivables <sup>(i)</sup>		6,231							6,231
Amounts receivable for services		37,766							37,766
<b>Total financial assets</b>		53,431	–	–	–	–	–	–	53,431
<b>Financial liabilities</b>									
Payables		9,663							9,663
Finance lease liabilities	10.6		234	260	289	321	356	11,138	12,598
<b>Total financial liabilities</b>		9,663	234	260	289	321	356	11,138	22,261

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





## Notes to the financial statements

for the year ended 30 June 2008

### 41 Explanatory statement

The summary of consolidated fund appropriations and revenue estimates discloses appropriations and other statutes expenditure estimates, the actual expenditure and revenue estimates and payments into the consolidated fund, on an accrual basis.

The following explanations are provided in accordance with Treasurer's Instruction 945. Significant variations are considered to be those greater than 5% and \$300,000.

#### A Details of authorisation to expend in advance of appropriation \$'000

To meet initiatives approved during the financial year and other unavoidable costs, supplementary appropriation requests were approved.

Delivery of Services	6,065
Capital contribution	737
	6,802

#### Delivery of Services appropriation limits were increased for:

Reinstatement of Office of Shared Services transition savings	6,855
Special acts supplementary funding	2,389
CBD office accommodation	2,275
Department of the Attorney General "specified callings"	1,934
Defendant's costs supplementary funding	1,300
Transfer funding from capital to recurrent	1,209
Legal Aid - "CSA specified callings"	1,123
CBD Courts Project - Rephasing of recurrent impact	1,105
Ex-gratia payment to Ray and Peter Mickelberg	1,000
Reflows to capital works program	976
Act of grace payments supplementary funding	963
Members salaries determination 26/2/07 and 17/7/07	907
Legal Aid - Expensive cases supplementary funding	536
Superannuation impact of 4.2% Determination 30/11/07	516
Additional Kalgoorlie Magistrate	500
Court recording and transcription contract	341
Accommodation	321
Legal Aid supplementary funding - child protection	270
Court security and custodial services contract	243
Super impact of full time members salaries determination 30/11/07	206
Legal Aid - East Kimberley office	200
Coroner's office - removal of bodies in regional areas contract	185
Super impact of sessional members salaries determination 12/2/08	109
Cross border justice legislation	95
4.4% Salaries determination 4/4/07	42
3.9% Salaries determination 4/4/08	1

#### These increases were offset by:

Section 25 Transfer to the Department of Corrective Services	-13,151
Section 25 Transfer to the Commissioner for Children and Young People	-1,365
Amendments to depreciation	-3,189
Realignment of capital works program funding	-1,081
Saving from countering repeat drink driving funding	-750
<b>Increase in net amount appropriated to deliver outputs</b>	<b>6,065</b>

## Notes to the financial statements

for the year ended 30 June 2008

### 41 Explanatory statement *(continued)*

<b>B Significant variations between actual expenditure and budget estimates for 2007-2008</b>	<b>\$'000</b>
<b>Recurrent</b>	
<p><b>Service 1 - Court and tribunal services</b></p> <p>Increase in expenditure is mainly due to a higher actuarial assessment of Judicial Pensions; and increases in accused cost payments, computing expenses, court security and custodial service payments and building rental costs.</p>	<p><b>Excess</b>      <b>17,643</b></p>
<p><b>Service 3 - Trustee services</b></p> <p>Increase in expenditure is mainly due to additional demand for estate and trust management services.</p>	<p><b>Excess</b>      <b>1,339</b></p>
<p><b>Service 4 - Births deaths and marriages</b></p> <p>The underspend relates largely to the delay in commencement of full production on the historic data conversion project.</p>	<p><b>Saving</b>      <b>1,870</b></p>
<p><b>Service 5 - Services to Government</b></p> <p>The increase in expenditure is due mainly to the transfer of budget to the Department of Corrective Services for information communication and technology service costs (largely offset by a corresponding increase in revenue) and the transfer of budget to the Commissioner for Children and Young People.</p>	<p><b>Excess</b>      <b>12,608</b></p>
<p><b>Service 6 - Legal Aid assistance</b></p> <p>Increase in expenditure is mainly due to additional expenditure for expensive cases, opening a Kimberley office and implementation of the Children and Community Services Act.</p>	<p><b>Excess</b>      <b>2,129</b></p>
<p><b>Retained revenue</b></p> <p>A variety of reasons account for the additional revenue in 2007-08. These include:</p> <ul style="list-style-type: none"> <li>▪ Recoup of information technology costs from the Department of Corrective Services (\$11.8 million)</li> <li>▪ Public Trust Office estate fees up 19% on budget</li> <li>▪ Births, Death and Marriages fees up 15% on budget</li> <li>▪ Fine Enforcement fees up 6% on budget</li> <li>▪ Residential recoveries up 43% on budget</li> <li>▪ Legal costs recoups up 189% on budget</li> </ul>	<p><b>Excess</b>      <b>24,193</b></p>



## Notes to the financial statements

for the year ended 30 June 2008

### 41 Explanatory statement *(continued)*

#### B Significant variations between actual expenditure and budget estimates for 2007-2008 *(continued)*

\$'000

##### Adjustments

**Saving 8,267**

Adjustments were less than budget mainly due to a decrease in the resources free of charge \$14.9 million resulting from the transfer of the courts security and custodial services budget from the Department of Corrective Services. This was offset by an increase in liabilities assumed by the Treasurer of \$6.6 million for Judicial Pensions.

##### Capital

**Saving 8,726**

The 2007-08 Capital Works Program budget of \$43.01million was financed from:

▪ Appropriation for services	11,263
▪ Drawdowns from the holding account	7,263
▪ Capital contribution	24,485
▪ Internal funds and balances	-
	43,011

Total payments in 2007/08 for the Department of the Attorney General were \$32.14 million (2006/07 \$23.95 million). These were financed from:

▪ Appropriation for services	3,411
▪ Drawdowns from the holding account	3,510
▪ Capital contribution	25,222
	32,143

#### Details of significant variances in capital expenditure from budget were as follows

##### Building infrastructure/maintenance

**Saving 6,375**

\$6.259 million was transferred to the Department of Corrective Services as part of the finalisation of the transfer of the custodial functions from the Department of the Attorney General.

##### CBD courts complex and central law courts refurbishment

**Saving 4,505**

This is a very large and complex project and a small delay in operating the complex resulted in an underspend.

##### Kalgoorlie court upgrade

**Saving 1,853**

Delays in commencing this project are due to changes in scope, engineering and heritage issues. Additional funding has been sought to finalise this project.

## Notes to the financial statements

for the year ended 30 June 2008

### 41 Explanatory statement *(continued)*

<b>B Significant variations between actual expenditure and budget estimates for 2007-2008 <i>(continued)</i></b>		<b>\$'000</b>
<b>Prisoner Review Board</b>	<b>Saving</b>	<b>985</b>
Delays in the procurement of a suitable software product to support the Prisoner Review Board resulted in an underspend in 2007-08.		
<b>Legislative drafting and database system</b>	<b>Saving</b>	<b>837</b>
The current project schedule resulted in a change of expenditure pattern with a shift back of some budget to 2008-09.		
<b>Integrated court management system</b>	<b>Excess</b>	<b>2,107</b>
The overspend on this project is due to delays in its implementation and amendments to the scope of the system.		
<b>CBD office accommodation</b>	<b>Excess</b>	<b>1,273</b>
Overspend is due to additional costs incurred in the fitout of the International House and Westralia Square buildings.		
<b>Information communication and technology service infrastructure upgrade</b>	<b>Excess</b>	<b>1,237</b>
Largely due to additional costs incurred in setting up both departments since the two departments' split.		
<b>Courts audio-visual maintenance and enhancements</b>	<b>Excess</b>	<b>709</b>
Reflow of funding allowed the Department to bring forward some of the programmed work in this project.		
<b>Trust system upgrade - Public Trust Office</b>	<b>Excess</b>	<b>706</b>
This project received funding to upgrade the major Public Trust Office systems.		
<b>Legislation implementation project - Public Trust Office</b>	<b>Excess</b>	<b>200</b>
This project received funding to address the requirements of new legislation.		
<b>ADMINISTERED REVENUES</b>	<b>Excess</b>	<b>2,521</b>
Judicial fines and penalties - over budget revenue reflects the current performance levels in fines enforcement.		
Revenue from other agencies - under budget revenue reflects level of fines forwarded to Fines Enforcement Registry from other agencies		
Criminal Property Confiscations - over budget revenue reflects the Department of Public Prosecutions' performance in property confiscations		

## Notes to the financial statements

for the year ended 30 June 2008

### 41 Explanatory statement *(continued)*

#### C Significant variations between actual services for the financial year and services for the immediately preceding financial year

##### **Service 1 - Court and tribunal services** **Saving** **1,505**

Decrease due mainly to cessation of capital user charge. This was offset by increases in expenditure due to the increased actuarial assessment of judicial pensions, increased criminal injuries grants and increased defendants costs.

##### **Service 3 - Trustee services** **Excess** **1,011**

Increase in expenditure is mainly due to additional demand for estate and trust management services and costs incurred on the new legislation implementation project.

##### **Service 5 - Services to Government** **Excess** **362**

Increase in expenditure is due mainly to additional costs incurred on legal services, Legal Practice Board, Aboriginal Policy and Services and ex-gratia payments. This was offset by the transfer of budget to the Department of Corrective Services for information communication and technology service costs.

##### **Service 6 - Legal Aid assistance** **Excess** **1,702**

Increase in expenditure is mainly due to additional expenditure for expensive cases, opening of the Kimberley office and implementation of the Children and Community Services Act.

Service 1—Court and tribunal services is the amalgamation of five services effective from 1 July 2007. The five former services (which appeared in the 2006-07 budget papers) were:

Service 1—Judiciary and Judicial Support

Service 2—Civil Justice Services

Service 3—Family Court Services

Service 4—Adult Criminal Justice Services

Service 5—Juvenile Criminal Justice Services

### Notes to the financial statements

for the year ended 30 June 2008

#### 42 Trust and Treasurer's advance accounts

Account	2007-08				2006-07			
	Opening Balance \$000	Receipts \$000	Payments \$000	Closing Balance \$000	Opening Balance \$000	Receipts \$000	Payments \$000	Closing Balance \$000
1 Civil Court Judgement—Government Account	111	653	737	27	100	1,646	1,635	111
2 Land Acquisition Account	4,079	148,106	143,591	8,594	3,052	177,279	176,252	4,079
3 Suitor's Fund Account	25	61	50	36	4	88	67	25
4 Clerk of Courts Trust Account	6,533	41,646	41,630	6,549	7,173	37,016	37,656	6,533
5 Departmental Receipts in Suspense	858	49,858	50,654	62	846	64,418	64,406	858
6 Sheriff's and District Court Bailiff's Trust Account	447	802	1,174	75	56	1,764	1,373	447
7 Civil Action—Supreme and District Courts Account	–	–	–	–	–	–	–	–
8 Companies Liquidation Account	732	–	8	724	732	–	–	732
9 Department of the Attorney General—Settlement Payments Account	2	–	–	2	2	–	–	2
10 Family Court—Commonwealth Advance Account	45	14,518	14,563	–	45	9,439	9,439	45
11 Appeal Costs Board—Treasurer's Advance Account	1,100	–	–	1,100	1,000	100	–	1,100
12 DPP Criminal Property Confiscations Account	4,530	12,559	4,529	12,560	2,214	4,959	2,643	4,530

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

## Notes to the financial statements

for the year ended 30 June 2008

### 1 Civil Court Judgements - Government Account

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

### 2 Land Acquisition Account

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

### 3 Suitor's Fund Account

To hold funds, in accordance with section 4 of the Suitors' Fund Act (The Act), to meet the liability for costs of certain litigation and for incidental and other purposes pursuant to the Act.

### 4 Clerk of Courts Trust Account

To hold moneys, collected in the course of court activities at courts of petty sessions and local courts throughout the State, for the disbursement to other parties.

### 5 Departmental Receipts in Suspense

To hold funds pending identification of the purpose for which those monies were received pursuant to section 9 (2) (c) (iv) of the Financial Management Act.

### 6 Sheriff and District Court Bailiff's Trust Account

To hold monies collected or realised from the Execution by the Sheriff, Supreme Court or Bailiff District Court of Writs of fieri facias against Judgement Debtors in Civil Actions in the Supreme or District Courts of Western Australia.

### 7 Civil Action - Supreme and District Courts Account

To hold monies paid into the Supreme and District Courts in civil actions as ordered by the Supreme Court of Western Australia or District Court.

### 8 Companies Liquidation Account

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

### 9 Department of Attorney General - Settlement Payments Account

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

### 10 Family Court - Commonwealth Advance Account

To hold funds received from the Commonwealth for the establishment and administration of the family court of Western Australia, in accordance with an agreement pursuant to section 41 (1) of the Family Law Act, pending transfer to the Consolidated Fund.

### 11 Appeal Costs Board - Treasurer's Advance Account

A maximum expenditure advance of \$1,000,000 was approved by the Treasurer to provide a temporary advance for funding of the Suitor's Fund Act. The expenditures are subject to reimbursement from the Consolidated Fund via the Suitor's Fund Account.

### 12 DPP Criminal Property Confiscations Account

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

### Notes to the financial statements

for the year ended 30 June 2008

#### 43 Commonwealth grant—Christmas and Cocos Island

**Opening Balance**

**Income**

Commonwealth reimbursements

Court fees

**Total receipts**

**Expenses**

Operating costs

Additional services for prisoner costs

**Total payments**

**Closing Balance**

	2008 \$000	2007 \$000
	<b>22,391</b>	<b>101,663</b>
	177,243	140,337
	520	440
	<b>177,763</b>	<b>140,777</b>
	202,447	220,049
	<b>202,447</b>	<b>220,049</b>
	<b>(2,293)</b>	<b>22,391</b>

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

## Key performance indicators

### Certification of performance indicators for the year ending 30 June 2008

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Department of the Attorney General's performance, and fairly represent the performance of the Department of the Attorney General for the financial year ended 30 June 2008.



**Cheryl Gwilliam**

DIRECTOR GENERAL

15 September 2008

## Key performance indicators

### Our purpose

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

### Relationships to Government goals

Broad, high-level Government goals are supported at agency level by more specific desired outcomes. Agencies deliver services to achieve these desired outcomes that ultimately contribute to meeting the higher level government strategic goals. The following table illustrates the relationship between the Department of the Attorney General's (DotAG) agency level desired outcome, services delivered by the agency and the State's strategic goals contained in 'Better Planning: Better Futures—A Framework for the Strategic Management of the Western Australian Public Sector'.

Government Goal	DotAG-Desired Outcome	Services
Enhancing the quality of life and wellbeing of all people throughout Western Australia by providing high quality, accessible services.	The right to justice and safety for all people in Western Australia is preserved and enhanced.	<ol style="list-style-type: none"> <li>1 Court and tribunal services</li> <li>2 Advocacy, guardianship and administration services</li> <li>3 Trustee services</li> <li>4 Births, deaths and marriages</li> <li>5 Services to Government</li> <li>6 Legal Aid assistance</li> </ol>

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

A new set of key performance indications (KPIs) was approved by the Outcome Structure Review Group and introduced in 2007/08 to better reflect the performance of the court system. These KPIs are published for the first time in this Annual Report.

A review of the Court and Tribunal Services took place in February 2007 mainly for the following reasons:

- decreased relevance of the 'whole of justice' framework in light of the split of the Department of Justice
- need for jurisdiction based indicators
- changes in the budget process which affected the relevance of some of the KPIs.

The new indicators better reflect the performance of Court and Tribunal Services as they:

- report on a single service, 'Court and Tribunal Services' instead of five services as previously reported (see table on next page)
- are jurisdiction based rather than sector-wide
- provide more meaningful data in relation to courts' timeliness by using 'time to trial' and 'time to finalisation' in place of backlog as the effectiveness measures
- provide comprehensive costs, including the cost of the judiciary and judicial support services, in determining cost per case efficiency measures.



Services reported in 2006/07 Annual Report	Services reported in 2007/08 Annual Report
1 Judiciary and judicial support	1 Court and tribunal services
2 Civil Justice services	2 Advocacy, guardianship and administration services
3 Family Court services	3 Trustee services
4 Adult Criminal Justice services	4 Births, deaths and marriages
5 Juvenile Criminal Justice services	5 Services to Government
6 Advocacy, guardianship and administration services	6 Legal Aid assistance
7 Trustee services	
8 Births, deaths and marriages	
9 Services to Government	
10 Legal Aid assistance	

## Notes to the performance indicators

The following performance indicators should be read in conjunction with the accompanying notes to the key performance indicators.

### Service 1: Court and tribunal services

Court and Tribunal Services play a crucial role in the Department's goal to preserve and enhance the right to justice and safety for all people in the Western Australian community. Their role is to instil and maintain community trust and confidence in the court system, to provide access to justice, finalise disputes in an effective and efficient manner, and ensure equality, equity and integrity in the court system.

Courts, boards and tribunals (referred to collectively as courts) provide the community with a method to resolve disputes and enforce the judicial decision.

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

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

### Key effectiveness indicators

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

### Time to trial

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

### Time to finalise

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

### Time to finalise non-trial matters

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

### Percentage of fines satisfied within 12 months

This indicator demonstrates to the community and judiciary that the appropriate systems, procedures and resources are in place to enforce fines, costs and infringement penalties in an expeditious and timely manner. It also demonstrates to the community that a court fine is a viable sentencing option.

Effectiveness Indicators	Target 2007/08	Actual 2007/08	Comment on significant variation
Supreme Court—Criminal— Time to trial	38 weeks	33 weeks	The efficiencies created by the introduction of the First Appearances List and Magistrates Court Stirling Gardens has reduced the criminal time to trial to 33 weeks. These initiatives allow trial listing dates to be set at the first appearance of the matter in the Supreme Court, reducing delays in obtaining trial dates and the time to trial.
Supreme Court—Civil— Time to trial	29 weeks	21.5 weeks	Introduction of the Commercial and Managed Cases List has brought about a reduction in the time to trial by providing more efficient management of cases and allowing for trial listing dates to be issued prior to the cases being entered for trial. This ensures that civil cases are allocated a trial date as early as possible.
Supreme Court—Civil— Time to finalise non-trial matters	19 weeks	16 weeks	The increased use of mediations has resulted in more civil cases being finalised and reduced the civil case backlog and time to trial.
Court of Appeal—Criminal— Time to finalise	48 weeks	35.5 weeks	Efficient case management procedures have resulted in the listing of more hearings as soon as leave to appeal has been granted. This has eliminated listing delays and reduced the time to finalise matters.
Court of Appeal—Civil— Time to finalise	70 weeks	42 weeks	The target of 70 weeks was set based on the assumption that an increased number of lengthy and complex cases would be finalised. These cases were dealt with more efficiently than planned resulting in a reduction in the median time to trial.
District Court—Criminal— Time to trial	49 weeks	47 weeks	

# DISCLOSURES & LEGAL COMPLIANCE

## KEY PERFORMANCE INDICATORS

Department of the Attorney General | Annual Report

2007 – 2008

Effectiveness Indicators	Target 2007/08	Actual 2007/08	Comment on significant variation
District Court—Civil— Time to trial	91 weeks	102 weeks	This indicator is subject to volatility due to the large range in the age and small number (80) of cases that go to trial. In these circumstances variations from target may occur.
District Court—Civil— Time to finalise non-trial matters	30 weeks	29 weeks	
State Administrative Tribunal— Time to finalise	19 weeks	13 weeks	The target and actual result for this indicator cannot be meaningfully compared because the target was incorrectly set to reflect the average time to finalise matters while the actual result for 2007/08 is the median time to finalise in accordance with the approved Key Performance Indicator.
Family Court of Western Australia— Time to trial	90 weeks	78 weeks	The introduction of a management review process for cases inactive for more than 12 months resulted in an increase in finalisations and a reduction in the median time to trial.
Family Court of Western Australia— Time to finalise non-trial matters	27 weeks	23 weeks	The target and actual result for this indicator cannot be meaningfully compared because the target was incorrectly set to reflect the average time to finalise matters while the actual result for 2007/08 is the median time to finalise in accordance with the approved Key Performance Indicator.
Magistrates Court— Criminal and Civil— Time to trial	19 weeks	20 weeks	An increase in the number of cases that are required to be dealt with in a short time frame e.g. restraining orders has resulted in an overall decrease in the time to finalise.
Magistrates Court—Civil— Time to finalise non-trial matters	4 weeks	3 weeks	
Children's Court—Criminal— Time to trial	17 weeks	17 weeks	

# DISCLOSURES & LEGAL COMPLIANCE

## KEY PERFORMANCE INDICATORS

Department of the Attorney General | Annual Report

2007 – 2008

Effectiveness Indicators	Target 2007/08	Actual 2007/08	Comment on significant variation
Children's Court—Civil— Time to trial	8 weeks	33.5 weeks	The target and actual result for this indicator cannot be meaningfully compared because the target was initially set to reflect the time to trial for all types of civil matters, while the actual result reflects the time to trial for care and protection matters only. Care and protection matters (where the safety and future living circumstances of the child are determined) are considered to be a key indicator of performance in this jurisdiction. Other matters excluded are legislatively and process driven and are resolved in a short timeframe due their routine nature. The time to trial for care and protection matters is significantly longer than for all matters because the methodology employed to deal with these cases involves phases of disclosure and mediation between parties. Typically the issues are rigorously contested and take a long time to be finally resolved.
Coroner's Court— Time to trial	128 weeks	126 weeks	The Coroner's Court was provided with temporary additional resources to reduce a backlog of cases awaiting administrative findings. Many of these cases are matters which have a shorter finalisation time and this has resulted in the variance from the year end target.
Coroner's Court— Time to finalise non-trial matters	26 weeks	21.6 weeks	
Fines Enforcement Registry— Percentage Of Fines Satisfied Within 12 Months: Fines and Costs	34%	27.7%	The number of court fines lodged with the Fines Enforcement Registry increased by over 10,000 compared to the previous year. This resulted in a decrease in the percentage of fines satisfied within 12 months of lodgement.
Fines Enforcement Registry – Percentage Of Fines Satisfied Within 12 Months: Infringements	63%	55.1%	Satisfaction of infringements within 12 months is significantly affected by the source data provided by prosecuting authorities. The recovery rate is higher if prosecuting authorities provide good quality, current data. A greater than expected number of infringements of a lower data quality were received in 2006/07. This resulted in a lower than anticipated result for this indicator.

\*Note: As this is the first year Court and Tribunal Services effectiveness indicators have been reported, no comparative results for previous years are available.

### Efficiency indicators

#### Cost per case

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

Efficiency Indicators	Target 2007/08	Actual 2007/08	Comment on significant variation
Supreme Court—Criminal— Cost per case	\$29,950	\$27,878	
Supreme Court—Civil— Cost per case	\$7,720	\$7,643	
Court of Appeal—Criminal— Cost per case	\$20,058	\$23,145	The higher cost per case is driven by higher than budgeted expenditure (15.3 per cent), the majority of which related to judicial pensions. judicial pensions expenditure is based on an actuarial assessment of the value of the scheme, which can fluctuate significantly.
Court of Appeal—Civil— Cost per case	\$23,118	\$26,733	The higher cost per case is driven by higher than budgeted expenditure (16.2 per cent), the majority of which related to judicial pensions. Judicial pensions expenditure is based on an actuarial assessment of the value of the scheme, which can fluctuate significantly.
District Court—Criminal— Cost per case	\$8,554	\$8,171	
District Court—Civil— Cost per case	\$4,826	\$5,015	
State Administrative Tribunal— Cost per case	\$2,132	\$2,758	The higher cost per case is a result of lower than anticipated finalisations combined with significantly higher salary expenditure and judicial pension expenses. Increases in salary expenditure resulted from a pay increase under the Salaries and Allowances Tribunal decision (12 December 2007) for Senior and Ordinary members. Judicial pensions expenditure increases are a result of an actuarial assessment of the value of the scheme, which can fluctuate significantly.

# DISCLOSURES & LEGAL COMPLIANCE

## KEY PERFORMANCE INDICATORS

Department of the Attorney General | Annual Report

2007 – 2008

Efficiency Indicators	Target 2007/08	Actual 2007/08	Comment on significant variation
Family Court of Western Australia— Cost per case	\$1,545	\$2,050	The higher cost per case is due to two factors: <ol style="list-style-type: none"> <li>1 The costs of running the Family Court were more than anticipated in a number of areas, most notably salaries, building maintenance and life-cycle costs.</li> <li>2 Finalisations were lower than anticipated due the introduction of the new case management system for child related matters. This system provides more intensive management of cases with interim milestones before finalisation and does not allow parties to lodge for interim orders. The intention of this model is to provide better long term outcomes for all parties and less parties re-lodging due to dissatisfaction with their existing orders.</li> </ol>
Magistrates Court—Criminal— Cost per case	\$513	\$460	An increase in finalisations has driven a lower than anticipated cost per case result. Magistrates Court experienced significant growth in the number of matters brought before the court (14 per cent increase on previous year), which resulted in additional finalisations (due to many of these not requiring a trial). This combined with additional magisterial resources commencing in 2007/08 has resulted in the number of finalisations exceeding expected levels.
Magistrates Court—Civil— Cost per case	\$385	\$315	Lower than anticipated cost per case due to finalisations exceeding expected levels. This result can be attributed to increases in lodgements in non trial matters such as restraining order applications and Extraordinary Drivers Licences. These matters are dealt with within a short time span due to legislation requirements that determine 'immediate' finalisation.
Children's Court—Criminal— Cost per case	\$337	\$268	Lower than anticipated cost per case due to finalisations exceeding expected levels. The Department of Public Prosecutions has also taken on management of prosecutions in this jurisdiction, resulting in fewer matters going to trial

# DISCLOSURES & LEGAL COMPLIANCE

## KEY PERFORMANCE INDICATORS

Department of the Attorney General | Annual Report

2007 – 2008

Efficiency Indicators	Target 2007/08	Actual 2007/08	Comment on significant variation
Children's Court—Civil— Cost per case	\$521	\$355	Lower than anticipated cost per case due to finalisations exceeding the expected level. The increase in finalisations can be attributed to a large number of Protection and Care time limited orders expiring in March 2008, which required applications to extend under the Children and Community Services Act 2004. This led to increased civil lodgements in the months leading up to that date and with a higher proportion of these matters resolved by mediation, led to an increase in finalisations.
Fines Enforcement Registry— Cost per enforcement	\$26	\$22	Lower than anticipated cost per case due to significantly higher lodgements (26 per cent higher than expected) than budget. There has been a steady increase of approximately 15 per cent in court fines since 2004 and in 2007/08 this rose to 19per cent. In addition, the WA Police lodged a backlog of approximately 60,000 infringements from the previous year. The combined effect created a lower cost per case than anticipated.
Coroner's Court— Cost per case	\$4,003	\$4,603	Higher cost per case driven by higher than budgeted expenditure (13.5per cent). This is largely due to cost pressures in the transportations of deceased persons to Perth for Coronial autopsy, and also additional rent expenditure.

*\*Note: As this is the first year Court and Tribunal Services efficiency indicators have been reported, no comparative results for previous years are available.*

### Service 2: Advocacy, guardianship and administration services

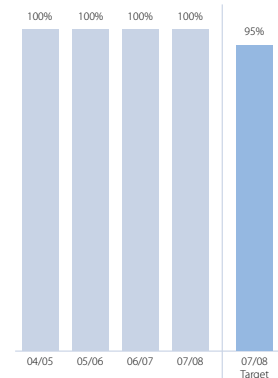
In any society, the ability of a community to care for those who are unable to care for themselves is a measure of its maturity. In Western Australia, the preservation and enhancement of the right to justice and safety for all its people requires that the State safeguards the rights of adults with reduced decision-making abilities, and reduces the incidence of risk, neglect and exploitation. The Public Advocate represents and advances the best interests of people with decision-making disabilities, both at hearings for the appointment of a guardian and in the community.

#### Effectiveness indicators

##### Indicator 2.1: Proportion of customers provided with advocacy relative to the number of referrals

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

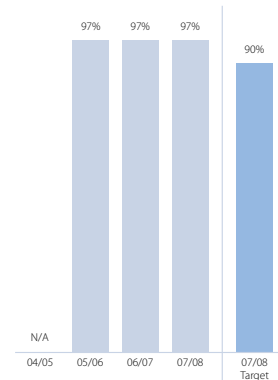
**2.1 Proportion of customers provided with advocacy relative to the number of referrals**



##### Indicator 2.2: The percentage of customers surveyed satisfied with information and advice provided by the Office of the Public Advocate

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

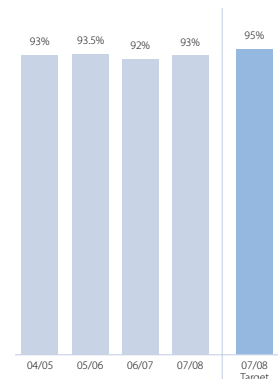
**2.2 The percentage of customers surveyed satisfied with information and advice provided by the Office of the Public Advocate**



##### Indicator 2.3: Guardian of last resort allocated in one day

This indicator measures the timeliness of the Public Advocate in allocating a guardian to a represented person in order to make decisions on their behalf and protect them from neglect, abuse or exploitation. A guardian is appointed only when considered necessary, and when there is no one else suitable or available to take on the role.

**2.3 Guardian of Last Resort allocated in one day**



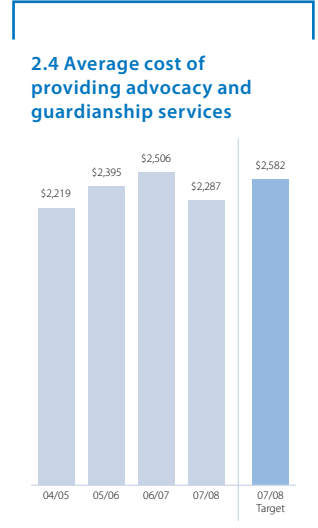


### Efficiency indicator

#### Indicator 2.4: Average cost of providing advocacy and guardianship services

This indicator measures the average cost per case of providing advocacy and guardianship services on behalf of people with decision-making disabilities.

The lower than estimated cost per service is due to a higher than anticipated number of services delivered during the year.

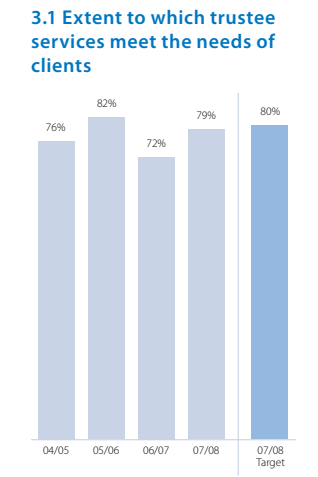


#### Service 3: Trustee services

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

The Public Trustee is a statutory authority within the provisions of the Financial Management Act 2006. It provides a funds management and investment service through the operation of the Common Account—an at-call investment facility backed by the State—and acts as trustee or financial administrator pursuant to the orders of courts or tribunals. It also administers the estates of people who die with or without a will, in accordance with the terms of the will or the relevant law and under the authority of the Supreme Court. The Public Trustee offers high quality, personalised trustee services to meet the needs of all sectors of the Western Australian community.

Key performance indicators have been selected to measure the Office’s effectiveness and efficiency in fulfilling the duties of the Public Trustee Act 1941.



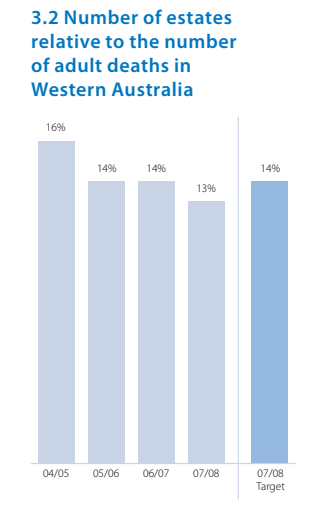
### Effectiveness indicators

#### Indicator 3.1: Extent to which trustee services meet the needs of clients

This indicator measures the level of client satisfaction with the quality of trustee services provided.

#### Indicator 3.2: Number of estates relative to the number of adult deaths in Western Australia

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



### Indicator 3.3: Percentage of estates finalised within 12 months of being reported

This indicator provides a measure of success, from a client’s perspective, of the average time taken to administer an estate.

The result for this indicator is below target due to the increasing complexity of estates (in particular Share Registry compliance requirements increasing) and contesting of Testamentary capacity.

### Indicator 3.4: Extent to which the Public Trustee maintains a market share in drawing wills naming the Public Trustee as executor

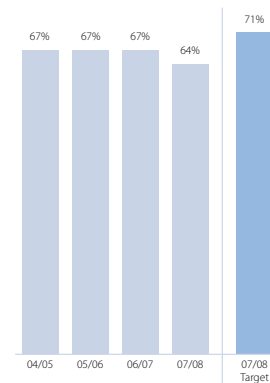
This indicator represents the number of people who died during the year who had a will prepared naming the Public Trustee as executor. It is shown as a percentage of the total number of adult deaths in Western Australia.

### Efficiency indicators

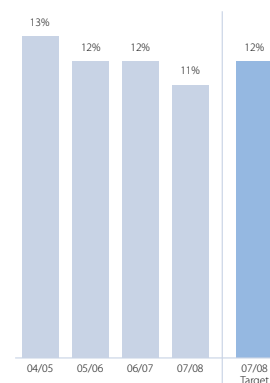
### Indicator 3.5: Average cost per deceased estate administered

This indicator measures the average cost per deceased estate administered. It is calculated by dividing the number of estates for the year into full accrual cost of the deceased estate service.

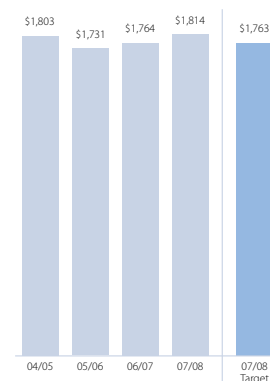
**3.3 Percentage of estates finalised within 12 months of being reported**



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



**3.5 Average cost per deceased estate administered**



### Indicator 3.6: Average cost per trust managed

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

Average cost per will prepared

**Indicator 3.7: This indicator measures the average cost per will prepared. It is calculated by dividing the number of wills prepared for the year into full accrual cost of the wills service.**

The increased cost per will prepared is due to higher than anticipated expenditure and a lower than anticipated number of wills prepared. The number of wills prepared was reduced due to high levels of staff leave and increasing complexity of wills required by the public.

### Service 4: Births, deaths and marriages

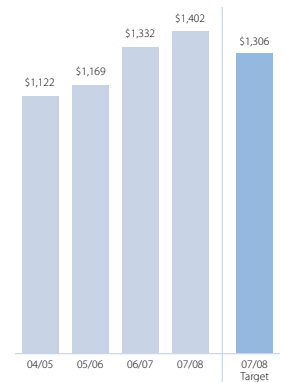
To create and ensure permanent storage of birth, death and marriage records that enables the public to obtain documentary proof of key life events for legal, personal and historical purposes and that enables approved organisations to obtain authorised information for research and records.

#### Effectiveness indicator

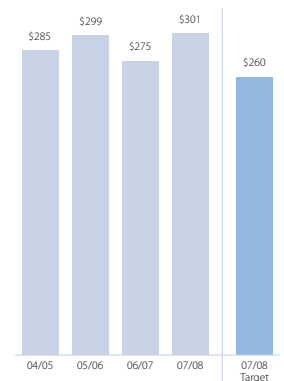
**Indicator 4.1: Extent to which births, deaths and marriages source information is recorded error free**

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

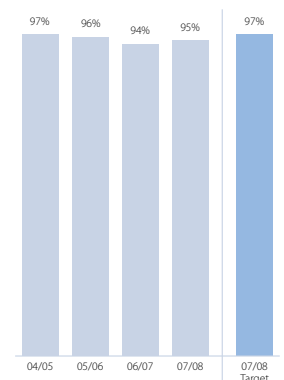
**3.6 Average cost per trust managed**



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



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



### Efficiency indicator

#### Indicator 4.2: Average cost of registration services

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

Expenditure is below target due to delays in the contractor capturing and converting historical data.

#### Service 5: Services to Government

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

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

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

### Effectiveness indicators

#### Indicator 5.1: Extent to which government departments are satisfied with the legal services

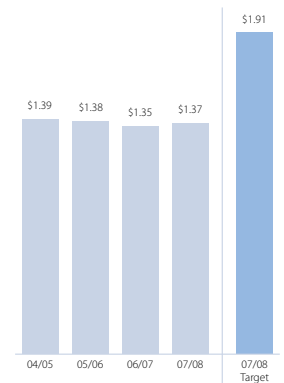
This indicator measures client satisfaction with the quality of legal services provided by the State Solicitor's Office. It is measured through a client survey and targets chief executive officers (CEOs) of Government departments and agencies. Details of areas to be canvassed are forwarded in advance to CEOs and are followed by an interview conducted by the State Solicitor.

The variation between target and actual results for this indicator is due to slightly higher levels of client satisfaction expressed during the client survey.

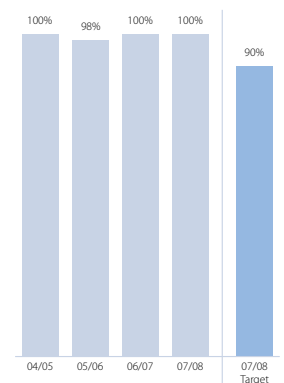
#### Indicator 5.2: Extent to which legislation was drafted in a timely manner to effect the Government's legislative program

This key indicator measures whether the legislative programme has been met by determining the extent to which Cabinet authorities, for the preparation of legislation, have been completed according to the priorities set out in the programme.

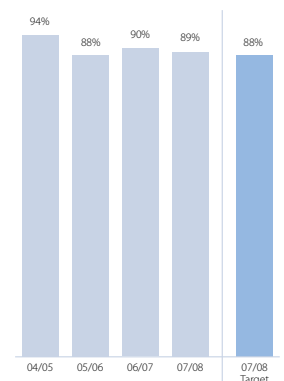
4.2 Average cost of registration services



5.1 Extent to which government departments are satisfied with the legal services



5.2 Extent to which legislation was drafted in a timely manner to effect the Government's legislative program



### Efficiency indicator

#### Indicator 5.3: Average cost per legal matter

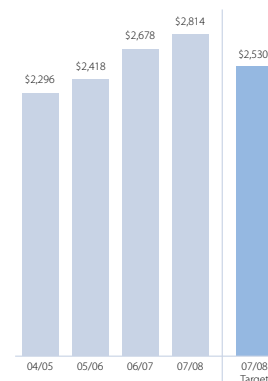
This indicator measures the average cost of a legal matter, which is defined as an initiating instruction received from a client in the reporting year, plus any other matter active during the reporting year and upon which some legal work was conducted. It also includes work in progress.

The variation between target and actual results for this indicator is due to higher than anticipated costs, particularly the costs of corporate services, for the State Solicitors Office and fewer than anticipated legal matters being dealt with.

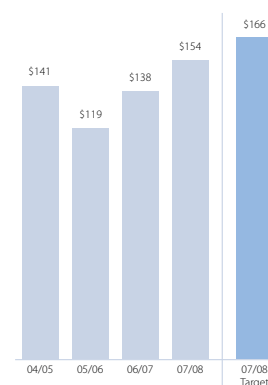
#### Indicator 5.4: Average cost per page of output

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

5.3 Average cost per legal matter



5.4 Average cost per page of output



## Notes to the key performance indicators

### Service 1: Court and tribunal services

Effectiveness Indicator	Description
Supreme Court—Criminal— Time to trial	This measure is calculated by taking the median time from date of committal to first trial date. The information for this indicator has been derived from the Higher Courts Criminal Case Management System (SRCASE).
Supreme Court—Civil— Time to trial	This measure is calculated by taking the median time from date of lodgement to the first trial date. Information for this indicator is derived from the ICMS.
Supreme Court—Civil— Time to finalise non-trial matters	This measure is calculated by taking the median time from date of lodgement to date of finalisation, excluding matters finalised by trial and matters finalised administratively. Information for this indicator is derived from the ICMS.
Court of Appeal—Criminal— Time to finalise	This measure is calculated by taking the median time to finalise a matter from its lodgement to when a judgement is made. Information for this indicator is derived from the ICMS.
Court of Appeal—Civil— Time to finalise	This measure is calculated by taking the median time to finalise a matter from its lodgement to when a judgement is made (includes all matters). Information for this indicator is derived from the ICMS.
District Court—Criminal— Time to trial	This measure is calculated by taking the median time from date of committal to the first trial date. The information for this indicator has been derived from SRCASE information management system.
District Court—Civil— Time to trial	This measure is calculated by taking the median time from date of lodgement to the first trial date. Information for this indicator is derived from the ICMS.
District Court—Civil— Time to finalise non-trial matters	This measure is calculated by taking the median time from the date of lodgement to date of finalisation, excluding matters finalised by trial and matters finalised administratively. Information for this indicator is derived from the ICMS.
State Administrative Tribunal— Time to finalise	This measure is calculated by taking the median time to finalise a matter from its lodgement to when a judgement is made (excludes all guardianship administration matters). Information for this indicator is derived from the ICMS.
Family Court of Western Australia— Time to trial	This measure is calculated by taking the median time from the date of lodgement to the first trial date. Information for this indicator is derived from a national cases database (CASETRACK).
Family Court of Western Australia— Time to finalise non-trial matters	This measure is calculated by taking the median time from the date of lodgement to the date of finalisation, excluding matters finalised by trial and matters finalised administratively. Information for this indicator is derived from CASETRACK.
Magistrates Court—Criminal and Civil— Time to trial	This measure is calculated by taking the median time from the date of lodgement to the first trial date. Information for this indicator is derived from Lower Courts Criminal Management System (CHIPS3) and ICMS.
Magistrates Court—Civil— Time to finalise non-trial matters	This measure is calculated by taking the median time from date of lodgement to date of finalisation, excluding matters finalised by trial and matters finalised administratively. Information for this indicator is derived from the ICMS.

Effectiveness Indicator	Description
Children’s Court—Criminal— Time to trial	This measure is calculated by taking the median time from the date of lodgement to the first trial date. Information for this indicator is derived from CHIPS 3.
Children’s Court—Civil— Time to trial	This measure is calculated by taking the median time taken from the date of lodgement to the first trial date, for care and protection matters. Information for this indicator is derived from CHIPS 3.
Coroner’s Court— Time to trial	This measure is calculated by taking the median time from death to the first inquest hearing (for those cases where an inquest is held). In the Coroners Court a trial is defined as an inquest. This jurisdiction keeps a manual record of their cases.
Coroner’s Court— Time to finalise non-trial matters	This measure is calculated by taking the median time from the date of lodgement to date of finalisation, excluding matters finalised by trial and matters finalised administratively. This jurisdiction keeps a manual record of their cases.
Fines Enforcement Registry— Percentage Of Fines Satisfied Within 12 Months— Fines And Costs	This indicator measures the number of fines satisfied within 12 months of referral to Fines Enforcement Registry (FER). It is calculated by expressing the number of fines satisfied within 12 months of referral as a percentage of the total number of fines referred to FER. Information is extracted from the FER database.
Fines Enforcement Registry— Percentage Of Fines Satisfied Within 12 Months— Infringements	This indicator measures the number of infringements satisfied within 12 months of referral to FER, It is derived by expressing the number of infringements satisfied within 12 months of referral as a percentage of the total number of infringements referred to FER. Information is extracted from FER database.
Efficiency Indicator	Description
Cost per case	The cost per case indicator is calculated by dividing the total gross cost of processing cases by the number of finalisations. The efficiency indicators for Court and Tribunal Services are calculated from the Department’s Cost Allocation Model in the Financial Management Information System (FMIS). Total operating costs used to calculate the efficiency measure are extracted from the Department’s jurisdiction based cost management system (Advisor).
Cost per enforcement	The total cost in processing fines and infringements is divided by the number of lodgements where a lodgement represents an individual enforcement registered with the Fines Enforcement Registry for enforcement. The data sources for this KPI are Advisor and the departmental information management system (COGNOS) for number of lodgements.



### Service 2: Advocacy, guardianship and administration services

Effectiveness Indicator	Description
Proportion of customers provided with advocacy relative to the number of referrals	<p>This indicator measures the ability to provide advocacy to clients identified as requiring advocacy and is considered a key indicator because it shows the extent to which the Office of Public Advocate (OPA) is able to protect the rights of adults with decision-making disabilities and reduce the risk of neglect, exploitation or abuse. Data for this indicator is extracted from OPA Statistical Collection Access System (OSCAS).</p> <p>Office of the Public Advocate receives applications referred by the SAT, as well as community referrals, and assesses their priority before allocating the highest priority applications to investigators. Applications not able to be allocated are placed on a waitlist.</p>
The percentage of customers surveyed satisfied with the information and advice by the Office of Public Advocate	<p>Customer surveys are distributed to secondary customers. That is, people with a direct personal or professional involvement in the lives of people in the primary customer group. Feedback questionnaires are distributed to the target group at the conclusion of every training course. The level of satisfaction with the services delivered is measured by collating the ranking level (1 = high satisfaction and 4 = unsatisfied) assigned to the feedback questions by clients. In 2007/08 433 people attended community education sessions held by the Office of the Public Advocate. All attendees were given survey forms at the end of each session. 291 responses were received, yielding a response rate of 67 per cent. The survey's sampling error rate is 3.29 per cent and the confidence interval was at 95per cent.</p> <p>The indicator relates directly to one of the key elements of the Public Advocate's outcome statement of providing information and advice to the community about the Guardianship and Administration system.</p>
Guardian of last resort allocated in one day	<p>The indicator is based on the Public Advocate's best practice to ensure the needs of the represented person are met immediately. It is measured by the number of appointments of Guardians of Last Resort made by the SAT at the hearing and accepted by the Public Advocate's delegate within one working day of receipt of the guardianship order.</p> <p>The Public Advocate is appointed as guardian of last resort only when considered necessary, and when there is no one else suitable or available to take on the role. The information for this indicator is extracted from OSCAS.</p>

Efficiency Indicator	Description
Average cost per case of providing Advocacy and Guardianship services	<p>This indicator is calculated by dividing the total cost of providing advocacy, guardianship and administration services by the number of advocacy and guardianship services provided. The information for this indicator is extracted from Advisor and OSCAS.</p>



### Service 3: Trustee services

Effectiveness Indicator	Description				
Extent to which trustee services meet the needs of clients	<p>In 2007/08, Patterson Market Research was engaged to conduct a telephone survey among a random sample of the Public Trustee client-base. The sample group parameters will be:</p> <ul style="list-style-type: none"> <li>› clients aged between 18 and 80 years</li> <li>› clients who have a current account in 2007/08</li> <li>› clients who are capable of making meaningful comment, that is, those who are known not to be suffering from dementia or in a comatose state, etc.</li> </ul> <p>Based on the above definition, a random sample of clients was generated and selected, representing a cross-section of clients who use the various trustee services provided by the Public Trustee.</p> <p>Statistical information regarding the survey is shown below.</p> <table border="1" style="width: 100%; background-color: #e6f2ff;"> <tbody> <tr> <td>Sample surveyed 308</td> <td>Error rate +/- 5.5per cent</td> </tr> <tr> <td>Response rate 43per cent</td> <td>Confidence level 95per cent</td> </tr> </tbody> </table>	Sample surveyed 308	Error rate +/- 5.5per cent	Response rate 43per cent	Confidence level 95per cent
Sample surveyed 308	Error rate +/- 5.5per cent				
Response rate 43per cent	Confidence level 95per cent				
Number of estates relative to the number of adult deaths in Western Australia	<p>The Public Trustee administers estates regardless of whether it is appointed executor or not. Some estates do not require formal administration but still require resources to arrange registration of assets in the survivor's or beneficiary's name. eg. joint assets and/or nominal bank accounts.</p> <p>The indicator represents the number of estates/deaths reported as a percentage of the number of adult deaths in Western Australia. Information for this KPI is sourced from the Registry of Births, Deaths and Marriages and the Public Trust Office internal information management system.</p>				
Percentage of estates finalised within 12 months of being reported	<p>Issues outside the control of the Public Trustee such as life interests, taxation, family disputes and testator family maintenance actions contribute to the time taken to close an estate. Records for this KPI are held in the Public Trust Office internal information management system.</p>				
Extent to which the Public Trustee maintains a market share in drawing wills naming the Public Trustee as executor	<p>The Public Trustee operates in a commercial environment offering services that can be provided by numerous professional service providers.</p> <p>In 2007/08, the Public Trustee administered TBA estates that named the Public Trustee as executor. Information for this KPI is sourced from the Registry of Births, Deaths and Marriages and the Public Trust Office internal information management system.</p>				

### Service 4: Births, deaths and marriages

Effectiveness Indicator	Description
Extent to which births, deaths and marriages source information is recorded error free	<p>This indicator is a key performance indicator because the registry is the creator and custodian of vital records and the public must have confidence that records are accurate and reliable.</p> <p>Only the number of registry errors in death registrations is used to calculate this indicator because immediate feedback is provided if an error is evident in the death certificate, which is always needed for estate settlement. Any errors made on birth or marriage certificates are not immediately detected, as these certificates may not be requested for many years after registration. As the processes for recording births, deaths and marriages are nearly identical, the number of errors in death registrations is considered representative of all three registration types.</p> <p>The computerised registration system (WARS) counts the number of death registrations corrected as a result of staff data entry errors and divides this count by the total number of deaths registered for the year. The result (i.e. erroneous registrations) is expressed as a percentage.</p>

Efficiency Indicator	Description												
Average cost of registration services	<p>The registry has maintained a database of birth, death and marriage records since it was established in 1841. These are either in paper registers, on microfilm or computer.</p> <p>To obtain this measure, the total cost of registration services is divided by the total number of registration services provided, including records held in storage. The total cost of registration services is derived from DotAG's Financial Management Information System.</p> <table border="1"> <thead> <tr> <th></th> <th>2004/05</th> <th>2005/06</th> <th>2006/07</th> <th>Target 2007/08</th> <th>Actual 2007/08</th> </tr> </thead> <tbody> <tr> <td>No. of Registration services including records held in storage</td> <td>3,309,000</td> <td>3,357,000</td> <td>3,416,000</td> <td>3,519,475</td> <td>3,492,179</td> </tr> </tbody> </table>		2004/05	2005/06	2006/07	Target 2007/08	Actual 2007/08	No. of Registration services including records held in storage	3,309,000	3,357,000	3,416,000	3,519,475	3,492,179
	2004/05	2005/06	2006/07	Target 2007/08	Actual 2007/08								
No. of Registration services including records held in storage	3,309,000	3,357,000	3,416,000	3,519,475	3,492,179								

### Service 5: Services to Government


Effectiveness Indicator	Description																								
Extent to which Government departments are satisfied with the legal services provided	<p>In 2006/07 24 client agencies were surveyed. The number of agencies surveyed represents approximately 90 per cent of the chargeable work of the State Solicitor's Office. The criteria used to assess satisfaction with service included:</p> <ul style="list-style-type: none"> <li>› the technical quality of work</li> <li>› the relevance of information provided to client's needs</li> <li>› the timeliness of information provided</li> <li>› overall, the extent to which Government departments are satisfied with legal services.</li> </ul> <p>The table below depicts the criteria used and the overall extent to which Government departments and agencies are satisfied with the legal services provided by the State Solicitor's Office.</p> <table border="1"> <thead> <tr> <th>CRITERIA</th> <th>2004/05</th> <th>2005/06</th> <th>2006/07</th> <th>Target 2007/08</th> <th>Actual 2007/08</th> </tr> </thead> <tbody> <tr> <td>Technical quality of work</td> <td>100%</td> <td>100%</td> <td>100%</td> <td>90%</td> <td>100%</td> </tr> <tr> <td>Relevance of information</td> <td>100%</td> <td>95.8%</td> <td>100%</td> <td>90%</td> <td>95.8%</td> </tr> <tr> <td>Timeliness of information</td> <td>100%</td> <td>100%</td> <td>97%</td> <td>90%</td> <td>99.3%</td> </tr> </tbody> </table>	CRITERIA	2004/05	2005/06	2006/07	Target 2007/08	Actual 2007/08	Technical quality of work	100%	100%	100%	90%	100%	Relevance of information	100%	95.8%	100%	90%	95.8%	Timeliness of information	100%	100%	97%	90%	99.3%
CRITERIA	2004/05	2005/06	2006/07	Target 2007/08	Actual 2007/08																				
Technical quality of work	100%	100%	100%	90%	100%																				
Relevance of information	100%	95.8%	100%	90%	95.8%																				
Timeliness of information	100%	100%	97%	90%	99.3%																				
Extent to which legislation was drafted in a timely manner to effect the Government's legislative programme	<p>The indicator represents the total number of Cabinet authorities of various priorities, for which legislation was completed by the relevant cut-off dates in a Parliamentary year. It is expressed as a percentage of the total number of Cabinet authorities to which the legislative programme relates. The information is recorded in Access databases located within the office of the Director Legislation Services.</p> <p>This calculation excludes matters which were not completed on time due to circumstances beyond the control of the Parliamentary Counsel's Office, such as:</p> <ul style="list-style-type: none"> <li>› lack of action on the part of the instructing agency to progress a Bill; or</li> <li>› deferral of a Bill by the instructing agency.</li> </ul>																								


Efficiency Indicator	Description												
Average cost per legal matter	<p>This indicator measures the average cost of a legal matter, which is defined as an initiating instruction received from a client in the reporting year, plus any other matter active during the reporting year and upon which some legal work was conducted. It also includes work in progress.</p> <p>The cost per matter is calculated by dividing the total cost of providing legal services by the number of matters dealt with during the financial year. Number of matters is extracted from the Time &amp; Matter Costing System and the total cost of service is derived from DotAG's FMIS system.</p> <table border="1"> <thead> <tr> <th></th> <th>Actual 2004/05</th> <th>Actual 2005/06</th> <th>Actual 2006/07</th> <th>Target 2007/08</th> <th>Actual 2007/08</th> </tr> </thead> <tbody> <tr> <td>No. of legal matters</td> <td>9,820</td> <td>10,158</td> <td>9,365</td> <td>10,000</td> <td>9,278</td> </tr> </tbody> </table>		Actual 2004/05	Actual 2005/06	Actual 2006/07	Target 2007/08	Actual 2007/08	No. of legal matters	9,820	10,158	9,365	10,000	9,278
	Actual 2004/05	Actual 2005/06	Actual 2006/07	Target 2007/08	Actual 2007/08								
No. of legal matters	9,820	10,158	9,365	10,000	9,278								
Average cost per page of output	<p>The average cost per drafting service is calculated by dividing the total operating expenses (cost) of the Parliamentary Counsel's Office by the number of pages of bills, subsidiary legislation and reprinted texts produced by the office each financial year. The information is recorded in Access databases located within the office of the Director Legislation Services. The total cost of service is derived from DotAG's FMIS system.</p> <p>These results will vary from one reporting period to another because of fluctuations in demand for the preparation of legislation.</p> <table border="1"> <thead> <tr> <th></th> <th>Actual 2004/05</th> <th>Actual 2005/06</th> <th>Actual 2006/07</th> <th>Target 2007/08</th> <th>Actual 2007/08</th> </tr> </thead> <tbody> <tr> <td>No. of pages drafted/ reprinted</td> <td>33,558</td> <td>43,430</td> <td>38,265</td> <td>34,000</td> <td>39,836</td> </tr> </tbody> </table>		Actual 2004/05	Actual 2005/06	Actual 2006/07	Target 2007/08	Actual 2007/08	No. of pages drafted/ reprinted	33,558	43,430	38,265	34,000	39,836
	Actual 2004/05	Actual 2005/06	Actual 2006/07	Target 2007/08	Actual 2007/08								
No. of pages drafted/ reprinted	33,558	43,430	38,265	34,000	39,836								

### Service 6: Legal Aid

#### Certification of key performance indicators

We hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Legal Aid Commission of Western Australia's performance, and fairly represent the performance of the Legal Aid Commission of Western Australia for the financial year ended 30 June 2008.

  
 Malcolm McCusker AO QC  
 Chairman  
 Date: 8/8/08

  
 George Turnbull  
 Director  
 Date: 5 August 2008



### Auditor General

#### INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

#### LEGAL AID COMMISSION OF WESTERN AUSTRALIA FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2008

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

The financial statements comprise the Balance Sheet as at 30 June 2008, and the Income Statement, Statement of Changes in Equity and Cash Flow Statement for the year then ended, a summary of significant accounting policies and other explanatory Notes.

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

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

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

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

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

An audit does not guarantee that every amount and disclosure in the financial statements and key performance indicators is error free. The term "reasonable assurance" recognises that an audit does not examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the financial statements and key performance indicators.

**Legal Aid Commission of Western Australia  
Financial Statements and Key Performance Indicators for the year ended 30 June 2008**

**Audit Opinion**

In my opinion,

- (i) the financial statements are based on proper accounts and present fairly the financial position of the Legal Aid Commission of Western Australia at 30 June 2008 and its financial performance and cash flows for the year ended on that date. They are in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions;
- (ii) the controls exercised by the Commission provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (iii) the key performance indicators of the Commission are relevant and appropriate to help users assess the Commission's performance and fairly represent the indicated performance for the year ended 30 June 2008.

  
COLIN MURPHY  
AUDITOR GENERAL  
13 August 2008

## Legal Aid performance indicators for 2007/08

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

### Government desired outcome:

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

### Our vision

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

### Agency desired outcome

Is to ensure the community and target groups have access to and are provided with quality legal services.

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

### Our services:

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

Determining the type and extent of assistance provided to people is critical to Legal Aid’s operations. Decisions about the appropriateness of the service provided is regulated by policies and procedures relating to clients means, the nature and seriousness of their legal problem and the availability of resources.

### Effectiveness indicators

The two key aspects of the outcome sought by Legal Aid WA as a result of the services provided are “access to legal services” and “service quality”.

Access is measured by the application approval rate or the extent to which legal representation can be provided, to those whom seek it. Quality is measured by client satisfaction with particular aspects of service delivery, for example the effect the assistance had in helping them understand their legal situation, and how well they believed the lawyer represented them in court.

### Explanatory notes for effectiveness indicators

- 1 Applicants for a grant of aid must satisfy certain criteria for legal representation to be approved.
- 2 In areas of family law only, some applicants are assisted via a grant of aid to pursue alternative dispute resolution.
- 3 Telephone information and community education services include telephone information service both in Perth metropolitan and regional areas, policy advice sessions, community legal education and training, face to face consultation, and Family Court information services.
- 4 Legal advice services include minor assistance where a solicitor or paralegal (under the supervision of a solicitor) provides personal assistance of up to three hours in drafting negotiation letters, applications and court documentation in most areas of law for non-complex matters.

### Technical notes for effectiveness indicators

#### Survey methodology

Each year Legal Aid undertakes an annual Client Satisfaction Survey, alternating between family law and criminal law clients. This year, family law clients were surveyed. The survey instrument was identical to the 2006/07 survey instrument to allow meaningful comparisons to be made. It provided that the neutral rating in the five-point scale used in surveys prior to 2006/2007 was again deleted this year and not available to respondents, so as to obtain a more definitive response from clients to the questions asked. Advantage Communications and Marketing Pty Limited again conducted this year’s survey.

#### Research methodology

##### Survey populations

The populations for the purpose of the research were all clients from the six Family Law client groups who had received their respective type of assistance from Legal Aid in the past 12 months. The population sizes for each client type are shown in the table below.

Legal Aid WA provided contact lists for each client group.

##### Sample sizes

The sample sizes for the Family Law client groups were designed to balance the requirements of the office of the Auditor General (OAG) for the purposes of annual reporting of an overall maximum standard error ratio of +/-5 per cent at the 95 per cent confidence level, as well as having sufficient sample sizes for each survey group to allow valid statistical analysis at the individual survey level.

For the Family Law client population as a whole, a sample size of around 400 would give an error ratio of no more than +/- 5 per cent at the 95 per cent confidence level i.e. where 43 per cent of the sample gives an answer we can be 95 per cent confident that if we had asked the question of the entire relevant population, between 38 per cent and 48 per cent would have picked that answer.



The sample was allocated roughly proportional to the square root of the population size between each of the client group surveys.

At the end of the fieldwork only 18 Child Support surveys could be completed due to the high level of disconnected numbers and clients having moved away.

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

### Populations, sample sizes, satisfaction and levels of accuracy

Family Law Client Group	Population Size (N)	Target Sample size	Achieved Sample Size (n)	Satisfaction	Level of Accuracy
Legal Advice	2047	207	206	86.1%	+/- 4.5%
Alternative Dispute Resolution	86	43	44	79.9%	+/- 8.3%
Grants of Aid	345	85	85	73.5%	+/- 8.2%
Duty Lawyer/Family Court Services	82	42	42	80.7%	+/- 8.4 %
Child Support	24	23	18	86.1%	+/- 7.6 %
<b>TOTAL</b>	<b>2584</b>	<b>400</b>	<b>395</b>	<b>82.3%</b>	<b>+/-3.5 %</b>

The estimated overall level of accuracy expected from this was +/- 3.2 per cent assuming a satisfaction level of 85 per cent based on last year's results. The accuracy levels for the individual surveys are higher but still within acceptable error bounds. **The achieved overall level was +/-3.5 per cent.**

### Questionnaire design

The questionnaires used for this year's Family Law surveys were supplied by Legal Aid and were the same as those used last year to allow meaningful comparisons between reporting periods.

### Data collection methodology

Surveys were conducted over the telephone using the contact lists provided by Legal Aid over a five-week period from 14 April 2008 to 16 May 2008. Calling took place in both business hours and evenings. The majority of residential calls would have been made in the late afternoon, early evening hours from around 4pm–8 pm weekdays and also 9am–5pm on Saturdays.

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

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

### Data analysis and reporting notes

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

Prior to the 2006/2007 Family Law client satisfaction survey, the response scale also allowed for a 'Neutral' response. Comparisons to earlier reports need to be viewed with this in mind.

### Desired outcomes and key effectiveness/efficiency indicators

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

Key Effectiveness Indicators	2006 Actual	2007 Actual	2008 Target	2008 Actual	Reasons for Significant Variance between 2008 Target and 2008 Actual
Applications approved for a grant of aid as a percentage of all applications received	67%	71%	72%	69%	
Percentage of clients satisfied with service provided:					
Criminal Law	-	87 %	-	-	
Family Law	74%	85%	75%	82%	Survey questionnaire changed to 4-point scale without a neutral response from a 5-point scale with a neutral response in 2006/07.

## Ministerial directives

Nil

## Other financial disclosures

### Pricing policies of services provided

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

#### Court and Tribunal Services

Fees are collected for a variety of services across the court system, which range from the provision of civil court hearing time and enforcement of civil and criminal court orders to the provision of court transcripts.

Broadly, the court system has adopted a policy of partial cost recovery, largely confined to the civil jurisdiction (with the exception of some criminal enforcement activities). In setting court fees, the Department aims to strike an appropriate balance between:

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

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

A review of court fees is conducted each year to ensure they are achieving the appropriate balance between the above three criteria. The assessment includes a comparison with fees charged in other State jurisdictions.

The court fees in operation during 2007/08 were published in the *Gazette* 26 June 2007 and began on 1 July 2007.

#### Registry of Births, Deaths and Marriages

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

- › Department of Treasury and Finance instructions on full cost recovery
- › Department-wide annual review of fees and charges that takes into account the Consumer Price Index
- › consideration of fees charged by other Australian registries in line with the CPI.

Fees and charges were increased in 2007/08.

#### Public Trustee

No increase was built into 2007/08 for CPI, because the achievement of current fee revenue was subject to enacting legislation.

### Capital works

Major Capital Works (projects > \$5 million) 2007/08				
	Estimated Total Cost (\$'000)	Life to Date Expenditure (\$'000)	Remaining Expenditure (\$'000)	Estimated Year of Completion
<b>Works in progress</b>				
CBD Courts Complex— Planning & Management	15,821	15,177	644	2008
CBD Courts Construction and CLC Refurbishment	60,065	22,813	37,252	2010
<b>Completed works</b>				
Albany Justice Complex	12,007	11,681	326	2008
Integrated Court Management System	20,519	20,754	(235)	2008
<b>New works</b>				
Kalgoorlie Court Upgrade	30,700	984	29,716	2011

Detail to be provided on significant variances from the estimated total costs report (if applicable)

Delays in the completion of the District Court building have caused the later commencement of Central Law Court refurbishment which is estimated for completion in 2010.

Changes in scope of the Kalgoorlie Court Upgrade have caused delays in the commencement of the upgrade of the court complex.

## Employment and industrial relations

### Summary of employee numbers

Head count figures are for those employees paid as of the last pay date of the financial year (28 June 2008) as per MOIR definition.

Employees by Award / Occupational Grouping	2006/07					2007/2008				
	Numbers			%		Numbers			%	
	F	M	Total	F	M	F	M	Total	F	M
Aboriginal Visitors Scheme <sup>#</sup>	15	7	22	68%	32%					
Catering Employees & Tea Attendants	4	0	4	100%	0%	3	0	3	100%	0%
Child Care Workers	1	0	1	100%	0%	1	0	1	100%	0%
Cleaners & Caretakers	21	3	24	88%	13%	20	2	22	91%	9%
Govt Officers (GOSAC/ GOSGA Award)	53	64	117	45%	55%	67	61	128	52%	48%
Public Service Employees	968	552	1520	64%	36%	1018	540	1558	65%	35%
Prisoner's Review Board	7	3	10	70%	30%	5	3	8	62%	38%
Salaries & Allowances Tribunals	8	19	27	30%	70%	5	16	21	24%	76%
State Administrative Tribunal*	8	10	18	44%	56%	5	12	17	29%	71%
<b>TOTAL</b>	<b>1085</b>	<b>658</b>	<b>1743</b>	<b>62%</b>	<b>38%</b>	<b>1124</b>	<b>634</b>	<b>1758</b>	<b>64%</b>	<b>36%</b>

<sup>#</sup> Aboriginal Visitors Scheme was transferred to the Department of Corrective Services in December 06.

<sup>\*</sup> Senior and ordinary members only. State Administrative Tribunal public servants are counted under as Public Service employees. Sessional and judicial members are not included.

### Staffing policies including recruitment and development

A new part-time employment policy was developed and is expected to be finalised in the new financial year. Its intent is to attract and retain staff and create a flexible and responsive workforce.

A wealth of other staffing policies and procedures was reviewed and revised in 2007/08 to reflect the current business needs of the Department.

### Summary of breach of standards claims

In 2007/08, the Department maintained a good record in limiting breaches against the nine standards. Nine claims were lodged with the Department. All claims were referred to the Office of the Public Sector Standards Commissioner and later dismissed.

Listed below is a summary of breach of standard claims lodged and handled for 2007/08.

	Withdrawn in agency	Resolved in agency	Still pending in agency	Referred to OPSSC	Agreement reached OPSSC	Dismissed at OPSSC	Upheld at OPSSC	Still Pending at OPSSC	All
Recruitment, Selection & appointment	0	0	0	8	0	8	0	0	8
Grievance Resolution	0	0	0	0	0	0	0	0	0
Transfer	0	0	0	1	0	1	0	0	1
Secondment	0	0	0	0	0	0	0	0	0
Performance Management	0	0	0	0	0	0	0	0	0
Redeployment	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0
Discipline	0	0	0	0	0	0	0	0	0
Temp. Deployment (Acting)	0	0	0	0	0	0	0	0	0
<b>Total Claims Handled 2007/08</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>9</b>

### Volunteer workforce

The Department has a large volunteer workforce, with some 3,374 people helping in 2007/08. They included victim support volunteers, justices of the peace and community guardians.

About 3,250 justices of the peace spent approximately 5,600 hours in courts, 12,500 hours in signing centres and 5,000 hours in the Family Court of Western Australia, Perth Watch House and other custody centres. Some 77 new justices of the peace were appointed this year.

### Industrial relations

#### Awards and agreements

The Department of Consumer and Employment Protection finalised a whole-of-Government claim with the Civil Service Association regarding positions maintained as Specified Callings within the Public Service Agreement and Government Officers' Salaries, Allowances and Conditions awards.

Orders were issued by the Western Australian Industrial Relations Commission on 13 March 2008 which provided salary increases and a new salary structure to be applied to these positions. Within the Department of the Attorney General, legal officers, social workers, graduate welfare officers and librarians were included.

### Workers compensation claims

	2006/07	2007/08
Claims	28	23
Lost time injuries	12	14
Severe claims	5	2
Stress claims	3	3

In 2007/08, there was a drop in the number of workers compensation claims and severe claims. Severe claims include those where lost time is estimated to have exceeded 60 days. In addition to the above claims, the Department managed six non-compensatable claims.

### Employee assistance

An employee assistance program is offered to all employees and their immediate families. In 2007/08, 101 referrals for the service were received, with an average of 2.5 sessions per referral. This is in keeping with industry standards and is comparable to last year when the number of referrals was 106 and average sessions were 2.4.

### Governance disclosures

Financial interests—Nil

Officers receiving a benefit—Nil



## Other legal requirements

### Advertising and marketing expenditure

Listed below is a summary of advertising and marketing expenditure for the Department of the Attorney General from 1 July 2006 to 30 June 2007 in accordance with section 175ZE(1) of the *Electoral Act 1907*.

Advertising and Marketing Expenditure	Amount (\$)
<b>Advertising agencies</b>	
Marketforce	341,412
<b>Direct advertising organisations</b>	
Albany & Great Southern Weekender	350
Graduate Careers Australia	7,500
Information Radio	800
Media Decisions	19,460
New Age Modelling Opportunity and Development	4,300
NGIS Australia Pty Ltd	22,727
Optima Press Pty Ltd	260
Redwave Media Pty Ltd	168
Sensis Pty Ltd	5,470
West Australian Newspapers	10,615
<b>Market research</b>	
Patterson Market Research	33,020
<b>Polling organisations</b>	
Nil	
<b>TOTAL</b>	<b>446,082</b>

### Disability and access inclusion plan outcomes

The Department implemented its first Disability Access and Inclusion Plan (DAIP) 2007–2010 to ensure professional and appropriate services are provided to customers with physical, intellectual, sensory or cognitive disabilities, their carers and families. The plan complies with the *Disability Services Act 1993* (WA) and was lodged with the Disability Services Commission in July 2007. During 2007/08 a range of outcomes was achieved:

#### Outcome 1

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

- The Public Advocate represented the needs and interests of people with decision-making disabilities in various high-level government policy forums. The Public Advocate also ran a national conference to highlight the issues facing people with a decision-making disability coming into contact with the justice system.

### Outcome 2

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

- › The Department reviewed its accommodation to better cater for people with special needs.

### Outcome 3

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

- › All Departmental publications are available upon request in alternative formats. The Department continually reviews its publications to ensure they can be easily understood by all people.
- › The Office of the Public Advocate (OPA) provided better access to its phone service for people who are deaf or have a hearing impairment.
- › A new community education presentation was developed, in liaison with Aboriginal service providers, to raise awareness of guardianship and advocacy services within Aboriginal communities.

### Outcome 4

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

- › The Victim Support and Child Witness Service and the Disability Service Commission teamed up to provide services to people with a disability who are victims of crime.
- › The Department provided professional interpreting services (where appropriate) for members of the public not proficient in English.
- › The Department worked with other justice-related Government agencies to ensure the needs of people with decision-making disabilities are considered.

### Outcome 5

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

- › A Customer Feedback Management System implemented across the Department in May 2007 accepts input through a variety of communications means.
- › The Department makes its customer service charter and online complaint form available at [www.justice.wa.gov.au](http://www.justice.wa.gov.au) and in alternative formats on request.

### Outcome 6

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

- › Various public consultations conducted during 2007/08, including planning for a new courthouse in Kalgoorlie and an examination of human rights in WA, catered for people with disabilities.

In 2008/09 the Department will review its plan and ensure strategies are explained in plain language, incorporate improvements from business areas and capture progress annually.

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

Policies, guidelines and other relevant documents and procedures supporting the Department's compliance with the Public Sector Standards are communicated to staff on a regular basis. In addition, in 2007/08 a number of strategies was implemented to monitor and ensure compliance with the standards including: appointment and training nine new grievance officers; introduction of a new corporate induction program with a segment on ethical behaviour; development of a new policy to ensure fairness in acting or relieving opportunities; and considerable development work towards a new management induction program, which will address a range of compliance standards.

#### **Compliance with Code of Ethics**

Staff were made aware of the updated Public Sector Code of Ethics through the Department's intranet and references in relevant policies, procedures and guidelines. Training on the Code of Ethics is provided through the Department's corporate induction program and other training programs.

#### **Compliance with Code of Conduct**

The Department's Code of Conduct was reviewed and updated to ensure it aligned with new and amended legislation on accountability. The revised code is accessible to all staff online and through references in relevant policies, procedures and guidelines. Training on the Code of Conduct is provided through the Department's corporate induction program and other training programs.

#### **Extent of compliance with Public Sector Code of Ethics and Code of Conduct**

In 2007/08 the Department managed seven suspected breaches of the Public Sector Management Act. The nature of these matters constituted possible non-compliance with the Code of Ethics and/or the Code of Conduct. Six matters were dismissed and one is ongoing.

The Department also managed 15 complaints in relation to grievances and bullying - 12 informal and three formal. All 12 informal complaints were dismissed and of the three formal complaints, two were dismissed and one partly upheld.

### **Recordkeeping plans**

#### **Compliance with *State Records Act 2000***

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

The State Records Commission's minimum compliance requirements are:

#### **Requirement 1**

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

The Department completed a major evaluation of its recordkeeping system in 2004, while in 2007/08, five smaller agencies were reviewed. The Department was recognised for its outstanding recordkeeping practices by winning the State Records Award at the Institute of Public Administration Australia (IPAA) WS Lonnie Awards.

### **Requirement 2**

The organisation conducts a recordkeeping training program.

Since its implementation in 2006/07, almost 1,500 employees have either completed or are progressing through the online records training and awareness program. Records management is being progressively incorporated into the induction programs across the Department.

### **Requirement 3**

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

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

### **Requirement 4**

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

The training and awareness program addresses roles and responsibilities in respect to employee compliance with the recordkeeping plan.

### **State Solicitor's Office**

In 2007/08 the State Solicitor's Office (SSO) continued implementation of its recordkeeping plan through training and induction and by completing a records disaster recovery plan.

## Government policy requirements

### Corruption prevention

Through the Department's Corruption Prevention Policy, all management and staff are made aware of their responsibilities for their own ethical conduct and that of staff for whom they have organisational responsibility. The policy articulates a zero tolerance position on corrupt conduct, fraudulent activities and maladministration and provides for the reporting of any instance of corrupt conduct or misadministration. The reporting procedures detail the clear and concise process whereby a matter of corruption can be confidentially reported and investigated.

The most significant corruption risks in the Department at this time relate to contracts and tendering, lobbying and gifts and hospitality. The Department has implemented a number of corporate initiatives to address these risks including the development and implementation of a register of gifts, benefits and other rewards and a review of the Code of Conduct. The review reflected on the business of the Department and its corruption prevention requirements, including the Lobbyists Code, and also included an audit of business areas where corruption risks are rated as high.

Department personnel have also provided assistance to the Corruption and Crime Commission in the development of a Corruption Prevention framework that may be used across all government agencies.

### Substantive equality

The Department honours the Government's Policy Framework for Substantive Equality to ensure Aboriginal and ethnic minority groups receive equitable services. The Department will facilitate and ensure requirements of the Policy Framework are achieved. The Joondalup Family Violence Court (JFVC) was the nominated pilot site for the implementation process under a five-year plan in 2007. A report against the needs and impact assessment on JFVC has been produced with a set of recommendations for service reform. An action plan to direct the reform process has been progressed with more than half of these initiatives implemented or in progress. The nominated site for 2008 is the Public Trustee's Estate Management.

During 2007/08 the agency established a Corporate and Executive Policy on the framework. A clear communication strategy for informing and educating staff about the Policy Framework was developed. The Department is currently within Level 1 of the policy framework. The Commissioner for Equal Opportunity has been advised that the Executive Director of Corporate Services is the new Senior Officer. It is expected that the remaining outcomes of Level 1 will be achieved during 2008/09.

During 2007/08 the framework informed various corporate policies.

### Sustainability

The Department has a long-term commitment to delivering high quality and accessible justice services. The Department's Sustainability Action Plan, endorsed in October 2004, supports this. Progress has been assessed based on the following markers:

#### Energy usage

In 2007/08, the Department of the Attorney General continued its initiatives to reduce energy consumption. An Energy Smart Government facilitation grant was used to conduct a number of energy management projects and audits which should further cut energy use during 2008/09.

Communication was undertaken with staff via intranet and internal newsletters to raise awareness of Energy Smart issues. The department has complied with all directives from government with regards to energy management.

### Fleet management

The Department adopted a four-cylinder policy in the management of fleet vehicles in 2006/07 following the introduction of the WA Government's Carbon Neutral Program. While just over half of DotAG's total operational fleet was four-cylinder at June 30 2007, the figure jumped to more than two-thirds a year later. These figures exclude vehicles that are provided as part of an employment package prescribed by the Salaries and Allowances Tribunal.

### Procurement

The Department ensures that sustainability is considered when preparing contract request documents and procurement plans and also when evaluating suppliers' responses.

### Social

A new Aboriginal Cultural Awareness contract was finalised for implementation in July 2008. The training is two-tiered with a focus on general Aboriginal cultural awareness for metropolitan staff and specifically looking at local communities, protocol, language and customs relevant to client groups in regional and remote areas.

## Occupational Safety & Health

The Department of the Attorney General recognises its duty of care obligations for occupational safety and health and injury management and is committed to providing a productive, safe and healthy work environment. The Department supports the work of managers and employees in identifying and managing safety and health issues in the workplace.

The Department has three operational safety and health committees and several others for which occupational safety and health is a standing item. A network of safety and health representatives throughout the Department provides a conduit for communication between employee and employer. The Department has committed to forming a whole-of-agency Occupational Safety and Health Committee to further improve formal mechanisms for consultation by 31 December 2008.

The Department provides access to workers' compensation and injury management information on its intranet site.

A report of performance for 2007/08 against the following targets

INDICATOR	ACTUAL 2006/07	ACTUAL 2007/08	TARGET 2007/08
Number of fatalities	0	0	0
Lost time injury/diseases incidence rate	0.69	0.79	0 a 10 per cent reduction on previous year
Lost time injury severity rate	41.67	14.28	0 a 10 per cent rise on previous year

As there was a reduction in the number of severe injuries in 2007/08, the Department met its 2007/08 targets for the number of fatalities and the lost time injury severity rate. The lost time injury incidence rate was slightly higher this financial year, with 14 lost time injuries compared with 12 in 2006/07 (see 4.4.3.4).

## Other

### Freedom of information applications summary

The Department received 38 Freedom of Information (FOI) applications in 2007/08. During this time 24 were completed and 14 transferred to other agencies. There are no FOI requests outstanding.

No FOI decision was reviewed externally by the Information Commissioner.

One FOI decision was reviewed internally on request by the applicant with the decision being upheld. Listed below is a summary of FOI applications for 2007/08.

FOI Applications	Number
Personal information requests	15
Non-personal Information requests	9
Amendment of personal information	0
Applications transferred in full	14
<b>Total Applications received</b>	<b>38</b>
Applications completed	24
Applications withdrawn	0
Applications transferred in full	14
Applications outstanding	0

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

### Customer feedback summary

The Department uses a customer feedback management system, implemented in 2007 in line with Australian standards and the Department's Customer Feedback Management policy and practices.

The system records, monitors and tracks complaints, compliments and suggestions from customers across the Department to relevant business areas.

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

During 2007/08, the Department received the following about its products and services:

- 185 complaints
- 59 compliments
- 48 suggestions.

The Department also received 33 items of feedback which did not belong in the above categories. These mainly concerned issues which required referrals to other government departments or matters which did not require any action.

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



## Appendix 1

The Department of the Attorney General awarded contracts between 1 July 2007 and 30 June 2008 for the following value:

Value	No of Contracts
\$0-\$19,999	5
\$20,000-\$99,999	14
\$100,000-\$499,999	19
\$500,000-\$999,999	4
\$1 million +	5

Details of contracts valued at more than \$100,000:

No	Contract Description	Vendors Recommended	Contract Value \$
DotAG2868	Cash Collection Services	Matrix Group Enterprises Pty Ltd	525,708
DotAG2944	Supply and Install Weapons Detection System	Rapiscan Systems Australia Pty Ltd	249,810
DotAG8107	Case Management System Public Advocate	Change Corporation Pty Ltd	132,440
DotAG29407	Provision and Maintenance of Cisco Network Devices	Alphawest Services Pty Ltd	2,643,960
DotAG29307	Provision of Notebook Computers	Computercorp (Operations) Pty Ltd	570,366
DotAG3145	Victim Support & Child Witness Services for Esperance	Centrecare Inc	200,000
DotAG2921	WA Local Justice Plans	Alan Stewart Consulting	129,250
DotAG2921	WA Local Justice Plans	Nyaarla Projects Pty Ltd	167,334
DotAG2867	Printer Hardware Repairs Throughout WA	Servicewest	400,000
DotAG2970	Call Centre Management Application	NEC Australia Pty Ltd	100,000
DotAG2968	Supply of Legal Publications	Lexis Nexis	4,710,902
DotAG2968	Supply of Legal Publications	CCH Australia Ltd	221,583
DotAG2968	Supply of Legal Publications	Thomson Legal & Regulatory Limited	4,744,038
DotAG2904	Bill Management Bureau Service	Fastlane Software Pty Ltd	369,438
DotAG3122	Project Management ICMS Phase 3	Callio Consulting	366,000
DotAG2994	Provision of Training for Justices of the Peace	Central TAFE	450,000
DotAG2955	Provision of Bailiff Services fro the Fremantle Area	AAC Process Services	350,000

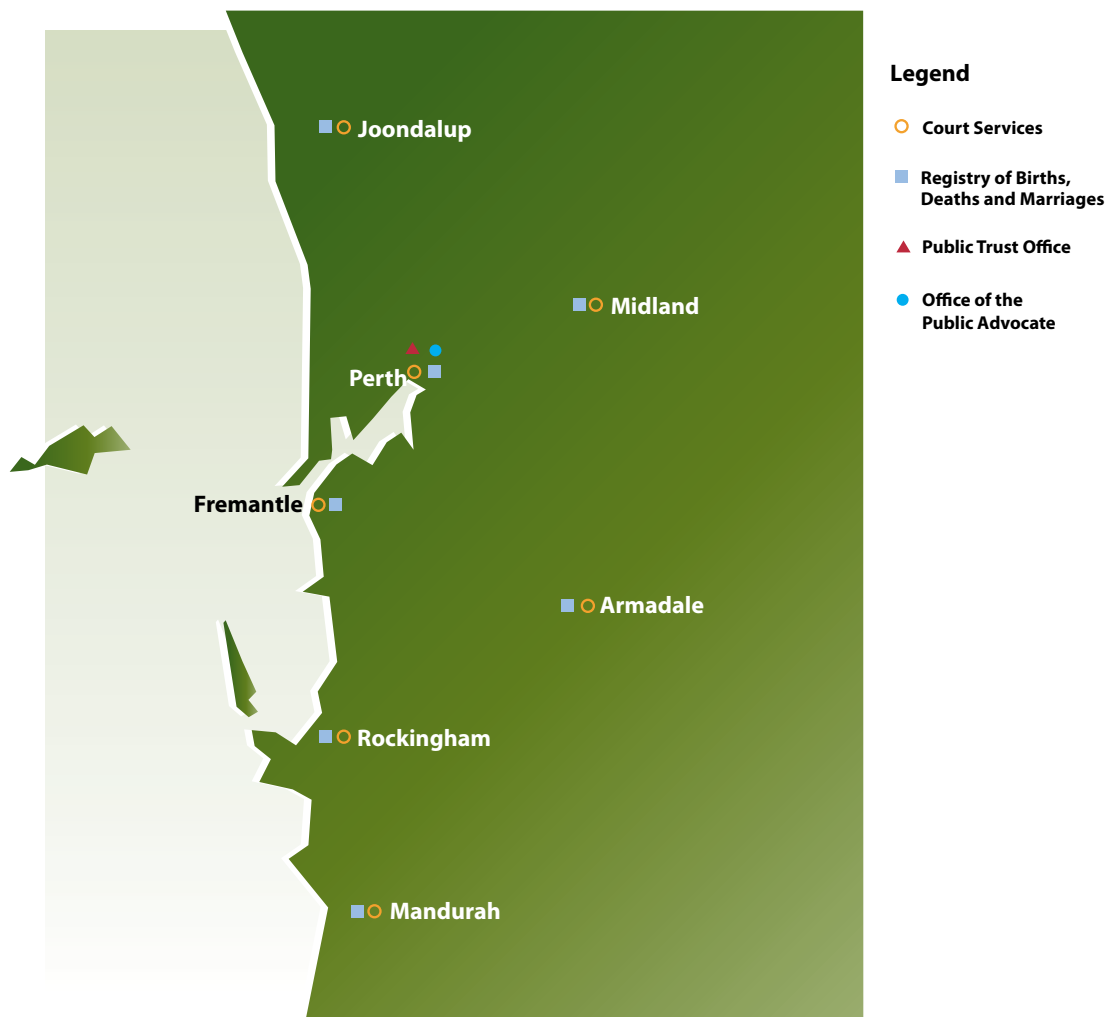
No	Contract Description	Vendors Recommended	Contract Value \$
DotAG2977	Execution of Fines Enforcement Warrants Metro & Country	Repcol (WA) Pty Ltd	10,000,000
DotAG3038	Victim Support & Child Witness Services for Derby	Anglicare WA	234,000
DotAG3039	Victim Support & Child Witness Services for Kalgoorlie	Centrecare Inc	499,980
DotAG2961	Victim Support Services for Geraldton	Centacare Family Services	251,680
DotAG3036	Victim Support & Child Witness Services for Albany	Susan Therese Tevake	536,250
DotAG3040	Victim Support & Child Witness Services for Kununurra	Anglicare WA	585,000
DotAG3037	Victim Support Services for the Bunbury Region	Kris Csillag & Associates	292,500
DotAG3070	Child Witness Services for Bunbury	Christine Anne Larke	243,750
DotAG3070	Child Witness Services for Bunbury	Margaret Lilian Simms	219,375
DotAG38806	Applications System Support Services	AJILON Consulting Group Pty Ltd	28,500,000
DotAG3031	Aboriginal Cultural Awareness Training	Kooya Consultancy	150,000

## Appendix 2—Location maps

### Profile of the Department – Operating Locations

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

#### Metropolitan Locations



### Regional Locations



## Appendix 3

### Acts administered through the Department of the Attorney General

*Acts Amendment (Equality of Status) Act 2003*

*Acts Amendment and Repeal (Courts and Legal Practice) Act 2003*

*Administration Act 1903*

*Age of Majority Act 1972*

*Anglican Church of Australia (Diocesan Trustees) Act 1888*

*Anglican Church of Australia (Diocese of North West Australia) Act 1961*

*Anglican Church of Australia (Swanleigh land and endowments) Act 1979*

*Anglican Church of Australia Act 1976*

*Anglican Church of Australia Constitution Act 1960*

*Anglican Church of Australia Lands Act 1914*

*Artificial Conception Act 1985*

*Australia Acts (Request) Act 1985*

*Bail Act 1982*

*Bail Amendment Act 2008*

*Baptist Union of Western Australia Lands Act 1941*

*Bills of Exchange (day for payment) (1836) (Imp)*

*Bills of exchange (non-payment) (1832) (Imp)*

*Births, Deaths and Marriages Registration Act 1998*

*Charitable Trusts Act 1962*

*Child Support (Adoption of Laws) Act 1990*

*Children's Court of Western Australia Act 1988 (The Department of Corrective Services is the agency principally assisting the Attorney General in the administration of s. 28, 33 & 40 of this Act)*

*Choice of Law (Limitation Periods) Act 1994*

*Civil Judgments Enforcement Act 2004*

*Civil Procedure Act 1833 (Imp)*

*Classification (Publications, Films and Computer Games) Enforcement Act 1996*

*Commercial Arbitration Act 1985*

*Commissioner for Children and Young People Act 2006*

*Commonwealth Places (Administration of Laws) Act 1970*

*Commonwealth Powers (De Facto Relationships) Act 2006*

*Companies (Acquisition of Shares) (Application of Laws) Act 1981*

*Companies (Administration) Act 1982*

*Companies (Application of Laws) Act 1981*

*Companies Act 1961*

*Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981*

*Constitutional Powers (Coastal Waters) Act 1979*

*Co-operative Schemes (Administrative Actions) Act 2001*

*Coroners Act 1996*

*Corporations (Administrative Actions) Act 2001*  
*Corporations (Ancillary Provisions) Act 2001*  
*Corporations (Commonwealth Powers) Act 2001*  
*Corporations (Consequential Amendments) Act (No. 3) 2003*  
*Corporations (Taxing) Act 1990*  
*Corporations (Western Australia) Act 1990*  
*Corruption and Crime Commission Act 2003*  
*Corruption and Crime Commission Amendment and Repeal Act 2003*  
*Court Security and Custodial Services Act 1999*  
*Crimes at Sea Act 2000*  
*Criminal and Found Property Disposal Act 2006*  
*Criminal Appeals Act 2004*  
*Criminal Code Act Compilation Act 1913*  
*Criminal Injuries Compensation Act 2003*  
*Criminal Investigation (Extra-territorial Offences) Act 1987*  
*Criminal Investigation Act 2006*  
*Criminal justice amendment (1848) (Imp)*  
*Criminal Law (Mentally Impaired Accused) Act 1996*  
*Criminal Procedure Act 2004*  
*Criminal Property Confiscation (Consequential Provisions) Act 2000*  
*Criminal Property Confiscation Act 2000*  
*Cross-border Justice Act 2008*  
*Crown Suits Act 1947*  
*Dangerous Sexual Offenders Act 2006*  
*Debts Recovery Act 1830 (Imp)*  
*Debts Recovery Act 1839 (Imp)*  
*Defamation Act 2005*  
*Deodands abolition (1846) (Imp)*  
*District Court of Western Australia Act 1969*  
*Domicile Act 1981*  
*Dower amendment (1833) (Imp)*  
*Electronic Transactions Act 2003*  
*Equal Opportunity Act 1984 (Act other than Part IX)*  
*Escheat (Procedure) Act 1940*  
*Escheat and forfeiture of real and personal property (1834) (Imp)*  
*Evidence Act 1906*  
*Executors Act 1830 (Imp)*  
*Factors (1823) (Imp)*  
*Factors (1825) (Imp)*  
*Factors (1842) (Imp)*  
*Factors Acts Amendment Act 1878*  
*Family Court (Orders of Registrars) Act 1997*

*Family Court Act 1997*  
*Family Legislation Amendment Act 2006*  
*Fatal Accidents Act 1959*  
*Federal Courts (State Jurisdiction) Act 1999*  
*Financial Transaction Reports Act 1995*  
*Fines, Penalties and Infringement Notices Enforcement Act 1994 (The Department of Corrective Services is the agency principally assisting the Attorney General in the administration of s. 48, 52 & 103 of this Act)*  
*Freemasons' Property Act 1956*  
*Futures Industry (Application of Laws) Act 1986*  
*Gender Reassignment Act 2000*  
*Guardianship and Administration Act 1990*  
*Highways (Liability for Straying Animals) Act 1983*  
*Imperial Act Adopting Ordinance 1847*  
*Imperial Acts Adopting Act 1836*  
*Imperial Acts Adopting Act 1844*  
*Imperial Acts Adopting Ordinance 1849*  
*Imperial Acts Adopting Ordinance 1867*  
*Infants' Property Act 1830 (Imp)*  
*Inheritance (Family and Dependants Provision) Act 1972*  
*Inheritance amendment (1833) (Imp)*  
*Interpretation Act 1984*  
*Judges' Retirement Act 1937*  
*Judgments Act 1839 (Imp)*  
*Judgments Act 1855 (Imp)*  
*Juries Act 1957*  
*Jurisdiction of Courts (Cross-vesting) Act 1987*  
*Justices of the Peace Act 2004*  
*Law Reform (Contributory Negligence and Tortfeasors' Contribution) Act 1947*  
*Law Reform (Miscellaneous Provisions) Act 1941*  
*Law Reform (Statute of Frauds) Act 1962*  
*Law Reporting Act 1981*  
*Law Society Public Purposes Trust Act 1985*  
*Legal Contribution Trust Act 1967*  
*Legal Practice Act 2003*  
*Legal Profession Act 2008*  
*Legal Representation of Infants Act 1977*  
*Limitation Act 1935*  
*Limitation Act 2005*  
*Magistrates Court (Civil Proceedings) Act 2004*  
*Magistrates Court Act 2004*  
*Marketable Securities Transfer Act 1970*  
*Marriage Act 1835 (Imp)*

*Mercantile Law Amendment Act 1856 (Imp)*  
*Miscellaneous Regulations (Validation) Act 1985*  
*Miscellaneous Repeals Act 1991*  
*Oaths, Affidavits and Statutory Declarations Act 2005*  
*Occupiers' Liability Act 1985*  
*Offenders (Legal Action) Act 2000*  
*Official Prosecutions (Accused's Costs) Act 1973*  
*Off-shore (Application of Laws) Act 1982*  
*Parole Orders (Transfer) Act 1984*  
*Partnership Act 1895*  
*Perpetuation of Testimony Act 1842 (Imp)*  
*Perth Anglican Church of Australia Collegiate School Act 1885*  
*Perth Diocesan Trustees (Special Fund) Act 1944*  
*Perth Hebrew Congregation Lands Act 1921*  
*Presbyterian Church Act 1908*  
*Presbyterian Church Act 1976*  
*Presbyterian Church Act Amendment Act 1919*  
*Presbyterian Church Act Amendment Act 1924*  
*Presbyterian Church of Australia Act 1901*  
*Presbyterian Church of Australia Act 1970*  
*Prescription Act 1832 (Imp)*  
*Prisoners (Release for Deportation) Act 1989*  
*Professional Standards Act 1997*  
*Property Law Act 1969*  
*Prostitution Act 2000 (s. 62 & Part 5 only)*  
*Public Institutions and Friendly Societies Lands Improvement Act 1892*  
*Public Institutions and Friendly Societies Lands Improvement Act 1892, Amendment Act 1893*  
*Public Notaries Act 1979*  
*Public Trustee Act 1941*  
*Reprints Act 1984*  
*Restraining Orders Act 1997*  
*Restraint of Debtors Act 1984*  
*Roman Catholic Bishop of Broome Property Act 1957*  
*Roman Catholic Bunbury Church Property Act 1955*  
*Roman Catholic Church Lands Act 1895*  
*Roman Catholic Church Lands Amendment Act 1902*  
*Roman Catholic Church Lands Ordinance 1858*  
*Roman Catholic Church Property Act 1911*  
*Roman Catholic Church Property Act Amendment Act 1912*  
*Roman Catholic Church Property Acts Amendment Act 1916*  
*Roman Catholic Geraldton Church Property Act 1925*  
*Royal Commission (Police) Act 2002*



*Sailors and Soldiers' Scholarship Fund Act 1938*  
*Sea-Carriage Documents Act 1997*  
*Securities Industry (Application of Laws) Act 1981*  
*Securities Industry (Release of Sureties) Act 1977*  
*Securities Industry Act 1975*  
*Sentence Administration Act 2003 (Pt. 2 Div. 1, 3 & 4, Pt. 3, Pt. 4, Pt. 5 Div. 4, Pt. 9, s. 114, 115, 115A, 119 & 122, Sch. 1 & 2)*  
*Sentencing (Consequential Provisions) Act 1995*  
*Sentencing Act 1995 (The Department of Corrective Services is the agency principally assisting the Attorney General in the administration of Pt. 3 Div. 3 & 5, Pt. 3A, 9, 10, 11 & 12 & Pt. 18 Div. 2, 3 & 4 of this Act)*  
*Sentencing Legislation Amendment and Repeal Act 2003*  
*Service and Execution of Process (Harbours) Ordinance 1855*  
*Solicitor-General Act 1969*  
*Special Investigation (Coal Contract) Act 1994*  
*Spent Convictions Act 1988*  
*State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004*  
*State Administrative Tribunal Act 2004*  
*Statute of Frauds (1677) (Imp)*  
*Statutory Corporations (Liability of Directors) Act 1996*  
*Suitors' Fund Act 1964*  
*Supreme Court Act 1935*  
*The Bankruptcy Act 1892*  
*The Salvation Army (Western Australia) Property Trust Act 1931*  
*Trustee Companies Act 1987*  
*Trustees Act 1962*  
*Trustees of Western Australia Limited (Transfer of Business) Act 2003*  
*Uniting Church in Australia Act 1976*  
*Vexatious Proceedings Restriction Act 2002*  
*Victims of Crime Act 1994*  
*Warehousemen's Liens Act 1952*  
*Warrants for Goods Indorsement Act 1898*  
*West Australian Trustees Limited (Merger) Act 1989*  
*Wills Act 1970*  
*Yallingup Foreshore Land Act 2006*